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THE

STATUTES

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THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND.

WITH NOTES AND REFERENCES

By N. SIMONS, of Lincoln's Inn, Esq.
BARRISTER AT LAW.

VOLUME THE TWENTIETH.

Containing the Acts 13 & 14 Victoria (1850.) and 14 & 15 Victoria (1851.)
With a copious Index.

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Containing the TITLES of all

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Passed in the FOURTH Session of the FIFTEENTH Parliament

OF

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lvii. An Act to regulate and increase the Capital of the *Midland* Railway Company, and to confirm and legalize the Creation and Issue of certain Fifty Pound Shares, and the Application of the Proceeds of such Shares; and for other Purposes. 845

lviii. An Act to facilitate Intercourse between the *Eastern Union* and certain other Railways; to alter certain Charges upon the *Eastern Union* Railway and the *Stowmarket* Navigation; and for other Purposes. *Ibid.*

lix. An Act to amend an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing and maintaining the Road from* Huddersfield *in the West Riding of the County of* York *to* New Hey *in the Parish of* Rochdale *in the County of* Lancaster, *with a Branch to* Toothill Lane *in the said Riding, and for making a new Road from* Buckstones *to the Highway leading from* Ripponden *to* Stainland *at or near to* Barkisland School, and to continue the Term thereby granted. *Ibid.*

lx. An Act for managing and repairing the Roads leading from *Uttoxeter* to *Stoke* near *Stone*, and from *Millwich* to *Sandon*, in the County of *Stafford*. *Ibid.*

lxi. An Act to extend the Term and alter the Provisions of Two Acts relating to the *Buckingham, Brackley, and Banbury* Turnpike Road, and of an Act relating to the *Towcester, Brackley, and Weston on the Green* Turnpike Road, and to consolidate the Management of the said Turnpike Roads. *Ibid.*

lxii. An Act to authorize certain Deviations of the *Slamannan and Borrowstouness* Railway. *Ibid.*

lxiii. An Act to enable the *Dundee and Arbroath* Railway Company to enlarge their present Terminal Station in *Dundee*, and to amend the Acts relating to the Company. *Ibid.*

lxiv. An Act to alter the Constitution of the Committee for the Affairs of the Estate of the Trustees of the *Liverpool* Docks, to authorize the Establishment of an Emigrants Home, and to alter and amend the Acts relating to the Docks and Harbour of *Liverpool*. *Ibid.*

lxv. An Act for extending the Provisions of the *Weston-super-Mare* Improvement and Market Act, and for granting further Powers relating to the Sewage of the Town. *Ibid.*

lxvi. An Act for constructing a Railway from the *Tivetshall* Station of the *Eastern Union* Railway to *Bungay* in *Suffolk*. *Ibid.*

lxvii. An Act for the better Improvement and Regulation of the Borough of *Sunderland* in the County of *Durham*, and for other Purposes. *Ibid.*

lxviii. An Act to enable the Company of Proprietors of the *Hayling Bridge* and Causeway to construct a Railway from their Docks and Wharves at *Langstone* to join the *London, Brighton, and South Coast* Railway at *Havant* in the County of *Southampton*. *Page* 845

lxix. An Act to incorporate the *Great Central* Gas Consumers Company. *Ibid.*

lxx. An Act to alter and enlarge the Powers of the *Reading* Waterworks Company, and to authorize an Extension of the Works of the said Company. 846

lxxi. An Act for making a Railway from *Warrington* to *Altrincham*, with a Branch to join the *Birkenhead, Lancashire, and Cheshire Junction* Railway at *Lower Walton*, to be called the *Warrington and Altrincham Junction* Railway; and for other Purposes. *Ibid.*

lxxii. An Act for enabling the *Maryport and Carlisle* Railway Company to make a Deviation in their Line of Railway, and increase their Capital; and for other Purposes. *Ibid.*

lxxiii. An Act for constructing and maintaining a Quay and other Works at *North Shields* in the County of *Northumberland*, and for other Purposes. *Ibid.*

lxxiv. An Act to ratify and confirm certain Subscriptions and Payments made by or on behalf of the *South Wales* Railway Company to other Railway Companies. *Ibid.*

lxxv. An Act to amend the Act relating to the *Great North of Scotland* Railway Company. *Ibid.*

lxxvi. An Act to renew the Term and continue the Powers and Provisions of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Districts of* Malmesbury *Turnpike Roads, and other Roads connected therewith in the Counties of* Wilts, Berks, *and* Gloucester, so far as relates to the First and Second Districts. *Ibid.*

lxxvii. An Act to authorize the *Chorley* Waterworks Company to raise a further Sum of Money. *Ibid.*

lxxviii. An Act for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Free Church, and for the Widows and Children of the Professors holding Professors Offices in any College connected with the said Church. *Ibid.*

lxxix. An Act for the further Amendment of the Acts relating to the *Manchester* Corporation Waterworks. *Ibid.*

lxxx. An Act to explain, amend, and enlarge some of the Provisions of the Acts relating to the *Great Southern and Western* Railway Company; and to enable the said Company to raise further Capital, and to construct a Dock or Basin at *Cork*. *Ibid.*

lxxxi. An Act for enabling the *Great Western* Railway Company to construct a Station and Works at *Aston-juxta-Birmingham*. *Ibid.*

lxxxii. An Act to provide for the Repair and Maintenance of the Cathedral Church of *Saint Patrick, Dublin*. *Ibid.*

lxxxiii. An Act for authorizing certain Deviations in the *Taw Vale Extension* Railway, and for other Purposes. *Ibid.*

lxxxiv. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to abandon a Portion of their *Bishop Auckland* Branch Railway, and substitute in lieu thereof a new Line of Railway; and to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham*; and for other Purposes. *Ibid.*

lxxxv. An Act for facilitating the Transmission to and from the *York, Newcastle, and Berwick* Railway of the Traffic of the *Byers Green* Branch of the *Clarence* Railway; for enabling the *York, Newcastle, and Berwick* Railway Company to hold Shares in the *West Durham* Railway; for granting further Powers to their Lessors, the *Great North of England, Clarence, and Hartlepool Junction* Railway Company, and the *Hartlepool* Dock and Railway Company, in reference to their Capital; and for other Purposes. *Page* 847

lxxxvi. An Act for amending the Act relating to the Electric Telegraph Company. *Ibid.*

lxxxvii. An Act for the Restoration of the Standard in the River *Dee*, and for granting further Powers to the River *Dee* Company. *Ibid.*

lxxxviii. An Act to authorize the Acquisition by the *Midland* Railway Company of the Estate and Interest of the *Leeds and Bradford* Railway Company in the *Leeds and Bradford* Railway, and to empower the *Midland* Railway Company to raise Money for such Purpose. *Ibid.*

lxxxix. An Act for extending and enlarging the Powers of the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, for changing the Name of the Company, and for other Purposes. *Ibid.*

xc. An Act for supplying with Water the Town of *Stockton* in the County of *Durham*, and the Suburbs thereof, and the Towns of *Middlesbrough* and *Yarm* in the North Riding of the County of *York*, and the Suburbs thereof respectively; and for other Purposes. *Ibid.*

xci. An Act to continue "The City of *London* Sewers Act, 1848," and to alter and amend the Provisions of the said Act. *Ibid.*

xcii. An Act for repealing and amending the Provisions of the Acts relating to the Navigation of the River *Cam* or *Cham*, alias *Grant*, between *Clayhithe Ferry* and the *King's Mill* in the Town of *Cambridge;* for altering the Navigation Tolls; for enabling the Conservators of the said River to sue and be sued in the Name of their Clerk; for conferring additional Powers; and other Purposes. *Ibid.*

xciii. An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of *Birmingham* in the County of *Warwick* the Estates, Properties, and Effects now vested in certain Commissioners having Jurisdiction over Parts of the Borough; and to provide for the better draining, lighting, paving, supplying with Water, and otherwise improving the said Borough, and making Provision for the good Government, Regulation, and Management thereof. *Ibid.*

xciv. An Act for enabling the *South Staffordshire* Railway Company to make a certain Branch Railway, for authorizing Arrangements with the *London and North-western* Railway Company, and for other Purposes. *Ibid.*

xcv. An Act to enable the *Cork and Waterford* Railway Company to make Arrangements as to their Capital, and to provide for the immediate Completion of the *Tramore* Branch. *Ibid.*

xcvi. An Act for the Improvement of the Town of *Great Malvern* in the County of *Worcester*, and for supplying the same with Water. *Ibid.*

xcvii. An Act for better paving, lighting, draining, cleansing, and otherwise regulating and improving a Portion of the Borough of *Newark* in the County of *Nottingham;* for regulating the Butchers Market therein; and for authorizing the Commissioners of the *Newark* Branch of the River *Trent* Navigation to contribute out of their Funds a Sum of Money for the aforesaid Purposes. *Ibid.*

xcviii. An Act for the Consecration of a Portion of the *Brighton* Extramural Cemetery. *Page* 847

xcix. An Act to enable the *Caledonian* Railway Company to provide for the Construction of certain Branch Railways in the County of *Lanark*. *Ibid.*

c. An Act for making a Railway from the Loop Line of the *Windsor, Staines, and South-western* (*Richmond* to *Windsor*) Railway in the Parish of *Ealing* in the County of *Middlesex* to the *London and North-western* Railway in the Parish of *Hammersmith* in the said County, with a Branch, to be called "The *North and South Western Junction* Railway." 848

ci. An Act for amending the Acts relating to the *East Anglian* Railways. *Ibid.*

cii. An Act for making a Railway from the *Furness* Railway at *Ulverstone* to the *Lancaster and Carlisle* Railway at *Carnforth*, to be called "The *Ulverstone and Lancaster* Railway." *Ibid.*

ciii. An Act to amend "The *Killarney Junction* Railway Act, 1846." *Ibid.*

civ. An Act for the Improvement of the City and Borough of *Bath;* for the Regulation of the Markets; and for amending the Act for supplying *Bath* with Water. *Ibid.*

cv. An Act for facilitating the Settlement of the Affairs of the Governor and Company of Copper Miners in *England*, and for the better Management of the said Company. *Ibid.*

cvi. An Act for of new incorporating the *Edinburgh* Lunatic Asylum under its present Name of "The Royal *Edinburgh* Asylum for the Insane," for enabling the said Corporation to borrow Money, and for other Purposes. *Ibid.*

cvii. An Act to enable the *Dublin, Dundrum, and Rathfarnham* Railway Company to extend their Railway from *Dundrum* to *Bray;* and to extend the Time and to continue and revive the Powers granted by the Acts relating to the *Dublin, Dundrum, and Rathfarnham* Railway Company for the compulsory Purchase of Lands and Completion of Works; and to amend the Acts relating to "The *Dublin, Dundrum, and Rathfarnham* Railway;" and for other Purposes. *Ibid.*

cviii. An Act to authorize the Abandonment of a Portion of the *Waterford, Wexford, Wicklow, and Dublin* Railway, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; to extend, in respect of a Portion of the said Undertaking, the Periods at present limited for compulsory Purchase of Lands and for Completion of Works; and to amend the Acts relating to the said Railway; and for other Purposes. *Ibid.*

cix. An Act for amending and enlarging the Powers of the several Acts relating to "The Company of Proprietors of the *Itchen* Bridge and Roads." *Ibid.*

cx. An Act to authorize a Deviation in the Line of the *Waterford and Limerick* Railway, and to amend the Acts relating thereto, and for other Purposes. *Ibid.*

cxi. An Act for supplying with Water the Parish or Township of *East Stonehouse* in the County of *Devon*, and for Amendment of Act. *Ibid.*

cxii. An Act for making a Railway from *Waterford* to *Tramore*. *Ibid.*

cxiii. An Act to extend the Time for the Purchase of certain Lands and Completion of Works authorized by the "*Midland* Railway, *Ripley* Branches, Act, 1848," and on the *Gloucester and Stonehouse Junction* Railway. *Ibid.*

cxiv. An Act to enable the *Great Northern* Railway Company to construct Works in connexion with the *Manchester, Sheffield, and Lincolnshire* Railway; and to

facilitate the Use of that Railway by the Company; and for other Purposes. *Page* 848

cxv. An Act for amending the Powers of the *Imperial Continental* Gas Association. *Ibid.*

cxvi. An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Mary Abbotts, Kensington.* 849

cxvii. An Act for enabling the Commissioners of the Pier and Port of *Hartlepool* to construct an additional Pier for the Protection of the Harbours and Bay of *Hartlepool*, and to establish and maintain a Ferry across the Commissioners Harbour; for enabling the Commissioners to raise further Monies; for repealing, consolidating, and amending the Acts relating to the said Pier and Port; and for other Purposes. *Ibid.*

cxviii. An Act for incorporating the Magnetic Telegraph Company, and to enable the said Company to work certain Letters Patent. *Ibid.*

cxix. An Act for paving, lighting, cleansing, and otherwise improving the several Townships and Places in the Borough of *Manchester*, and amending and consolidating the Provisions of existing Local Acts relating thereto. *Ibid.*

cxx. An Act for enabling the Mayor and Commonalty and Citizens of the City of *London* to complete the Improvements authorized to be made by the *Clerkenwell* Improvement Commissioners, and for amending the Acts relating to such Improvements. *Ibid.*

cxxi. An Act to amend an Act passed in the Session of Parliament of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for making and maintaining and improving a Harbour at* Wicklow *in the County of* Wicklow. *Ibid.*

cxxii. An Act for constructing a Wet Dock and other Works in connexion with *Warkworth* Harbour in the County of *Northumberland*, and for limiting the Amount of Rates and Tolls by "The *Warkworth* Harbour Act, 1847," authorized to be levied, and for varying the Application thereof. *Ibid.*

cxxiii. An Act to amend and enlarge some of the Provisions of the Acts relating to the *Thames Haven* Dock and Railway. *Ibid.*

cxxiv. An Act to amend the *Wexford* Free Bridge Act, 1847. *Ibid.*

cxxv. An Act for amending the Acts relating to the *Llynvi Valley* and *Duffryn Llynvi and Porth Cawl* Railways, and for forming a Junction between such Railways and the *South Wales* Railway. *Ibid.*

cxxvi. An Act to enable the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company to complete the Purchase of the *Cromford* Canal. *Ibid.*

cxxvii. An Act for extending the Period for the Completion of *Cameron's Coalbrook Steam Coal and Swansea and Loughor* Railway, and for amending the Act relating to such Railway. *Ibid.*

cxxviii. An Act to extend the leasing Powers of the Corporate Body of the Provost, Fellows, and Scholars of the College of the Holy and Undivided *Trinity* of Queen *Elizabeth* near *Dublin*, and also of the Provost thereof in his Corporate Capacity, and to enable them to make Grants of Lands in perpetuity to their Lessees in certain Cases. *Ibid.*

cxxix. An Act for making a Railway from the *London and North-western* Railway in the Township of *Salford*, across the River *Irwell*, into the Borough of *Manchester*, to be called the *Manchester and Salford Extension* Railway. *Ibid.*

cxxx. An Act for better enabling the General Reversionary and Investment Company to sue and be sued, and to facilitate the holding and Transfer of the Property of the Company by and from the present and future Trustees thereof; and for other Purposes. *Page* 849

cxxxi. An Act to authorize the *Shrewsbury and Chester* Railway Company to abandon the *Crickheath* and *Wem* Branches, to construct a Station at *Birkenhead*, to enter into Arrangements with other Companies, and for other Purposes. 850

cxxxii. An Act for amending and extending the Provisions of the Act for the Improvement of the Town of *Saint Helen's* in the County Palatine of *Lancaster*, and for other Purposes. *Ibid.*

cxxxiii. An Act for repairing the Road from *Sheffield* in the County of *York* to the *Marple Bridge Road* in the Parish of *Glossop* in the County of *Derby*, and the Branch to *Mortimer's Road* in the Parish of *Hathersage* in the said County of *Derby*. *Ibid.*

cxxxiv. An Act to sanction certain Arrangements entered into between the *Caledonian* Railway Company and the Holders of guaranteed and preferential Interests in the Company, and to enable the Company to raise a further Sum of Money. *Ibid.*

cxxxv. An Act for incorporating the *European and American* Electric Printing Telegraph Company, and to enable them to work certain Letters Patent. *Ibid.*

cxxxvi. An Act for reclaiming from the Sea certain Lands abutting on the Coast of *Lincolnshire* within the Parts of *Holland*. *Ibid.*

cxxxvii. An Act for enabling the United Kingdom Electric Telegraph Company to purchase and work certain Letters Patent. *Ibid.*

cxxxviii. An Act for incorporating the Council of *King's College, London*, and the President, Vice-Presidents, Treasurer, and Governors of *King's College Hospital*, and for connecting the said Hospital as a Medical School with the said College, and for better enabling the Corporation to carry on their charitable and useful Designs. *Ibid.*

cxxxix. An Act to dissolve "The National Land Company," and to dispose of the Lands and Property belonging to the Company, and to wind up the Undertaking. *Ibid.*

cxl. An Act to extend the Limits of the *Brunswick Square* (*Hove*) Improvement Act, and for other Purposes. *Ibid.*

cxli. An Act to amend the several Acts relating to the *Waterford and Kilkenny* Railway Company; to enable the said Company to sell or lease their Undertaking, and to purchase or lease the Bridge over the River *Suir* at *Waterford*; and for other Purposes. *Ibid.*

cxlii. An Act to enable the Trustees of the *South Holland* Drainage in the County of *Lincoln* to raise further Monies. *Ibid.*

cxliii. An Act to amend "The Farmers Estate Society (*Ireland*) Act, 1848." *Ibid.*

cxliv. An Act to enable the *Charing Cross Bridge* Company to raise further Monies; to amend the Acts relating to the Company; and for other Purposes. 851

cxlv. An Act for enabling the Class A Shareholders of the *Saint Andrew's and Quebec* Railroad Company to divide the Shares in the Undertaking into Two Classes, and for other Purposes. *Ibid.*

cxlvi. An Act to amend the Acts relating to the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to allow a Drawback on Coals conveyed beyond certain Limits. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the Sale to the Honourable *Richard Cavendish* of certain Freehold Hereditaments in the County of *Buckingham* devised by the Will of *Samuel Athawes* deceased, and for directing the Investment of the Purchase Money in other Hereditaments, to be settled upon the Trusts of the same Will. *Page* 869
2. An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward*, late King of *England*, the Sixth, called *Christ's Hospital*; and for enabling them to grant building and other Leases of their Estates; and for other Purposes. *Ibid.*
3. An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the House of the Poor commonly called *Saint Bartholomew's Hospital*, near *West Smithfield*, *London*, of the Foundation of King *Henry* the Eighth; and for enabling them to grant building and other Leases of their Estates. *Ibid.*
4. An Act to authorize the Grant of new Leases of a certain Estate in the Bailiwick of *Neat* in the Parish of *Saint George Hanover Square* in the County of *Middlesex*, in Lease to Mr. *Thomas Cubitt*; and for other Purposes. *Ibid.*
5. An Act for enabling the Trustees of the *Somersetshire*, *Monmouthshire*, *Dorsetshire*, and *Devonshire* Estates devised by the Will of Sir *Thomas Buckler Lethbridge* Baronet, deceased, to grant Farming and Mining Leases of and otherwise extending their Powers in relation to the said Estates. *Ibid.*
6. An Act for enabling the Trustees of the Will of *Thomas Jackson* deceased to sell Freehold Hereditaments situate in the Parish of *Mentmore* in the County of *Buckingham* to the Baron *Mayer Amschel de Rothschild*. *Ibid.*
7. An Act to confirm a certain Contract for granting Leases made and entered into by the Honourable *Arthur Upton* of Part of the Lands and Hereditaments comprised in the Will of the Honourable *Fulk Greville Howard* deceased, situate at *Kilburn* in the County of *Middlesex*; and to alter and enlarge the Power of granting Building Leases contained in the same Will; and for other Purposes relating thereto. *Ibid.*
8. An Act to authorize the Appropriation to charitable Purposes of the unclaimed Funds and Property under the Control of "The *Glasgow Provident* Bank," and the winding up of its Affairs. *Ibid.*
9. An Act for regulating and securing the Debt due by the Burgh of *Musselburgh* in the County of *Edinburgh*, and for other Purposes in relation thereto. *Ibid.*
10. An Act to authorize the granting of Building Leases of Part of the Estates devised by the Will of *William Moore* Esquire, deceased, situate in the Parish of *Fulham* in the County of *Middlesex*. 870
11. An Act authorizing the Application of Part of the Trust Funds subject to the Trusts of the Will and Codicils of the late Sir *Timothy Shelley* to certain lasting Improvements upon Estates bought under the Trusts of such Will and Codicils. *Ibid.*
12. An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to make Conveyances in Fee or Demises for long Terms of Years of his Trust Estates, and more effectually to administer the Trusts of the Will of the said Duke. *Page* 870
13. An Act for extending Powers created by the Will of *John Watson Barton* deceased, and for enabling Sales and Leases to be made of Lands subject to his Will; and for other Purposes. *Ibid.*
14. An Act to empower the Dean and Chapter of *Westminster* to build on Ground contiguous to *Westminster Abbey*, and for other Purposes. *Ibid.*
15. An Act to give effect to certain Restrictions and Conditions relating to a Church and Parsonage House proposed to be erected on Sites to be given by the Most Noble *Francis* Duke of *Bedford*, Knight of the Most Noble Order of the Garter, and to Two Dwelling Houses proposed to be purchased and conveyed for Vicarage and Rectory Houses on the Estate of the said Duke, in the County of *Middlesex*. *Ibid.*
16. An Act to enable the Committees of the Estate of *John Brown*, a Lunatic, to sell a Portion of the Estates whereof the said Lunatic is Tenant in Tail in possession. *Ibid.*
17. An Act for explaining and modifying the Provisions of the Deed of Constitution of *Dorward's* House of Refuge for the Destitute in *Montrose*, and of the Trust Disposition and Settlement of *William Dorward* Merchant in *Montrose*, and Codicils thereto, and for incorporating and enlarging and defining the Powers of the Managers of the said House of Refuge, and for other Purposes relating thereto. *Ibid.*
18. An Act to enable the Dean and Chapter of the Cathedral Church of *Christ* in *Oxford*, of the Foundation of King *Henry* the Eighth, and their Trustees, as Owners in Fee of Lands in *Kentish Town* in the County of *Middlesex*, to grant Building Leases, and for other Purposes. *Ibid.*
19. An Act for enabling the Committee or Committees for the Time being of the Estate of *Stapylton Stapylton* Esquire, a Lunatic, Tenant in Tail Male under the Will of the Reverend Sir *Martin Stapylton* Baronet, deceased, to grant Leases for Mining and other Purposes of certain Parts of the entailed Estates situate at *Eston* in the County of *York*. *Ibid.*
20. An Act for the Regulation and Improvement of the Charities founded by *Richard* Lord *Riche* in the Parish of *Felstead* in the County of *Essex*, and for other Purposes. *Ibid.*
21. An Act for authorizing the Sale of the *Kelmarsh* Estate in the County of *Northampton*, devised by the Will of *William* Lord *Bateman* deceased, and the Discharge of the Incumbrances affecting that Estate; and for other Purposes. *Ibid.*
22. An Act to provide for the future Regulation and Management of the Grammar School of *Anthony Browne*, Serjeant-at-Law, at *Brentwood* in the County of *Essex*, and of the Almshouses founded by the said *Anthony Browne*, and of the Estates and Possessions of the same School and Almshouses; and for other Purposes. *Ibid.*
23. An Act to authorize the Sale or Exchange of Part of the Estate of the Free School at *Ripley* in the County of *York*, and for other Purposes relating to the said Charity. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

24. An Act to dissolve the Marriage of *Edmund Heathcote* Esquire with *Elizabeth Lucy Heathcote* his now Wife, and to enable him to marry again; and for other Purposes.
25. An Act to dissolve the Marriage of *Henry Boddington Webster* Esquire with *Emilie Marie Louise Wilhelmina Webster* his now Wife, and to enable him to marry again; and for other Purposes.
26. An Act to dissolve the Marriage of *William Houlbrooke Tayleur* Esquire with *Emma Elizabeth Tayleur* his now Wife, and to enable him to marry again; and for other Purposes.

A

TABLE

Containing the TITLES of all

THE STATUTES

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OF

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13° & 14° VICTORIÆ.

PUBLIC GENERAL ACTS.

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2. An Act to restrain Party Processions in *Ireland*. 2
3. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty. 3
4. An Act for requiring the Transmission of annual Abstracts of Accounts and Statements of Trustees or Commissioners of Turnpike Roads and Bridges in *Ireland* to the Lord Lieutenant to be laid before Parliament. *Ibid.*
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11. An Act to make better Provision for the Contributions of Unions and Parishes in School Districts to the common Funds of the respective Districts. *Ibid.*
12. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. *Page* 18
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19. An Act to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland*. 33
20. An Act to amend an Act of the Fifth and Sixth Years of Her present Majesty, for the Appointment and Payment of Parish Constables. *Ibid.*
21. An Act for shortening the Language used in Acts of Parliament. 35
22. An Act for raising the Sum of Eight millions five hundred and fifty-eight thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty. *Ibid.*

107. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty; and to appropriate the Supplies granted in this Session of Parliament. *Page* 411
108. An Act for confirming certain further Provisional Orders of the General Board of Health. 415
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111. An Act to relieve the *Chester and Holyhead* Railway Company from contributing towards the Expense of the proposed new Harbour at *Holyhead*, and to take away the Powers of the said Company in relation to such Harbour. *Ibid.*
112. An Act to vest in the Commissioners of Public Works in *Ireland* certain Works and Rights of the *Lough Corrib* Improvement Company, and to compensate such Company for the same. *Page* 420
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LOCAL AND PERSONAL ACTS,

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AND TO BE JUDICIALLY NOTICED.

i. AN Act for carrying into effect an Agreement entered into between "The *Suffolk and General Country Amicable* Insurance Office" and "The *Alliance British and Foreign* Life and Fire Assurance Company." *Page* 440
ii. An Act to authorize the *Bristol* Waterworks Company to raise a further Sum of Money. *Ibid.*
iii. An Act to give further Powers to the *Birkenhead* Improvement Commissioners for purchasing the *Woodside Ferry*, and for regulating their Mortgage Debt and facilitating the Sale of their Lands at *Birkenhead*. *Ibid.*
iv. An Act for better assessing and collecting the Poor's Rates, Highway Rates, the County, Shirehall, Police, and other County Rates in the Parish of *West Bromwich* in the County of *Stafford*, and the Township of *Oldbury* in the Parish of *Hales Owen* in the County of *Worcester*, and which Parish of *West Bromwich* and Township of *Oldbury* are situate within the *West Bromwich* Poor Law Union. *Ibid.*
v. An Act to enable the Commissioners acting under an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, for better regulating, paving, improving, and managing the Town of *Brighthelmston* in the County of *Sussex*, and the Poor thereof, to purchase, improve, and manage the Royal Pavilion at *Brighton*, and the Grounds thereof, and to enlarge, extend, and apply the Powers and Provisions of the same Act with reference thereto. *Ibid.*
vi. An Act to authorize an Alteration in the Line of the *Buckinghamshire* Railways at *Oxford*. *Ibid.*
vii. An Act to extend the Time for the Purchase of certain Lands required for the *South Wales* Railway, and to amend the Acts relating thereto. *Ibid.*
viii. An Act to authorize the *Wakefield* Borough Market Company to purchase certain Lands for a Market Place, and to make Approaches thereto. *Ibid.*
ix. An Act for better enabling the Clerical, Medical, and General Life Assurance Society to sue and be sued; and to alter certain Provisions of their Deed of Constitution; and to give further Powers to the Society. *Page* 440
x. An Act to change the Name of "The Architects, Civil "Engineers, Builders, and General Fire and Life In-"surance, Annuity, and Reversionary Interest Com-"pany;" and for other Purposes relating to the Company. 441
xi. An Act to extend the Time for the Purchase of Lands required for the Completion of the *Dublin and Belfast Junction* Railway, and to amend the Acts relating to such Railway. *Ibid.*
xii. An Act for the more effectual Drainage and Improvement of certain Lands in the Parishes of *Ramsey, Upwood*, and *Great Raveley*, all in the County of *Huntingdon*. *Ibid.*
xiii. An Act for improving the *Glasgow and Shotts* Turnpike Roads. *Ibid.*
xiv. An Act to enable the *Londonderry and Enniskillen* Railway Company to extend their Line of Railway from *Strabane* to *Omagh;* and to amend the Acts relating to the said Company. *Ibid.*
xv. An Act to amend the *Walsall* Improvement and Market Act, 1848, and for other Purposes. *Ibid.*
xvi. An Act for extinguishing the Vicarial Tithes in the Parishes of *Kew* and *Petersham* in the County of *Surrey;* for confirming and regulating the Pew Rents of the Churches of the said Parishes; for authorizing the Division of the Vicarage of *Kew* and *Petersham;* and for other Purposes relating to such Vicarage. *Ibid.*
xvii. An Act for completing the Line of the *Londonderry and Coleraine* Railway, with Branch to *Newtownlimavady*, and for amending the Acts relating thereto. *Ibid.*
xviii. An Act to change the Name of the Licensed Victuallers and General Fire and Life Assurance Company

to the *Monarch* Fire and Life Assurance Company, and for better enabling the said Company to sue and be sued; and to give additional Powers to the said Company. *Page* 441

xix. An Act to authorize a Transfer of the Undertaking and Powers of "The *Carlisle* Gaslight and Coke Company" to the Mayor, Aldermen, and Citizens of the City of *Carlisle*; to enable them to light the said City and the Environs thereof, and to raise Money for such Purposes; to repeal or amend and extend the Powers of the several Acts for lighting the said City and Environs; and for other Purposes. *Ibid.*

xx. An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of *Glasgow*, and amending their Charter of Incorporation. *Ibid.*

xxi. An Act for incorporating the Colonization Assurance Company, and conferring certain Privileges on the said Company. *Ibid.*

xxii. An Act to incorporate the Society of the Guildry Fund of *Elgin*; to enable the said Society to sue and be sued; to regulate the said Society; and for other Purposes relating thereto. *Ibid.*

xxiii. An Act for enabling Her Majesty to grant a new Charter to the Royal College of Surgeons of *Edinburgh*, and for conferring further Powers on the said College. *Ibid.*

xxiv. An Act to enable the *Exeter and Crediton* Railway Company to enlarge their *Cowley Bridge* Station, and to raise a further Amount of Capital. *Ibid.*

xxv. An Act for better enabling the *Guardian* Fire and Life Assurance Company to sue and be sued, and to alter certain Provisions of their Deed of Settlement, and to give further Powers to the Company. 442

xxvi. An Act to amend the Act relating to the *Shrewsbury and Hereford* Railway Company. *Ibid.*

xxvii. An Act to extend the Time for the Sale of such Lands belonging to the Company of Proprietors of the *Forth and Clyde* Navigation as may not be required for the Purposes of the said Navigation, and to amend the Acts relating thereto. *Ibid.*

xxviii. An Act for better supplying *Childwall, Thingwall, Little Woolton, Much Woolton*, and *Gateacre*, all in the County of *Lancaster*, with Water. *Ibid.*

xxix. An Act to amend the Acts relating to the *Waterford and Limerick* Railway, and for other Purposes. *Ibid.*

xxx. An Act for granting Facilities for the Use of certain Portions of the *Eastern Counties* Railways by the *London and Blackwall* Railway Company; and for amending the Acts relating to the *London and Blackwall* Railway. *Ibid.*

xxxi. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money. *Ibid.*

xxxii. An Act to explain and amend the *New North Road* Act, 1849. *Ibid.*

xxxiii. An Act for regulating legal Proceedings by or against the Committee of Railway Companies associated under the Railway Clearing System, and for other Purposes. *Ibid.*

xxxiv. An Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water. 445

xxxv. An Act to authorize Deviations in the Line of the *South Yorkshire, Doncaster, and Goole* Railway, the Extension of the *Elsecar* Branch of the said Railway to *Tankersley*, and the Amendment of the Acts relating to the said Railway. *Ibid.*

xxxvi. An Act to enable the *East and West India Docks and Birmingham Junction* Railway Company to make certain Branch Railways, and to amend the Act relating to the said Company, and to authorize the Lease of the said Undertaking, and for other Purposes. *Page* 445

xxxvii. An Act for regulating the Markets and Fairs held within the Borough of *Cambridge*, and at *Reach* in the County of *Cambridge*, and for enlarging the Market Place, and for rebuilding or altering the Guildhall of the said Borough, and for the Improvement of the said Borough, and the better Regulation of the Police within the same. *Ibid.*

xxxviii. An Act to alter the Terms of Issue of the Shares in the Capital of the *York and North Midland* Railway Company, called the "*Hull and Selby* Purchase, &c. Shares;" to enable the said Company to hold Shares in the *Hull and Selby* Railway Company and in the *Malton and Driffield Junction* Railway Company; to alter, amend, and extend the Acts relating to the *York and North Midland* Railway Company; and for other Purposes. *Ibid.*

xxxix. An Act to enable the *Dundee and Perth and Aberdeen* Railway Junction Company to raise a further Sum of Money, and for other Purposes. 446

xl. An Act for establishing Markets in and otherwise improving the Borough of *Bolton* in the County Palatine of *Lancaster*, and for extending the Provisions of the Acts relating to the *Bolton* Waterworks, and for other Purposes. *Ibid.*

xli. An Act to enable the Corporation of *Swansea*, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to subscribe for Shares in the *Swansea* Dock Company, and to raise Money for that Purpose, and to purchase the Interests of certain Lessees of Property belonging to the said Corporation; and for other Purposes. *Ibid.*

xlii. An Act for providing, regulating, and maintaining a Cattle Market in the Borough of *Reading* in the County of *Berks*, and for constructing a convenient Market Place therein. *Ibid.*

xliii. An Act to amend the Act relating to the Harbour of *Montrose*, and to enable the Trustees to borrow a further Sum of Money. *Ibid.*

xliv. An Act to grant further Powers to the *South Wales* Railway Company with reference to the Creation of Shares and the Regulation of their Capital; and for other Purposes. *Ibid.*

xlv. An Act to grant further Powers to the *Dublin and Drogheda* Railway Company for raising Money by the Creation of Shares, in lieu of borrowing on Mortgage; and to amend the Acts relating to the *Dublin and Drogheda* Railway. *Ibid.*

xlvi. An Act for better assessing and collecting the Poor Rates, Highway Rates, and other Parochial Rates, the County, Shirehall, Police, and other County and local Rates, on Small Tenements, in the several Parishes, Townships, and Hamlets of *Stourbridge, Upper Swinford, Wollaston*, the *Lye, Wollescote, Cradley*, the Borough of *Halesowen, Hawn, Hasbury, Illy, Lutley*, the *Hill, Cakemore, Ridgacre*, and *Lapal*, in the County of *Worcester*, and *Kingswinford* and *Amblecote* in the County of *Stafford*, situate within and forming the *Stourbridge* Poor Law Union. *Ibid.*

xlvii. An Act for extending the Times limited by "The *Swansea* Dock Act, 1847," for the compulsory Purchase of Lands and Execution of Works; and for other Purposes. *Ibid.*

xlviii. An Act for uniting the Townships of *Snaith* and *Cowick* in the Parish of *Snaith* in the West Riding of the County of *York*, and for other Parochial or Township Purposes. *Page* 446

xlix. An Act for managing and repairing the Road leading from *Foxley Hatch* in the Parish of *Croydon* to the Town of *Reigate* in the County of *Surrey*. *Ibid.*

l. An Act for lighting with Gas the Town of *Pontypridd* and the Neighbourhood thereof in the County of *Glamorgan*. 447

li. An Act to authorize the Construction of a Dock on the North Side of the River *Thames*, to be called "The *Victoria* (*London*) Dock." *Ibid.*

lii. An Act for supplying the City of *Norwich* and the Neighbourhood thereof with Water. *Ibid.*

liii. An Act to amend "The *Great North of England* Railway Purchase Act, 1846," and to enable the *York, Newcastle, and Berwick* Railway Company to complete the Purchase of the said Railway. *Ibid.*

liv. An Act for extending the Time and continuing the Powers granted by "The *Eastern Union and Harwich* Railway and Pier Act, 1847," for the compulsory Purchase of Lands and Houses, and for the Completion of Works, and for enabling "The *Eastern Union* Railway Company" to create new Shares, with certain Privileges attached, for paying off their Mortgage Debt; and for other Purposes. *Ibid.*

lv. An Act to extend the Time for the Purchase of Lands required for certain Branches of the *North Staffordshire* Railway to *Newcastle-under-Lyme, Silverdale,* and the *Apedale* Ironworks. *Ibid.*

lvi. An Act for making a new Street from the West Side of *Queen Street* to the South Side of *Saint Paul's Churchyard*, in continuation of the new Street from *Cannon Street* to the East Side of *Queen Street*, and for effecting other Improvements in the City of *London*. *Ibid.*

lvii. An Act to authorize the abandoning of certain Portions of the *South Yorkshire, Doncaster, and Goole* Railway, a Deviation thereof near *Doncaster*, and the Amendment of the Acts relating thereto. *Ibid.*

lviii. An Act to enable the *South Staffordshire* Railway Company to lease their Undertaking; and for other Purposes. *Ibid.*

lix. An Act to enable the Company of Proprietors of the *Kent* Waterworks to raise a further Sum of Money; and to alter and amend the former Acts relating thereto. *Ibid.*

lx. An Act for amending and extending the Powers and Provisions of the Act of the Seventh Year of the Reign of King *William* the Fourth, relating to the *Southampton* Waterworks, and for other Purposes. *Ibid.*

lxi. An Act to amend the Acts relating to the *Great Northern* Railway, to authorize a Deviation at *Doncaster* and Two short Curves at *Peterborough*, and to alter the Tolls of the *Great Northern and East Lincolnshire* Railways. *Ibid.*

lxii. An Act to enable the *Waterford and Kilkenny* Railway Company to raise further Capital; and for other Purposes. *Ibid.*

lxiii. An Act for the Improvement and Regulation of the River *Tyne* and the Navigation thereof, and for other Purposes. 448

lxiv. An Act to amend an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for more effectually repairing the Road leading from* Heronsyke *to* Kirkby in Kendal, *and from thence through* Shap *to* Eamont Bridge, *in the County of* Westmoreland, *and for making a new Road from the said Road at a Place called* Far Cross Bank *near* Kirkby in Kendal, *to communicate with the intended Canal from* Lancaster *to* Kirkby in Kendal, *and to join the said Road at or near a Place called the* Lound *near* Kirkby in Kendal *aforesaid*; and to continue the Term by the same Act granted. *Page* 448

lxv. An Act to amend an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from* Ulverstone *to* Kendal *into the Turnpike Road leading from* Millthorp *to* Kendal, *and a Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from* Lancaster *to* Kendal, and to continue the Term thereby granted. *Ibid.*

lxvi. An Act for continuing the Term of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building a Bridge over the River* Severn, *at or near to the* Mythe Hill *within the Parish and near to the Town of* Tewkesbury *in the County of* Gloucester, *to the opposite Side of the said River in the Parish of* Bushley *in the County of* Worcester, *and for making convenient Roads and Avenues to communicate with such Bridge within the Counties of* Gloucester *and* Worcester, and of another Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for altering, amending, and enlarging the Powers and Provisions of an Act relating to the* Tewkesbury Severn *Bridge and Roads*, for the Purpose of paying off the Debt now due on the said Bridge and Roads. *Ibid.*

lxvii. An Act for continuing and enlarging the Term and Powers of Three Acts, passed in the Reign of His Majesty King *George* the Third, for repairing and widening several Roads leading to and from the Towns of *Bala* and *Dolgelley* in the County of *Merioneth*, and other Roads therein mentioned, in the Counties of *Montgomery, Denbigh*, and *Salop*, and for repairing several other Roads in the Counties of *Merioneth* and *Denbigh*. *Ibid.*

lxviii. An Act for the better supplying with Water the Town of *Reading* and the Hamlet of *Whitley* in the County of *Berks*. *Ibid.*

lxix. An Act for supplying with Water the Town and Port of *Cardiff* and the Neighbourhood thereof, in the County of *Glamorgan*. *Ibid.*

lxx. An Act to provide for the Erection of public Slaughter-houses for the City of *Edinburgh*, and for the Regulation of the same. *Ibid.*

lxxi. An Act to amend and extend the Provisions of the Act relating to the *Garstang and Heiring Syke* Turnpike Road. *Ibid.*

lxxii. An Act to extend the Powers of the *Newcastle-upon-Tyne and Carlisle* Railway Company, and to amend Acts relating to their Railway. 449

lxxiii. An Act to incorporate the Members of the Shipwrecked Fishermen and Mariners Royal Benevolent Society, and to enable them better to carry into effect their charitable Designs. *Ibid.*

lxxiv. An Act to extend the *Wolverhampton* Waterworks, and to amend the Act relating thereto. *Ibid.*

lxxv. An Act for better supplying with Water the Borough of *Salford*, and for the further Improvement of the said Borough. *Ibid.*

lxxvi. An Act to extend the Powers of the *Dundalk and Enniskillen* Railway Company for the Purchase of Lands and Completion of Works on Part of their Railway; and for other Purposes. *Page* 449

lxxvii. An Act for extending and amending the Acts for regulating and improving the Borough of *Newcastle-upon-Tyne*. *Ibid.*

lxxviii. An Act for enabling the *Aberdeen* Railway Company to raise a further Sum of Money, and to alter their Station and the Levels of their Railway at and near *Aberdeen;* for repealing "The *Great North of Scotland* Railway Act, 1847;" for altering, amending, and extending the Acts relating to the *Aberdeen* Railway; and for other Purposes. *Ibid.*

lxxix. An Act for repealing an Act relating to the Borough of *Bradford* in the County of *York*, and for better paving, lighting, watching, draining, and otherwise improving the said Borough, and for the better Regulation and Management thereof. *Ibid.*

lxxx. An Act to extend the Time limited by the *Liverpool* Corporation Waterworks Act, 1847, for purchasing Lands and constructing the Works authorized by such Act, and for other Purposes. *Ibid.*

lxxxi. An Act for continuing the Term of the *Cromford and Newhaven* Turnpike Road Act, and for other Purposes. *Ibid.*

lxxxii. An Act for confirming an Agreement for the Sale of the Freehold and Leasehold Hereditaments and Premises, Works, Property, Gear, and Fixtures, of the *Poplar* Gaslight Company, to the *Commercial* Gas Company, and for the Dissolution of the *Poplar* Gaslight Company. *Ibid.*

lxxxiii. An Act to enlarge the Powers of the *Lancashire and Yorkshire* Railway Company, and to amend the Acts relating to their Undertakings. *Ibid.*

lxxxiv. An Act for continuing the *Godstone and Highgate* Turnpike Trust for a limited Period, for the Purpose of paying off the Mortgage Debt. *Ibid.*

lxxxv. An Act for repairing the Road leading from a certain Point in the *Kennington Road* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to *Highgate* in the County of *Sussex*, and thence to *Witchcross* in the same County, and several other Roads therein mentioned. *Ibid.*

lxxxvi. An Act for forming and regulating the *British* Electric Telegraph Company, and to enable the said Company to work certain Letters Patent. *Ibid.*

lxxxvii. An Act for more effectually repairing and improving the Road from *Rochdale*, through *Bamford* and *Birtle*, to *Bury*, and several other Roads therein mentioned, all in the County Palatine of *Lancaster*. 450

lxxxviii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make certain Deviations in the Line of their Railway; and for other Purposes. *Ibid.*

lxxxix. An Act for extending and amending the Powers of the Timber Preserving Company's Acts; and to enable the Company to buy, improve, and sell Substances to be preserved, and to work Mills and Machinery. *Ibid.*

xc. An Act for continuing the Term of "The *Birmingham and Pershore* Turnpike Road Act," and for other Purposes. *Ibid.*

xci. An Act for constructing a Bridge across the River *Clyde*, opposite to *South Portland Street, Laurieston. Glasgow*. *Ibid.*

xcii. An Act to amend "The *Gorbals* Gravitation Water Company Act, 1846," to authorize the Extension of the Works, and the Construction of new Works to supply the Town or Royal Burgh of *Rutherglen* and other Places with Water. *Page* 450

xciii. An Act for better paving, lighting, watching, cleansing, and otherwise regulating and improving the City and Township of *Peterborough* in the Liberty of *Peterborough* in the County of *Northampton*, and for establishing a Cemetery therein. *Ibid.*

xciv. An Act to make better Provision for raising Funds to complete the Railway and Dock Undertakings of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and for other Purposes. *Ibid.*

xcv. An Act to authorize certain Alterations in the Line of the *Liverpool, Crosby, and Southport* Railway, and for other Purposes. *Ibid.*

xcvi. An Act for paving, draining, cleansing, lighting, and otherwise improving the Township of *Bilston* in the County of *Stafford*, and for establishing a Local Board of Health in that Township; and also for better supplying with Water and Gas the said Township of *Bilston*, and for constructing Cemeteries there, and for purchasing, improving, maintaining, and regulating the Market and Market Place therein; and for other Purposes. *Ibid.*

xcvii. An Act for the Dissolution of the *East of Fife* Railway Company, and for the Abandonment of the Railway. *Ibid.*

xcviii. An Act to enable the *West Cornwall* Railway Company to make a Deviation in and a Branch Railway from their authorized Line of Railway; and for other Purposes. *Ibid.*

xcix. An Act to enable the *Liverpool, Crosby, and Southport* Railway Company to sell or lease their Railway to the *Lancashire and Yorkshire* Railway Company. *Ibid.*

c. An Act to carry into effect Arrangements made between the Commissioners of Her Majesty's Woods and the Trustees of the *Birkenhead* Docks; to amend the Acts relating to the said Docks, and to extend the Time for Completion of Works; and for other Purposes. *Ibid.*

ci. An Act for the Extension and better Regulation and Management of the Markets and Slaughter-houses in the City of *Glasgow*. 451

cii. An Act for amending and enlarging the Powers and Provisions of "The *Westminster* Improvement Act, 1845," and "The *Westminster* Improvement Act, 1847," to extend the Time for the compulsory Purchase of Lands, and for other Purposes. *Ibid.*

ciii. An Act for continuing the Term of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Saint John's *Chapel in the Parish of* Saint Marylebone *to the North-east End of* Ballard's Lane, *abutting upon the* North Road *in the Parish of* Finchley, *with a Branch therefrom, in the County of* Middlesex, for the Purpose of paying off the Debt now due on the said Roads, and providing for the future Management thereof. *Ibid.*

civ. An Act for better constituting the District Church of *Saint Michael, Chester Square*, in the County of *Middlesex*. *Ibid.*

cv. An Act to give Effect to certain Securities upon the Rates authorized to be levied under the *Wolverhampton* Improvement Act. *Ibid.*

cvi. An Act for incorporating "The Class A. Shareholders of the *St. Andrew's and Quebec* Railroad Company," and conferring on them certain Powers. *Ibid.*

cvii. An Act for facilitating the Erection of a Church to be called "*St. Gabriel's*" in the District Parish of *St. Peter Pimlico* in the County of *Middlesex*, and for other Purposes. *Page* 451
cviii. An Act for better improving the Borough of *Belfast*. *Ibid.*
cix. An Act to alter and amend the Acts relating to the Navigation of the River *Lee* in the Counties of *Hertford, Essex*, and *Middlesex*; and to enable the Trustees further to improve the Navigation and to dispose of the surplus Water; and for other Purposes. *Ibid.*
cx. An Act to amend the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company, and to confer additional Powers upon the same Company and upon certain other Companies, and for other Purposes. *Page* 451
cxi. An Act to enable the *Hartlepool* West Harbour and Dock Company to alter and improve their Harbour and construct additional Works; and for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, called "The *Hartlepool* West Harbour and Dock Act, 1847." *Ibid.*
cxii. An Act to enable the Commissioners of *Westminster Bridge* to build a temporary Bridge across the River *Thames* from *Bridge Street* in the City of *Westminster* to the opposite Shore in the County of *Surrey*. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for the Management of the Allotments made to the Freemen of *Nottingham* by virtue of certain Acts for inclosing Lands in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*. *Page* 452
2. An Act to authorize the granting of Building and Improvement Leases of the settled Estates of *Elizabeth Lydia Brigstocke*, situate in the Town of *Ryde* in the *Isle of Wight*. *Ibid.*
3. An Act to authorize the Purchase by the *Prussian* Minister of a Residence in *England* for the Use of the *Prussian* Legation, and to regulate the future holding of the same. *Ibid.*
4. An Act to authorize the Sale of certain Real Estates situate at *Hoddesdon* in the County of *Hertford*, and in the Parish of *Saint James Westminster* in the County of *Middlesex*, and in *Tottenham Court Road* in the said County of *Middlesex*, which belonged to the late *Renè Briand* deceased. *Ibid.*
5. An Act for authorizing certain Agreements between the Chancellor and Council of Her Majesty's Duchy of *Lancaster* and Sir *Peter Hesketh Fleetwood* Baronet to be carried into effect; and for other Purposes. *Ibid.*
6. An Act for confirming and carrying into effect an Exchange heretofore made or attempted to be made between the Right Honourable *George* late Earl of *Shrewsbury* and *John Grace* of *Whitby* in the County of *Chester*, deceased. *Ibid.*
7. An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward* late King of *England* the Sixth, of *St. Thomas the Apostle*, commonly called *St. Thomas*'s Hospital, and for enabling them to grant Building and other Leases of their Estates. *Ibid.*
8. An Act for carrying into effect a Contract for the Sale of Messuages and Lands situate in the Parish of *Barford* in the County of *Warwick* belonging to the Rectory of the same Parish, and for vesting in Trustees certain Cottages and Lands situate in the Parish of *Barford* aforesaid, being Part of the Real Estate devised by the Will of *Jane Mills* Widow, deceased, upon trust to complete a Contract for the Sale thereof. *Page* 452
9. An Act for creating Powers of Sale in the Freehold and Copyhold Estates comprised in the Marriage Settlement of *William Bernard Harcourt*, deceased, with *Elizabeth Georgiana Harriet* his Wife. *Ibid.*
10. An Act for establishing a School for Orphans of Freemen of the City of *London*. 453
11. An Act to authorize the Trustees of certain Estates called the *Chandos* Estates, settled by a Deed dated the Third Day of *May* One thousand eight hundred and twenty-eight on the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos* and his Issue, to lay out the Monies produced by Sales of Parts of the same Estates in the Purchase of the Family Estates of the said Duke of *Buckingham and Chandos* called the *Buckingham* Estates, notwithstanding certain Family Charges thereon, either with an Indemnity against such Charges, to be approved by the Court of Chancery, or with a proportionate Deduction from the Purchase Money; to extend the Powers of re-investing a Part of the same Monies; and to authorize the granting of Building Leases of Parts of the first-mentioned Estates; and for other Purposes. *Ibid.*
12. An Act to enable the Trustees of the Will of the late Sir *John Lowther Johnstone* Baronet, deceased, to grant Building and Repairing Leases for Ninety-nine Years of the Estate devised by the said Will situate in the Boroughs of *Weymouth* and *Melcombe Regis* and in the Parish of *Radipole* in the County of *Dorset*, and for other Purposes. *Ibid.*
13. An Act for giving Effect to a Compromise relating to the Estate of the Right Honourable *George Alan* Viscount *Midleton*, deceased, and, with a view thereto, for vesting the Estates in *England* and *Ireland* late of the said Viscount *Midleton* in Trustees; and for other Purposes. *Ibid.*
14. An Act to enable the Trustees of the Will of the Right Honourable *Henry* Earl of *Thanet* deceased to raise Money upon the Security of his Estates, for the Repair and Improvement of the Buildings thereon. *Ibid.*

15. An Act to enable the Right Honourable *Henry* Earl of *Effingham* and others to grant Building, Mining, and other Leases of certain Freehold Estates in the Townships of *Rotherham* and *Kimberworth* in the County of *York*, devised by the Will of the Right Honourable *Richard* late Earl of *Effingham*; and for other Purposes. *Page* 453

16. An Act for authorizing the Sale of Estates in the County of *York* devised by the Will of Sir *Henry Maghul Mervin Vavasour* Baronet, deceased; and for other Purposes. *Ibid.*

17. An Act to authorize the Trustees of the Will of *William Mellish* Esquire, deceased, to invest a Portion of the Funds subject to the Trusts of the Will of the said *William Mellish* in the Purchase of the Family Estates in *Ireland* of the Right Honourable *Richard* Earl of *Glengall*. *Page* 453

18. An Act to enlarge and consolidate the Provisions of Two Acts of Parliament relating to the Estates of *John Bowes* late Earl of *Strathmore*. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

19. An Act to dissolve the Marriage of *John Bernard Hartley* Esquire with *Harriet Say Hartley* his now Wife, and to enable him to marry again; and for other Purposes.

20. An Act to dissolve the Marriage of *Thomas Cobbe* Esquire with *Azelie Anne Cobbe* his now Wife, and to enable him to marry again; and for other Purposes.

21. An Act to dissolve the Marriage of Lieutenant-Colonel *Proby Thomas Cautley* and *Frances* (his now Wife), and to enable him to marry again; and for other Purposes.

22. An Act to dissolve the Marriage of *William Chippindall* with *Mary Anne Chippindall* his now Wife, and to enable him to marry again; and for other Purposes.

23. An Act to dissolve the Marriage of the Reverend *Edward Quenby Ashby* with *Elizabeth Sophia* his now Wife, and to enable him to marry again; and for other Purposes.

24. An Act to dissolve the Marriage of the Right Honourable *Henry Pelham Pelham Clinton* commonly called Earl of *Lincoln* with the Honourable Lady *Susan Harriet Catherine Pelham Clinton* commonly called Countess of *Lincoln* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

25. An Act to dissolve the Marriage of *Georgina Hall* with *Henry Foley Hall* her now Husband, and to enable the said *Georgina Hall* to marry again; and for other Purposes therein mentioned.

THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Decimo Tertio & Decimo Quarto.

'AT the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, *Anno* '*Domini* 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the 'Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the 'Faith: And from thence continued, by several Prorogations, to the Thirty-first Day of *January* '1850; being the Third Session of the Fifteenth Parliament of the United Kingdom of *Great Britain* 'and *Ireland*.'

CAP. I.

An Act to amend an Act of the last Session, for making Provision for the Collection of County Cess in *Ireland* and for the Remuneration of the Collectors thereof. [22d *February* 1850.]

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to make Provision* 12 & 13 Vict. c. 36.
'*during the present Year, and to the End of the Year One thousand eight hundred and fifty-one,* '*relating to the Collection of County Cess in* Ireland *and to the Remuneration of the Collectors thereof:*
'And whereas Collectors of County Cess, in entering into Security at the last Summer Assizes for the 'due Collection of such Cess, in several Cases were unable to avail themselves, or from Want of sufficient 'Notice or otherwise did not avail themselves, of the Provisions of the said recited Act in relation to 'modifying the Terms of such Securities in the Manner in the said Act provided: And whereas in 'certain Counties, Baronies, and Districts of *Ireland* great Difficulties have existed in collecting the full 'Amount of County Cess, and it is expedient in such particular Cases where such Difficulties existed, 'and where the Collectors of County Cess appointed at or after the last Summer Assizes shall have 'entered into Securities as by Law theretofore required for the due Collection of all County Cess or 'public Money which they should respectively be required to collect, to extend to such Collectors the 'Benefit of the Provisions of the said recited Act for altering and modifying the Condition of the 'Securities so entered into by them, in like Manner as under the Provisions of the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Order to be published in the *Dublin Gazette*, from Time to Time, before the Conclusion of the Spring Assizes of this Year, to order and declare that in and for any County, or Barony or Baronies of a County, in *Ireland*, in such Order specified, the Provisions of this Act shall be in force; and a Copy of such Order shall be transmitted to the Secretary of the Grand Jury of such respective County; and from the making of such Order thenceforth as to any such County, or Barony or Baronies of a County, in such Order specified, any Bond and Warrant of Attorney to confess Judgment to the Treasurer of such County for the due Collection of County Cess or public Money, given and entered into by any High Constable or Collector of County Cess within any such County or for any such Barony in such Order specified, at or after the last Summer Assizes for such County and before the passing of this Act, shall in all respects be deemed and construed and dealt with as if such Bond and Warrant of Attorney had been conditioned for such High Constable or Collector duly collecting and paying to the County Treasurer all such public Money required by him to be collected as he should receive, or as he without Neglect or wilful Default might have received; and any such last-mentioned Bond and Warrant, without any Stamp, shall be as valid and effectual for the Purposes of the said recited Act, and shall be deemed to be within the Meaning and subject to the Provisions of the said recited Act, as fully and effectually as if such Bond and Warrant had been conditioned in the Manner and Form prescribed in and been given under and pursuant to the Provisions of the said recited Act.

Power to Lord Lieutenant, by Order to be published in Dublin Gazette, to direct in what Counties and Baronies this Act shall be in force, and in such Places the Securities of Collectors of Cess given at or after the last Summer Assizes shall be deemed to be modified as if given under recited Act.

II. And be it enacted, That in every County in which or in any Barony of which the Provisions of this Act shall be in force in manner aforesaid it shall be lawful for the Secretary of the Grand Jury of such

Three Members of Grand Jury at the Spring

Assizes of this Year to examine Collector's Accounts, and to certify the Amount he might without Neglect or wilful Default have received.

such County, and he is hereby required, by Notice under his Hand, to be given to the High Constable or Collector of each Barony in which the Provisions of this Act shall be in force, Three Days before the swearing of the Grand Jury for the Spring Assizes of this Year, to require him to attend, with his Accounts, Books, and Vouchers, for the Examination of such Collector's Accounts, before Three Members of the Grand Jury at the ensuing Spring Assizes of this Year for such respective County; and each such High Constable or Collector of the same is hereby required to attend and produce his Accounts, Books, and Vouchers relating to the Collection of Grand Jury Cess in such respective Barony, before Three Members of the Grand Jury of such County at such Spring Assizes, who shall by the Grand Jury be appointed for such Purpose, and shall examine the same; and after due Examination of the same, and after Examination upon Oath of such High Constable or Collector and such other Person or Persons as such Grand Jurors may require to be examined relating to the same, which Oath any such Grand Juror shall be empowered to administer, such Three Grand Jurors shall determine and ascertain the Amount of the Sums which such High Constable or Collector shall have received, or without Neglect or wilful Default might have received and collected, of the Amount of the County Cess required to be collected by him since the then last Summer Assizes, and shall by their Certificate certify under their Hands the Amount thereof which without Neglect or wilful Default might have been so collected, and also the Amount actually collected, together with a List of the Persons and Lands from whom or which such Cess has not been collected, and also a List of the Persons and Lands, if any, from whom or which the same might have been so collected and has not been collected; and such Certificate and Lists shall by such Grand Jurors or by the Secretary of the Grand Jury be laid before the Grand Jury at the said Spring Assizes, who shall take the same into their Consideration; and if they shall pass a Resolution approving of such Certificate, or approving thereof subject to any Modification, and if such High Constable or Collector shall duly pay or shall have paid over to the respective Treasurer of the County the whole Amount which it shall appear by such Certificate, so approved or modified, might without Neglect or wilful Default have been collected, such High Constable or Collector in such Case shall receive and be paid his Poundage, as in the said recited Act provided, upon the Amount so collected and paid over to the Treasurer.

Certificate and Lists to be laid before Grand Jury, and if approved, and Money paid over, Collector to be entitled to Poundage.

Interpretation of Terms.

III. And be it enacted, That in the Construction of this Act, unless the Subject or Context require another Construction, the Word "County" shall extend to a County of a City or County of a Town, and the Word "Barony" shall extend to any District for which any such Collector may be or may have been appointed under the Powers by Law given in that Behalf.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. II.

An Act to restrain Party Processions in *Ireland*. [12th *March* 1850.]

'WHEREAS Numbers of Persons have been in the Practice of assembling and marching together in procession in *Ireland* in a Manner calculated to create and perpetuate Animosities between different Classes of Her Majesty's Subjects, and to endanger the public Peace:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Assemblies of Persons in *Ireland* who shall meet and parade together or join in procession, and who shall bear, wear, or have amongst them or any of them any Fire-arms or other offensive Weapons, or any Banner, Emblem, Flag, or Symbol, the Display whereof may be calculated or tend to provoke Animosity between different Classes of Her Majesty's Subjects, or who shall be accompanied by any Person or Persons playing Music or singing any Song which may be calculated or tend to provoke Animosity between different Classes of Her Majesty's Subjects, shall be unlawful Assemblies, and every Person present thereat shall be guilty of a Misdemeanor, and upon Conviction thereof shall be punished accordingly.

What Processions shall be unlawful;

Persons attending thereat guilty of a Misdemeanor.

II. And be it enacted, That any Justice or Justices of the Peace shall proceed, with such Assistance as in the Judgment of such Justice or Justices may be necessary, to the Place where any such Assembly of Persons hereby declared to be unlawful shall be held or take place, and such Justice or one of such Justices, or some other Person by their or his Order, shall then and there read or repeat aloud to the Persons so assembled a Command or Notice to disperse in the Words or to the Effect following; (that is to say,)

Power to Justices to command such Assemblies or Processions to disperse.

'OUR Sovereign Lady the Queen doth charge and command all Persons being here assembled immediately to disperse and peaceably to depart upon pain of Fine or Imprisonment, according to the Statute passed in the Thirteenth Year of the Reign of Queen Victoria, to restrain Party Processions in Ireland. GOD save the Queen.'

Penalty on Persons refusing to disperse after such Command, &c.

III. And be it enacted, That the Persons so met and assembled together shall forthwith, after such Command or Notice shall have been read or repeated aloud as aforesaid, disperse and depart; and if any One or more of the Persons so met or assembled together as aforesaid shall not disperse and depart within the Space of One Quarter of an Hour from the Time of such Command or Notice having been read or repeated aloud as aforesaid, such Person or Persons shall be guilty of a Misdemeanor, and it shall be lawful for the Justice or Justices who shall have read or repeated, or who shall have ordered to be read or repeated, such Command or Notice, or for any other Justice or Justices of the Peace, to seize, or by Order to any Constable or other Person to cause to be seized and detained for the Use of Her Majesty, any such Fire-arms or other offensive Weapon, and any such Banner, Emblem, Flag, or Symbol, and

and any musical Instruments in the Possession of any such Persons, and to cause the Person or Persons so refusing or neglecting to disperse or depart to be apprehended, either with or without a Warrant for that Purpose, or to be summoned to answer for such Offence; and such Offender or Offenders may thereupon be proceeded against in a summary Way for such Offence before any Two Justices of the Peace before whom he or they may be brought or summoned to appear; and every Person, being convicted thereof on the Oath of One or more credible Witness or Witnesses, shall be liable to a Penalty not exceeding Five Pounds, and to Imprisonment for any Term not exceeding One Calendar Month unless such Penalty be sooner paid, or, at the Discretion of the said Justices, to be committed to any One of Her Majesty's Common Gaols or Prisons in *Ireland* for a Term not exceeding One Calendar Month, and for a Second or any subsequent Offence against the Provisions of this Act to a Penalty not exceeding Ten Pounds, and to Imprisonment for any Term not exceeding Two Calendar Months unless the same be sooner paid, or, in the Discretion of the said Justices, to be committed to any One of Her Majesty's Common Gaols or Prisons in *Ireland* for a Term not exceeding Two Calendar Months.

Fire-arms in possession of Persons forming Part of any Assembly, &c. to be forfeited.

IV. And be it enacted, That all Fire-arms or other offensive Weapons which shall be borne, employed, or be in the personal Possession of any Person forming Part of any Assembly or Procession declared unlawful under this Act, shall be forfeited to the Use of Her Majesty, whether the Command or Notice under this Act provided shall have been read or repeated or not, or whether after the reading or repeating of the same such Assembly or Procession shall have dispersed or not; and any such Person who shall neglect or refuse to deliver up such Arms or offensive Weapons at any such Meeting as aforesaid to any Justice of the Peace, when required so to do, shall for every such Refusal or Neglect be subject to the Penalties in this Act already set forth, which Penalties shall be recoverable in the same summary Manner, and the Party so offending shall be subject to Imprisonment in like Manner, as has already been provided in respect to the summary Proceedings under this Act.

Party proceeded against for not departing after Notice not to be indicted for Misdemeanor for being present at Assembly at which Notice was read.

V. Provided always, and be it enacted, That no Person who shall have been proceeded against in a summary Way as aforesaid for not dispersing or departing within the Space of One Quarter of an Hour from the Time of such Command or Notice having been read or repeated aloud as aforesaid, shall likewise be indicted for a Misdemeanor for having been present at the unlawful Assembly at which such Command or Notice shall have been so read or repeated: Provided also, that nothing herein contained shall prevent the Prosecution by Indictment for a Misdemeanor of any Person who shall be present at at any such unlawful Assembly as aforesaid, and who shall not have been proceeded against in a summary Way as herein-before last mentioned.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. III.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty. [25th *March* 1850.]

CAP. IV.

An Act for requiring the Transmission of annual Abstracts of Accounts and Statements of Trustees or Commissioners of Turnpike Roads and Bridges in *Ireland* to the Lord Lieutenant to be laid before Parliament. [25th *March* 1850.]

'WHEREAS it is expedient that annual Abstracts of Accounts and Statements of Revenues and Debts of the Trustees or Commissioners of the several Turnpike Roads and Bridge Trusts in *Ireland* should be prepared and transmitted to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Purpose of being revised, and afterwards laid before both Houses of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees or Commissioners of every Turnpike Road or Bridge Trust in *Ireland* shall and they are hereby required, either by themselves or some Committee of their Number, annually to examine the Vouchers and audit and settle the Accounts of the respective Clerks or Secretaries and Treasurers appointed by them, and to examine into the State of the Revenues and Debts, distinguishing bonded from floating Debts, of the several Road or Bridge Trusts for which they shall act as Trustees or Commissioners, and to make up Abstracts of such Accounts, each which Abstract shall contain a Statement of the Revenues and Debts of the Road or Bridge Trust, and also an Account of all Bonds given by the Trustees or Commissioners, and the Dates thereof, which said Abstracts of Accounts and Statements shall be signed by not less than Three of the Trustees or Commissioners.

Trustees of Turnpike Roads and Bridge Trusts in Ireland to examine and audit Accounts annually, and make up and sign Abstracts thereof, and of Revenues and Debts.

Clerks of Turnpike Road and Bridge Trusts, &c. annually to transmit to the Lord Lieutenant Abstracts of Accounts and Statements of Revenues and Debts.

II. And be it enacted, That the several and respective Clerks or Secretaries to such Trustees or Commissioners by whom or by whose Committees such Abstracts of Accounts and Statements of Revenues and Debts of the respective Turnpike Road and Bridge Trusts under the Charge of such Trustees or Commissioners are directed to be made and signed as aforesaid shall, on or before the First Day of *October* One thousand eight hundred and fifty, transmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* Abstracts and Statements, made up and signed as herein-before prescribed, and according to the Form contained in the Schedule (A.) annexed to this Act, or as nearly in the said Form as Circumstances will permit, for the Period of a Year ending on the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and shall in like Manner, upon the First Day of *October* in all future Years, transmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the

Time being the like Abstracts and Statements, made up and signed in the Manner herein-before directed, and in the Form of the said Schedule (A.), or as nearly in the said Form as Circumstances will permit, for the Year ending on the Thirty-first Day of *December* then next preceding; and if any Clerk or Secretary to such Trustees or Commissioners shall refuse or neglect to transmit such annual Abstracts and Statements within the Time herein-before prescribed, then and in every such Case every Clerk or Secretary so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

Lord Lieutenant to cause Abstracts to be laid before Parliament.

III. And be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to whom such annual Abstracts and Statements shall be transmitted shall cause the same to be revised, abstracted, and arranged, and laid before both Houses of Parliament, together with any Observations which he may think proper to be made respecting the State, Condition, and Repair of the Roads and Bridges, or any of them, or respecting the Debts, Revenues, Expenditure, and Management of any such Turnpike and Bridge Trusts.

If Road or Bridge Acts proposed to be amended, Clerk to transmit Resolution and Particulars to the Lord Lieutenant.

IV. And be it enacted, That when and as often as the Trustees or Commissioners of any Turnpike Road or Bridge shall have entered into a Resolution to apply to Parliament for any new Turnpike Road or Bridge Act, or for the Continuation of the Term and Powers of the Act under which any Turnpike Road or Bridge is regulated, or for the Alteration or Enlargement of the Powers and Provisions of such Act or any of them, or for an Alteration of the Tolls or Pontages to be levied on such Turnpike Road or Bridge, the Clerk or Secretary of such Trustees or Commissioners shall immediately thereupon transmit a Copy of such Resolution to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, together with a Copy of any special Clauses proposed to be inserted in the intended Act, and also a Statement of the Alteration of Tolls or Pontages intended to be made.

Penalties how to be recovered and applied.

V. And be it enacted, That the Penalties hereby imposed shall be recovered in such and the like Manner and subject to like Provisions as the Penalties imposed by and under the Acts for the more effectual Relief of the destitute Poor in *Ireland* are directed to be recovered, and shall be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Treasurer or Treasurers to the Trustees or Commissioners for repairing or maintaining the Road or Bridge relating to which such Offence shall have been committed, and be applied and disposed of for the Purposes of such Road or Bridge.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE (A.)

GENERAL STATEMENT of the INCOME and EXPENDITURE of the TURNPIKE ROAD [*or* BRIDGE] TRUST in the County of for the Period between the First Day of January and the Thirty-first Day of December in the Year

INCOME.	£ s. d.	EXPENDITURE.	£ s. d.
Balance in Treasurer's Hands brought forward		Balance due to the Treasurer brought forward	
Revenue received from Tolls		Manual Labour	
Revenue from Fines		Carriage of Materials	
from incidental Receipt		Materials for Surface Repairs	
Amount of Money borrowed on the Security of the Tolls		Land purchased	
		Damage done in obtaining Materials	
		Tradesmen's Bills	
		Salaries: Treasurer	
		Secretary	
		Clerk	
		Surveyor	
		Other Officer	
		Law Charges	
		Interest on Debt	
		Annuities	
		Improvements	
		Watering Roads	
		Debts paid off	
		Incidental Expenses	
Balance due to the Treasurer		Balance in the Treasurer's Hands	

DEBTS.	£ s. d.	Rate of Interest per Cent. £ s. d.	ARREARS OF INCOME.	£ s. d.	Insert the Name and Place of Abode of the Treasurer, Clerk, or Secretary, General and Superintending Surveyor, below.
Bonded Debt			Arrears of Tolls for current Year		
Floating ditto			Arrears of any other Receipt ditto		
Unpaid Interest			Arrears of former Years		
Balance due to the Treasurer					
Total Debts			Total Arrears		

Distance in Statute Miles over which such Road Trust extends Miles.

CAP. V.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [25th *March* 1850.]

[*Number of Forces*, 99,128. *This Act is the same, except as to Dates, the Number of Forces, and the Sections here inserted, as* 11 & 12 *Vict. c.* 10.]

General Courts-martial.

VII. And be it enacted, That a General Court-martial convened in *Saint Helena*, *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward Islands*, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Regimental and Detachment Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Proceedings at Trial.

XIV. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour, and with or without solitary Confinement.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence by awarding Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Apprehension of Deserters in the United Kingdom.

XLVI. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing that

that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment, to the end that such Secretary at War may order Repayment of the same;

In the Colonies. and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

Fraudulent Confession of Desertion.

XLIX. And be it enacted, That any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and that any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh

7 & 8 G. 4. c. 29. and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth,

9 G. 4. c. 55. intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed

signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Soldiers not to be taken for Debts under 30*l.*

LII. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution issued out of or from any County or inferior Court, or by any Judge or Officer thereof, either for Contempt of Court or otherwise, or by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, the being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body.

Enlisting and swearing of Recruits.

LV. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Suspending Operation of recited Acts.

LXVII. ‘ And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted ‘ and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of ‘ Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-‘ first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred

'hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for 'paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other 'Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject 'or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and 'that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any 'Warrant or Billeting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the 'Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of 'Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no 'Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train 'of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only 'during such Time as he or they should be and remain in some Seaport Town in order to be transported, 'or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which 'Emergency the Army should be commanded to march from any Part of *Ireland* to another: But 'forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Troops, and 'Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*,' be it enacted, That the said recited Acts and the several Provisions thereof shall not be of any Force or Effect during the Continuance of this Act.

6 Anne, c. 14.

How and where Troops may be billeted.

LXVIII. And be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to

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be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such. Exemptions from Billets.

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but not sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date _____ 185 .

you enlisted with at o'Clock* on the Day of for the Regiment and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer, or Non-commissioned Officer, commanding the Party. _____

Name of the Recruit _____

Residing at _____

* A.M. or P.M., as the Case may be.

CAP. VI.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[25th *March* 1850.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 11 & 12 *Vict. c.* 12.]

General Courts-martial.

VIII. And be it enacted, That a General Court-martial convened in *Saint Helena, Africa, Honduras, New Zealand,* the *Australian* Colonies, and the Settlements on the Coast of *China,* shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica, Newfoundland, Bermuda,* or the *Bahamas,* or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda,* the *Bahamas, Saint Helena, Jamaica, Honduras, Newfoundland, New Zealand,* the *Australian* Colonies, the *Windward* and *Leeward Islands, British Guiana,* and the Settlements on the Coast of *China,* where it may consist of not less than Five Commissioned Officers, and in *Africa,* where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Proceedings at Trial.

XVI. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed, but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer, in respect of whom any Challenge shall have been made and allowed, shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies,* where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Power to inflict Corporal Punishment and Imprisonment.

XXIX. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour, and with or without solitary Confinement.

Power to commute Corporal Punishment.

XXX. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland,* or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland,* or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence by awarding Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Apprehension of Deserters.

L. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody

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to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody, and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Fraudulent Confession of Deserter.

LIII. And be it enacted, That any Person who, while serving in Her Majesty's Navy, or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall, to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof, and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and, if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Marines not to be taken for Debts under 30*l.*, or for not supporting Family.

LVI. And be it enacted, That no Marine shall be liable to be arrested or taken from Her Majesty's Service by reason of the Warrant of any Justice or other Process, for not supporting, or leaving chargeable on any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Marine shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution whatsoever, or by the Order or Decree of any Court or of any Judge or Officer thereof, for Contempt, or on any Account whatsoever other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process, Order, Decree, or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas Corpus shall be awarded or issued, and the Discharge of any such Marine out of Custody be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body.

Dissent and Relief from Enlistment.

LX. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at *liberty* to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to or on account of such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended,

transmit

transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to the Militia, or any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist into the Marines who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Marine to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Limitation of Actions.

LXXXV. And be it enacted, That if any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence, on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Definition of Terms.

XCI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and the Provisions of this

this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

CAP. VII.

An Act for consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of Commissioners of Police of the Metropolis, and making other Provisions in regard to the consolidated Offices. [25th *March* 1850.]

'WHEREAS it is expedient to abolish the Office of the Registrar of Metropolitan Public Carriages, and to provide for the Execution of the Duties of the Office of the Registrar of Metropolitan Public Carriages by the Office of the Commissioners of Police of the Metropolis:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Office of Registrar of Metropolitan Public Carriages be hereby abolished.

Office of Registrar of Metropolitan Public Carriages abolished.

II. And be it enacted, That all the Jurisdiction, Powers, Authorities, Privileges, Interests, and Duties now vested in or exercised by the Office of Registrar of Metropolitan Public Carriages hereby abolished shall be transferred to and vested in and shall hereafter be exercised by the Commissioners of Police of the Metropolis, in as full and ample a Manner to all Intents and Purposes as they were vested in and might have been exercised by the said Registrar of Metropolitan Public Carriages.

Duties of abolished Office transferred to Commissioners of Police.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby empowered, to grant such retiring Allowances and Compensation as under the Circumstances of the Case they may deem reasonable and proper to any Officer or Person who may be deprived of his Office or Employment, or be superseded under the Provisions of this Act; and all such retiring Allowances and Compensations shall be paid by the Commissioners of Inland Revenue out of any Monies to arise from any of the Duties under their Care and Management.

Retiring Allowances may be granted to Officers whose Office abolished.

IV. And be it enacted, That it shall be lawful for the said Commissioners of Police from Time to Time to appoint Standings for Hackney Carriages at such Places as they shall think convenient in any Street, Thoroughfare, or Place of public Resort within the Metropolitan Police District, any Law, Statute, or Custom to the contrary thereof notwithstanding, and at their Discretion to alter the same, and from Time to Time to make Regulations concerning the Boundaries of the same, and the Number of Carriages to be allowed at any such Standing, and the Times at and during which they may stand and ply for Hire at any such Standing, and also from Time to Time to make such Regulations as the said Commissioners shall deem proper for enforcing Order at every such Standing, and for removing any Person who shall unnecessarily loiter or remain at or about any such Standing; and the said Commissioners shall cause all the Orders and Regulations to be made by them as aforesaid to be advertised in the *London Gazette*, and a Copy thereof, signed by One of the said Commissioners, to be hung up for public Inspection in the Office of the Commissioners of Police in the City of *Westminster* and at each of the Police Courts, and such Copy shall be received in Evidence in the said Courts as if it were the Original of which it purports to be a Copy, and shall be taken to be a true Copy of such original Order or Regulation, without further Proof than the Signature of the said Commissioner.

Standings for Hackney Carriages to be appointed.

V. 'And whereas Doubts have arisen whether the Powers given to the said Commissioners of Police 'by an Act passed in the Seventh Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* '*for regulating Hackney and Stage Carriages in and near* London, to appoint, alter, and regulate

Repeal of Local Acts.

6 & 7 Vict. c. 86.

'Standings

'Standings for Hackney Carriages, supersede the Powers and Provisions relating to the same Matters 'or Subject contained in local and other Acts applicable to certain Parishes and Places within the 'Metropolitan Police District:' Be it therefore enacted, That so much of the several Acts in force before the passing of the said Act of the Seventh Year of the Reign of Her Majesty as relates to the appointing, continuing, altering, directing, or regulating Standings for Hackney Carriages or Chairs within any Part of the Metropolitan Police District shall be and the same is hereby repealed, save and except so far as the Provisions of the said Acts may repeal the whole or any Part of any other Acts in relation to the Matters aforesaid, and except as to Offences and other Matters committed or done before the Commencement of this Act, which shall be dealt with and punished as if this Act had not been passed.

Saving of Bloomsbury Square Act. 46 G. 3. c. 134.

VI. Provided always, and be it enacted, That nothing in this Act or in the said Act of the Seventh Year of the Reign of Her present Majesty contained shall alter or repeal, or be construed to alter or repeal, or invalidate, or in anywise prejudicially affect, either wholly or in part, an Act passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for ornamenting and embellishing the Centre or Area of* Bloomsbury Square *in the Parish of* Saint George Bloomsbury *in the County of* Middlesex, *and for preventing Hackney Coaches standing or plying for Hire in or near the said Square.*

One Police Commissioner may act.

VII. And be it enacted, That all Things herein authorized to be done by the Commissioners of Police of the Metropolis shall be done by such One of the said Commissioners as One of Her Majesty's Principal Secretaries of State shall from Time to Time be pleased to appoint.

This Act to be construed with 6 & 7 Vict. c. 86.

VIII. And be it enacted, That this Act shall be construed as One Act with the said Act passed in the Seventh Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating Hackney and Stage Carriages in and near* London, and that all the Provisions of the said Act, except so far as is herein otherwise provided, shall extend to this Act, and to all Things done in execution of this Act.

Commencement of this Act.

IX. And be it enacted, That this Act shall commence and take effect from the Fifth Day of *April* One thousand eight hundred and fifty.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. VIII.

An Act to authorize the Inclosure of certain Lands in pursuance of the Fifth Annual General Report of the Inclosure Commissioners for *England* and *Wales*, and to confirm the Proceedings in the Matter of the *Common Wood* Inclosure. [17th *May* 1850.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act 'passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate* '*the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and* '*the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for* '*the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of* '*such Powers in certain Cases*, issued Provisional Orders for and concerning the several proposed Inclo- 'sures mentioned in the Schedule to this Act, and have, in the Annual General Report of their Proceedings, 'certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded 'with without the Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

8 & 9 Vict. c. 118.

Inclosures mentioned in Schedule may be proceeded with.

Proceedings in the Matter of Common Wood Inclosure confirmed.

II. 'And whereas in the Matter of the Inclosure of *Common Wood* situate in the Parish of *Holt* in 'the County of *Denbigh* the Inclosure Commissioners for *England* and *Wales* did, on the Twelfth of '*March* in the Year of our Lord One thousand eight hundred and forty-six, give Notice of their Intention 'to proceed with such Inclosure: And whereas the Award of the Valuer in the Matter of the said 'Inclosure was, on the Sixteenth Day of *November* One thousand eight hundred and forty-eight, con- 'firmed by the said Commissioners, and a Part of the said Lands were sold by the said Valuer: And 'whereas Doubts have arisen whether the Land, the Subject Matter of such Inclosure, were a stinted 'Pasture, or Lands subject to Rights of Common which might be exercised at all Times of every Year, 'for Cattle levant and couchant upon other Land, and whether as such the said Inclosure should not 'have received the previous Authority of Parliament:' Be it enacted, That the Award made in the Matter of the said Inclosure, and all Proceedings, Matters, and Things taken and done by the Valuer in the Matter of the said Inclosure, and by the said Commissioners, shall, as from the Confirmation of the said Award, be confirmed, and be as valid and have the same Force and Effect as if the said Inclosure had received the previous Authority of Parliament; and all Persons holding any of the said Lands under or by virtue of such Award, Proceedings, Matters, and Things, or any of them, shall have the same Title to such Lands as if the said Inclosure had received such previous Authority: Provided always, that nothing herein contained shall affect any Proceedings at Law which shall have been commenced before the Time of the passing of this Act, or any Costs in relation thereto.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Inclosure Act, 1850."

The

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Llanbedr-y-cenin	Carnarvon	8th February 1849.
Caerhyn	Carnarvon	8th February 1849.
Bewerley Moor and Hardcastle Moor	York	23d July 1849.
Sherwood Forest, Part of, in Mansfield	Nottingham	23d July 1849.
Tilford	Surrey	28th February 1849.
Weston Subedge	Gloucester	23d July 1849.
Carshalton and Wallington	Surrey	19th April 1849.
Kewstoke	Somerset	10th May 1849.
Dalbury Lees Green	Derby	14th June 1849.
Dillicar Common	Westmorland	24th May 1849.
Caterham	Surrey	23d July 1849.
Bolham Hill	Devon	20th September 1849.
Churchstanton	Devon	16th November 1849.
Penn	Bucks	17th October 1849.
Little Missenden	Bucks	24th January 1850.
Swinmore Common	Hereford	23d August 1849.
Storrington	Sussex	23d August 1849.
Nutbourne Common	Sussex	23d August 1849.
Caldicot-cum-Newton	Monmouth	18th December 1849.
South Wootton	Norfolk	26th December 1849.
Alnwick Moor	Northumberland	18th January 1850.

CAP. IX.

An Act to repeal the Duties and Drawbacks of Excise on Bricks. [17th *May* 1850.]

WHEREAS it is expedient to repeal the Duties and Drawbacks of Excise on Bricks: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Duties and Drawbacks of Excise on Bricks, and also an Act passed in the Third Year of Her present Majesty's Reign, intituled *An Act to repeal the Duties and Drawbacks of Excise on Bricks, and to grant other Duties and Drawbacks in lieu thereof, and to consolidate and amend the Laws for collecting and paying the said Duties and Drawbacks*, shall be and the same are hereby repealed, save and except so far as the said Act repeals any former Act or Acts, or any Part thereof, and save and except also so far as relates to any of the said Duties and Drawbacks which have been charged or incurred or become payable respectively at any Time before the passing of this Act, and all Fines, Penalties, and Forfeitures in respect thereof or in relation thereto, all which said last-mentioned Duties, Drawbacks, Fines, Penalties, and Forfeitures shall respectively be sued for, recovered, levied, paid, and applied in the same Manner as if this Act had not been passed.

Duties and Drawbacks of Excise on Bricks, and also the Act 2 & 3 Vict. c. 24., repealed; except as to Arrears and Penalties in respect thereof.

II. And be it enacted, That, by way of Drawback or Remission of Duty on the Stocks of Bricks in the Possession of the Makers thereof, there shall be allowed and repaid or remitted to the Maker or Owner of all Bricks which at the Time of the passing of this Act are in the entered Field or other entered Premises where the same have been made and charged with Duty, and which are in a sound and perfect State, and have not been used for any Purpose, excepting for the casing of Clamps, a Moiety of the Duty which has been charged on such Bricks; and the Commissioners of Inland Revenue shall forthwith cause Accounts of all such Bricks to be taken by their Officers, under such Regulations as the said Commissioners may make in that Behalf, and shall allow and repay or remit a Moiety of the said Duties, according to such Accounts respectively.

Drawback of a Moiety of the Duty charged to be allowed on the Stocks of Bricks in the Possession of Makers at the passing of this Act.

III. 'And whereas various Contracts have been made before the passing of this Act for the Sale and 'Purchase or requiring the Use of Bricks, and such Contracts have been made on the Assumption that 'the Duties of Excise on Bricks payable by Law at the Time of making such Contracts would continue:' Be it enacted, That the Maker or Seller of or Person using any Bricks by or under any such Contract shall and he is hereby required, from and after the Twenty-seventh Day of *March* One thousand eight hundred and fifty, to make an Abatement from such Contract, equivalent to the Duty from which he will be relieved under or by virtue of this Act, in respect of all such Bricks which he shall send out and deliver or use under or in pursuance of any such Contract as aforesaid after the Twenty-seventh Day of *March* One thousand eight hundred and fifty, (that is to say,) for and in respect of all such Bricks, if any, which at the Period last aforesaid were in the Field, Yard, or Premises where the same were made and charged with Duty a Moiety of the said Duty charged thereon, and for and in respect of all such

Purchasers of Bricks under Contracts made before the 27th March 1850 to be allowed by Seller an Abatement from the Price thereof equivalent to the Duties from which the latter is relieved,

such Bricks which shall be made at any Time after the said Twenty-seventh Day of *March* a Sum equal to the Duty of Excise which at the Time of making such Contract was payable on Bricks of the like Description.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. X.

An Act for raising the Sum of Nine millions two hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty. [17th *May* 1850.]

CAP. XI.

An Act to make better Provision for the Contributions of Unions and Parishes in School Districts to the common Funds of the respective Districts. [17th *May* 1850.]

7 & 8 Vict. c. 101. 11 & 12 Vict. c. 82. 7 & 8 Vict. c. 101. s. 47.

WHEREAS by the Act passed in the Eighth Year of Her Majesty, intituled *An Act for the further Amendment of the Laws relating to the Poor in* England, and by the Act passed in the Twelfth ‘ Year of the Reign of Her Majesty, intituled *An Act to amend the Law for the Formation of Districts ‘ for the Education of Infant Poor*, Provisions are made for the Formation of School Districts for the ‘ Management of certain Infant Poor by the Combination of Unions and Parishes into such Districts: ‘ And whereas it is by the said first-recited Statute enacted, “ that the Expenses incurred by any District ‘ “ Board in the Purchase or Hire of any Building or Buildings to be used as a School, or in erecting, ‘ “ repairing, adding to, or fitting up any Building, and in the Purchase of Utensils and Materials for ‘ “ the Employment of the Inmates of such School, or of Books and other Objects and Things necessary ‘ “ for the Instruction of such Inmates, and the Salaries of the Officers and Servants of the Establishment, ‘ “ and all other Expenses incurred on the common Account of the Parishes or Unions, or Parishes and ‘ “ Unions, so united for the Management of any Class of Infant Poor, or incidental to the Discharge of ‘ “ the Duties of such District Board, shall be paid by such Unions in the Proportion of the Averages ‘ “ last declared for every such Union, and by such Parishes in the Proportion of the average Expen- ‘ “ diture of every such Parish for the like Period and Purposes as those to which the declared Averages ‘ “ of such Unions shall relate; and the said Commissioners shall from Time to Time, by Order under ‘ “ their Hands and Seal, ascertain and declare the Proportion and Rates of Contribution in the above ‘ “ respects of every such Parish and Union:” And whereas such Provision for the Contributions of the ‘ several Unions and Parishes in such Districts is inconvenient, and it is desirable that the same should ‘ be repealed, and other Provisions should be enacted for the Purpose aforesaid:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act so much of the said Act of the Eighth Year of Her Majesty as is herein-before recited, providing for the Contribution of the Unions and Parishes comprised in any such School District, shall be and the same is hereby repealed.

Repeal of 7 & 8 Vict. c. 101. s. 47. in part.

The Mode in which the Averages of Unions and Parishes combined in School Districts shall be ascertained and declared.

II. And be it enacted, That in respect of any District heretofore formed or hereafter to be formed under the Provisions of the Statutes aforesaid the Poor Law Board shall cause an Inquiry to be made as to the average annual Expense incurred by or on account of the Relief of the Poor in every Union and Parish forming an integral Part of such District during the Three Years ending on the Twenty-fifth Day of *March* next before the Date of the Formation of such District, such Expense to include the Cost of the Relief of the Poor belonging to the Parish, or, in case of a Union, the Cost of the Relief of the Poor belonging to the several Parishes thereof, and of those chargeable upon the common Fund thereof, and in each Case the Payment of the Salaries of all Officers engaged in the Administration of the Relief of the Poor, and other like Expenses of current and ordinary Nature; and the said Board shall by an Order declare the respective Averages so ascertained, and after the Issue of such Order the several Unions and Parishes comprised in any such District shall contribute to the several Charges set forth in the Clause herein-before cited from the said first-mentioned Statute according to the Proportion of the Averages declared in such Order until the same shall be altered by any subsequent Order of the said Board.

Provision for the Declaration of fresh Averages.

III. And be it enacted, That the said Poor Law Board, from Time to Time whenever it shall seem proper to them to do so, may cause a fresh Inquiry to be made in manner aforesaid, in respect of any such District, as to the Expense of the Unions and Parishes therein for the Three Years ending on the Twenty-fifth Day of *March* next preceding such Inquiry, and declare by their Order the Averages ascertained by such Inquiry, and thereupon the Contributions of the several Unions and Parishes in such District to the Charges aforesaid shall be calculated according to the Averages so last declared.

Provision for Addition of a Parish or Union to an existing District.

IV. And be it enacted, That when any Union or Parish shall be added to any previously formed District the said Board shall cause the average Expense of such Union or Parish corresponding with the Period for which the Averages of such District shall have been last ascertained and declared as aforesaid.

Accounts in any such District not closed, &c. to be settled according to this Act.

V. And be it enacted, That in respect of any District heretofore formed all Charges and Expenses which shall not have been closed and audited at the passing of this Act, and to which the said Clause of the said first-recited Statute would have applied, shall be estimated and settled according to the Proportions of the Averages to be declared according to the Provisions of this Act.

Interpretation of Terms.

VI. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Statute of the Eighth Year of the Reign of Her Majesty, and the Statutes explaining and extending it; and that every Provision of the said several Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [17th *May* 1850.]

[*This Act is the same, except as to Dates, as* 12 & 13 *Vict. c.* 9.]

CAP. XIII.

An Act to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education in *Scotland* hold Real Property required for such Purposes. [17th *May* 1850.]

'WHEREAS it is expedient to render more simple and effectual the Titles by which Congregations or Societies associated together for the Purposes of maintaining Religious Worship or promoting Education in *Scotland* may hold the Heritable Property required for such Purposes:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That wherever Heritable Property, consisting of Lands or Houses in *Scotland*, has been or may hereafter be acquired by any Congregation or Society or Body of Men associated for religious Purposes or for the Promotion of Education, as a Chapel, Meeting House, or other Place of Worship, or as a Manse or Dwelling House for the Minister of such Congregation, or Offices, Garden, or Glebe for his Use, or as a Schoolhouse, or Schoolmaster's House, Garden, or Play-ground, or as a College, Academy, or Seminary, or as a Hall or Rooms for the Meetings or Transaction of the Business of such Congregation or Society or Body of Men, and wherever the Charter, Disposition, Conveyance, or Lease of such Heritable Property has been or may be taken in favour of the Minister, Kirk Session, Vestrymen, Deacons, Managers, or other Office-bearers or Office-bearer of such Congregation or Society or Body of Men, or any of them, or of Trustees appointed or to be from Time to Time appointed, or of any Party or Parties named in such Charter, Disposition, Conveyance, or Lease, in trust for behoof of the Congregation or Society or Body of Men, or of the Individuals composing the same, such Charter, Disposition, or Conveyance, when followed by Infeftment duly expede and recorded in Terms of Law, or such Lease, shall not only vest the Party or Parties named therein in the Lands, Houses, or other Heritable Property thereby feud, conveyed, or leased, but shall also, after the Death or Resignation or Removal from Office of such Party or Parties, or any of them, effectually vest their Successors in Office for the Time being, chosen and appointed in the Manner provided in such Charter, Disposition, Conveyance, or Lease, or if no Mode of Appointment be therein set forth or prescribed, then in Terms of the Rules or Regulations of such Congregation or Society or Body of Men, in such Lands, Houses, or Property, subject to such and the like Trusts, and with and under the same Powers and Provisions, as are contained in the Charter, Disposition, Conveyance, or Lease given and granted to the Parties, Disponees, or Lessees therein, and that without any Transference, Assignment, Conveyance, or other Transmission or Renewal of the Investiture whatsoever, anything in such Charter, Disposition, Conveyance, or Lease contained to the contrary notwithstanding.

Heritable Property conveyed for religious or educational Purposes to vest in Disponees or their Successors.

Providing for Payment in lieu of Casualties of Superiority.

II. And be it enacted, That where no Agreement shall have been made or shall be made with the Superior of such Heritable Property for a periodical or other Payment in lieu of the Casualty or Composition payable by Law or in Terms of the Investiture upon the Entry of Heirs and singular Successors, or where the Casualty and Composition shall not have been taxed, and where by Law and under the Terms of the Investiture Composition as on the Entry of a singular Successor would be, or but for the Provisions of this Act would have been, payable upon the Entry of any Party or Parties as Successors to the Party or Parties in whose Name the Titles shall have been expede or recorded as aforesaid, it shall be lawful for such Superior, at the Death of the existing Vassal in such Heritable Property, and at the Expiration of every Period of Twenty-five Years thereafter, so long as such Heritable Property shall belong to or be held for behoof of such Congregation or Society or Body of Men, to demand and take from such Congregation or Society or Body of Men, or other Party or Parties to whom such Heritable Property may have been or shall be feued or conveyed, or by whom the same may be held, for their Behoof, a Sum corresponding to the Casualty or Composition, if any such shall in the Circumstances be due, which would have been payable upon the Entry of a singular Successor therein, and such Payments shall be in full of all Casualties of Entry and Composition payable to the Superior for or furth of such Heritable Property while the same shall remain the Property or be held for behoof of such Congregation or Society or Body of Men, and the Superior shall have all such and the like Preference and Execution for the Recovery of such Sums as Superiors have for the Recovery of Casualties of Superiority according to Law: Provided always, that where such Casualty or Composition shall not have been taxed in the Investiture, and the Heritable Property so feued or conveyed shall not be

be situated in a Town or Village, or in the immediate Vicinity thereof, the Casualty or Composition payable therefor shall be held to be the annual Rent or annual Value of the Land so feued or conveyed, if let as an agricultural Subject at the Time when such Casualty or Composition shall become due and exigible in virtue of this Act.

Sums invested on Heritable Security for religious, educational, or charitable Purposes to vest in Disponees and their Successors.

III. And be it enacted, That wherever any Sum or Sums of Money shall have been or shall be invested on Heritable Security in *Scotland* for the Behoof of any such Congregation or Society or Body of Men as aforesaid, for the Purposes aforesaid, or for any religious, educational, or charitable Object under their Administration and Management, and the Bond and Disposition in Security or other Deed whereby such Security has been or may be constituted shall have been or shall be taken in favour of any Minister, Kirk Session, Vestrymen, Deacons, Managers, Office-bearers or Office-bearer, or of Trustees as aforesaid, and duly recorded or followed by Infeftment (where Infeftment shall be necessary) duly expede and recorded in Terms of Law, such Bond and Disposition in Security or other Deed and Infeftment (if any) shall not only effectually vest the Party or Parties therein named in such Bond and Disposition in Security or other Deed, but shall also, after the Death or Resignation or Removal from Office of such Party or Parties or any of them, effectually vest their Successors in Office for the Time being chosen and appointed in the Manner provided in such Bond and Disposition in Security or other Deed, or if no Mode of Appointment be therein set forth or prescribed, then in Terms of the Rules of such Congregation or Society or Body of Men in such Bond and Disposition in Security or other Deed, and the Sum or Sums of Money therein contained, subject to the same Trusts, and with and under the same Powers and Provisions, as are contained in the Bond or Disposition in Security or other Deed given and granted to the Parties Disponees therein, and that without any Transference, Assignment, Conveyance, or other Transmission, or Renewal of Investiture whatsoever, anything in such Bond or Disposition in Security or other Deed to the contrary notwithstanding.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XIV.

An Act to authorize a further Advance of Money to certain distressed Poor Law Unions, and to make Provision for the Repayment of Advances made and authorized to be made to Poor Law Unions and other Districts, in *Ireland*. [17th *May* 1850.]

'WHEREAS under an Act of the Second Year of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, an Act of the Fifth Year of Her Majesty, "to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes," an Act of the Tenth Year of Her Majesty, "to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor," an Act of the Twelfth Year of Her Majesty, "to provide additional Funds for Loans for Drainage and other Works of public Utility in *Ireland*," and an Act of the last Session of Parliament, "to provide additional Funds for Loans by the Public Works Commissioners for building Workhouses in *Ireland*," Loans have been made by the Public Works Loan Commissioners to or on behalf of many Unions in *Ireland*, for the Purposes of building Workhouses and the other Purposes in relation to Workhouses in the first-recited Act mentioned, and other Loans may be made for the like Purposes under the Authority of the same Acts: And whereas under the Authority of an Act of the First Year of Her Majesty, intituled *An Act to amend the Acts for the Extension and Promotion of Public Works in* Ireland, and of an Act of the Ninth Year of Her Majesty, intituled *An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in* Ireland, certain Advances were made by the Commissioners of Public Works in *Ireland* for the Construction of Public Works, of which Advances under the Provisions of such Acts a Moiety was to be repaid, and was to be raised on the Counties at large, or the Baronies, Half Baronies, or other Divisions, in which such Works had been executed: And whereas under an Act of the Tenth Year of Her Majesty, intituled *An Act to facilitate the Employment of the Labouring Poor for a limited Period in the distressed Districts in* Ireland, considerable Sums of Money were advanced for the Execution of Public Works in *Ireland;* and under the Provisions of such Act, and of an Act of the Eleventh Year of Her Majesty, intituled *An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in* Ireland *by the Employment of the Labouring Poor*, and of the said Act of the Twelfth Year of Her Majesty, Annuities are charged upon several Baronies, Half Baronies, Electoral Divisions, and other Districts in *Ireland* in respect of Moieties of the several Sums advanced for the Execution of Works within the same: And whereas under the Authority of an Act of the Tenth Year of Her Majesty, intituled *An Act for the temporary Relief of destitute Persons in* Ireland, Advances were made by way of Loan to several Unions and Electoral Divisions in *Ireland*, out of the Public Monies, by the Relief Commissioners, and considerable Sums in respect of such Advances remain unpaid: And whereas it is expedient to authorize an Advance of Public Money, to a limited Amount, to assist certain distressed Poor Law Unions and Electoral Divisions in *Ireland* in the Discharge of Debts incurred before the passing of this Act: And whereas it is expedient that the Debts due by certain Districts in *Ireland* in respect of the several Loans and Advances herein-before referred to should be consolidated, and that Provision should be made for the

1 & 2 Vict. c. 56. 5 & 6 Vict. c. 9. 9 & 10 Vict. c. 80. 11 & 12 Vict. c. 51. 12 & 13 Vict. c. 86. 7 W. 4. & 1 Vict. c. 21. 9 & 10 Vict. c. 1. 9 & 10 Vict. c. 107. 10 & 11 Vict. c. 87. 11 & 12 Vict. c. 51. 10 & 11 Vict. c. 7.

'Repayment thereof by Annuities for Terms suited to the Circumstances of such Districts respectively:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be issued from Time to Time, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole Three hundred thousand Pounds, for Advances by way of Loan to the Guardians of the Poor of such of the Unions in *Ireland* as the said Commissioners of Her Majesty's Treasury shall think fit; and the Sums to be issued under the Authority of this Act shall be paid to the Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, and shall be advanced by such last-mentioned Commissioners to the Guardians of such of the Unions aforesaid, and paid to such Persons, and subject to such Conditions in respect of the Application thereof for or towards the Discharge of all or any of the Debts or Liabilities of such Unions, or of any Electoral Division of such Unions, contracted before the passing of this Act, as the said Commissioners of Her Majesty's Treasury shall think fit; and all Sums to be advanced as aforesaid shall carry Interest at the Rate of Three Pounds *per Centum per Annum* from the respective Times of advancing the same, and, unless the same shall be repaid by way of Annuities as herein-after mentioned, shall be repaid, with Interest as aforesaid, by the Treasurers of the Unions on behalf of which the same shall have been advanced, out of any Monies which may be received by them in respect of Rates, at such Times and in such Manner as the said Commissioners of the Treasury shall direct.

Treasury empowered to issue 300,000*l.* towards the Discharge of Debts of distressed Unions in Ireland.

II. And be it enacted, That where the Commissioners of Her Majesty's Treasury think it expedient that the Debts and Liabilities of any of the several Unions and Electoral Divisions, Counties, Baronies, Half Baronies, Counties of Cities and Counties of Towns, and other Districts, in *Ireland*, in respect of the Loans and Advances of Public Money made under the Acts herein-before recited or any of them, and also in respect of any Loans for building Workhouses, and of any Advances under the Authority of this Act which may have been made to or in behalf of any such Unions before the Time at which such Account as herein-after mentioned in relation to such Unions respectively shall be taken, should be consolidated and repaid as herein mentioned, it shall be lawful for such Commissioners to inquire into and cause to be ascertained the whole Amount of such Debts and Liabilities upon an Account taken in each Case up to such Time as they may think fit.

Treasury to ascertain the Liabilities of the several Unions and other Districts in Ireland where they may think a Consolidation desirable.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, after such Inquiry as aforesaid, to adjust and fix the proportionate Amount which, if this Act had not been passed, would have been borne by each Townland or other Denomination or Place comprised in any such Union and Electoral Division, or in any such County, Barony, Half Barony, County of a City, County of a Town, or other District as aforesaid, in respect of all the Debts or Liabilities (inquired into and ascertained as aforesaid) as well of the Union and Electoral Division as of any such County, Barony, Half Barony, County of a City, County of a Town, or other District in which such Townland or other Denomination or Place is comprised, and to cause to be charged on such Townland or other Denomination or Place an Annuity which they shall deem equivalent to such proportionate Amount; and where it appears to the Commissioners of Her Majesty's Treasury, after such Inquiry as aforesaid, that all the Townlands or other Denominations or Places comprised in any Electoral Division are liable to contribute to the Discharge of the same Debts and Liabilities, they may, if they see fit, instead of causing to be charged a separate Annuity on each such Townland, Denomination, or Place, cause to be charged on such Electoral Division One Annuity which they shall deem equivalent to the proportionate Amount which should be borne by all such Townlands, Denominations, or Places, in respect of all such Debts and Liabilities; and every Annuity to be charged under this Act shall commence in such Year, and be payable for such Number of Years and on such Day in every Year during the Continuance thereof, as the said Commissioners of Her Majesty's Treasury shall think fit; and it shall be lawful for the Commissioners of Her Majesty's Treasury, if they so think fit, to direct that any Annuity for the Time being payable under this Act shall be converted into an Annuity payable on such yearly Days as aforesaid, but of a longer or shorter Duration, which shall appear to them to be of equal Value to the Portion outstanding of the original Annuity; provided that no such original Annuity, nor any such Annuity made payable after such Conversion as last aforesaid, be of longer Duration than Forty Years, computed from the Commencement of the original Annuity.

The Liabilities of the several Districts to be proportionately charged on the Townlands comprised therein.

IV. And be it enacted, That when the Commissioners of Her Majesty's Treasury have ascertained the Annuities which should be charged on all or any of the Electoral Divisions, Townlands, and other Denominations and Places, if any, in any Union in *Ireland*, they shall transmit to the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* a Statement showing all the Annuities which should be so charged, and the Duration and Day of Payment thereof respectively; and the said last-mentioned Commissioners shall forthwith on the Receipt of such Statement issue an Order under their Seal, addressed to the Guardians of such Union, setting forth the Amount, Duration, and Day of Payment of the Annuity to be charged on each Electoral Division, Townland, and other Denomination and Place, if any, in such Union, and directing the Guardians of such Union to proceed in relation to every such Annuity according to the Provisions of this Act, and every such Annuity shall become so charged according to the Tenor of such Order; and such Guardians shall, in the first Rate to be made on the Electoral Division comprising the Townland or other Denomination or Place charged with any separate Annuity, after the yearly Day of Payment of such Annuity in every Year so long as such Annuity

Treasury to transmit Statements of the Annuities to Poor Law Commissioners, who are to issue Orders to the Guardians of each Union.

Annuity shall remain payable, assess and raise the yearly Sum payable in respect of the Annuity which under such Order as aforesaid is to be charged on such Townland or other Denomination or Place by a Rate on the rateable Hereditaments comprised in such Townland or other Denomination or Place, in addition to the Rate made thereon for the general Purposes of the Electoral Division; and such Addition to the Rate shall be deemed to be Part of the Rates made upon and belonging to the Electoral Division, and shall be collected accordingly, and lodged with the Treasurer of the Union, to the Credit of such Electoral Division; and where One Annuity is charged on an Electoral Division, such Guardians shall provide for Payment thereof by Additions to the Rates from Time to Time made upon such Electoral Division.

Treasurer of each Union to reserve a Third Part of the Lodgments for Rates on account of the Division for Payment of Annuities.

V. And be it enacted, That the said Commissioners for administering the Laws for the Relief of the Poor in *Ireland* shall, upon the Receipt of the Statement transmitted to them by the Commissioners of Her Majesty's Treasury, transmit to the Treasurer of every such Union an Order under their Seal setting forth the Amount payable on account of the Annuity to be charged on each Electoral Division, if any, of such Union, or, as the Case may require, the aggregate Amount payable on account of the Annuities to be charged on all the Townlands and other Denominations and Places, if any, situate in each Electoral Division of such Union, and the yearly Day of Payment of such respective Annuities; and in case the Board of Guardians shall not sooner pay the same, the said Treasurer shall, from all Lodgments made with him from Time to Time of the first or any subsequent Rate or Rates on account of each such Electoral Division in the Union, after every yearly Day of Payment of such Annuities, reserve One equal Third Part thereof, and place the same to the Credit of the Electoral Division in an Account to be entitled the "Loans Repayment Account," until the aggregate Amount which shall become payable from Time to Time on account of the Annuity charged on such Electoral Division, or, as the Case may require, the Annuities charged on all the Townlands and other Denominations and Places, if any, in such Electoral Division, and all Arrears, if any, in respect of any previous Year or Years, shall have been received, and placed to such Account as aforesaid; and the Treasurer of the Union shall pay over from Time to Time all Sums so reserved as aforesaid into the Bank of *Ireland*, to be there placed to a separate Account, in the Name of the Paymaster of Civil Services in *Ireland*, to be entitled the "Loans Repayment Account;" and all Sums from Time to Time paid into such Account as last aforesaid shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Rate in Aid under *12 & 13 Vict. c. 24.* to be paid before Annuities under this Act.

VI. Provided always, and be it enacted, That where any Sum leviable under the Provisions of an Act of the last Session of Parliament, intituled *An Act to make Provision, until the Thirty-first Day of* December *One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in* Ireland, on any such Electoral Division as aforesaid, remains unpaid, the said One Third Part of such Lodgments as aforesaid with the Treasurer of the Union in respect of Rates on account of such Electoral Division shall not be applied to any Payment in respect of Annuities under this Act until the Sum leviable under the said Act of the last Session of Parliament is paid, but after Payment of the Sum so leviable the One equal Third Part of all subsequent Lodgments in respect of such Rates as aforesaid shall be carried to the said Loans Repayment Account, and applied according to the Provisions of this Act, until the aggregate Amount of all the Sums which may have become due in respect of the said Annuities shall be discharged.

Treasury may make Additions to Annuities in respect of Advances under this Act and future Workhouse Loans.

VII. And be it enacted, That in case, after any Annuity shall have been charged under the Provisions of this Act on any Electoral Division, Townland, or other Denomination or Place, any Loan shall be made for building Workhouses, or other Purposes in relation to Workhouses, under the Acts herein-before mentioned, or any Advance shall be made under the Authority of this Act to the Union in which such Electoral Division, Townland, or other Denomination or Place shall be comprised, it shall be lawful for the Commissioners of Her Majesty's Treasury to make an Addition to such Annuity proportioned to the Share of such Loan or Advance which should be borne by such Electoral Division, Townland, or other Denomination or Place; and when such Commissioners shall make such Addition as aforesaid, and when they shall think fit to convert any Annuity or Annuities for the Time being charged under this Act into an Annuity or Annuities of longer or shorter Duration, such Commissioners shall transmit a Statement of the Annuity or Annuities increased by such Addition as aforesaid, or which should be charged under such Conversion upon all or any of the Electoral Divisions, Townlands, or other Denominations or Places in any Union in *Ireland*, to the said Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, and the last-mentioned Commissioners shall issue like Orders under their Seal to the Guardians of the Union and to the Treasurer of the Union respectively as herein-before directed in respect of the Annuities originally charged under this Act, and all the Provisions of this Act in relation to the Annuities originally charged under this Act, and the Rates to be made in respect thereof, and the Payment of such Annuities, shall apply to the Annuities increased by such Addition as aforesaid, or to be charged upon such Conversion as aforesaid.

Treasury may suspend the Recovery of Workhouse Loans and Monies levied by Grand Jury Presentments.

VIII. And be it enacted, That where the Commissioners of Her Majesty's Treasury think fit that any Inquiry should be made under this Act in relation to the Debts and Liabilities of any Union, Electoral Division, County, Barony, Half Barony, County of a City, or County of a Town, or other District in *Ireland*, for the Purposes of this Act, it shall be lawful for the said Commissioners to authorize and direct the Public Works Loan Commissioners to forbear to require or enforce Payment of any Instalment which may become payable from any such Union in respect of any Loan made by such Public Works Loan Commissioners, as herein-before mentioned; and where, in respect of any such Debts or Liabilities,

Money

Money is under the Acts herein-before recited or any of them to be raised in such County, Barony, Half Barony, County of a City, County of a Town, or other District, by Grand Jury Presentment, or under the Warrant or Warrants of the Treasurer of the County, County of a City, or County of a Town, or the Finance Committee, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Order directed to the Treasurer of the County, County of a City, or County of a Town in which or in any District within which such Money is to be raised, or, in the Case of the County of *Dublin*, by Order addressed to the Finance Committee of such County, to authorize such Grand Jury and Treasurer or Finance Committee, as the Case may be, to suspend the raising and levying of any Monies which should be raised and levied in respect of such Debts and Liabilities as aforesaid by Grand Jury Presentment at, or by Warrant of such Treasurer or Finance Committee after, the Spring Assizes or Presenting Term of the Year One thousand eight hundred and fifty, or any subsequent Assizes or Presenting Term; and where any such Order shall be so directed by the said Commissioners of Her Majesty's Treasury to such Treasurer or Finance Committee of any County, County of a City, or County of a Town, no Grand Jury Presentment shall, after the Receipt of such Order, be made in relation to the Monies in such Order mentioned, nor shall such Treasurer or Finance Committee insert in his or their Warrant or Warrants any such Monies, or issue any separate Warrant or Warrants for the same, whether any Presentment shall or shall not have been made in relation thereto; and in case before the passing of this Act, or before the Receipt of such Order of the Commissioners of Her Majesty's Treasury, any separate Warrant of such Treasurer or Finance Committee for any such Monies, or any Warrant of such Treasurer or Finance Committee including such Monies, shall have been issued after the Spring Assizes or Presenting Term of the Year One thousand eight hundred and fifty, such Treasurer or Finance Committee shall issue to the respective High Constables and Collectors of Grand Jury Cess whom it may concern Orders, as the Case may require, revoking such separate Warrant, or directing such High Constables or Collectors respectively to abate and abstain from collecting such Part of the Sum for which any Warrant may have been so issued as may have been inserted therein in respect of the Monies mentioned in the said Order of the Commissioners of Her Majesty's Treasury, specifying, as to the respective Townlands and Districts, the respective Amounts of the Abatement to be made, and such High Constables and Collectors shall proceed in accordance with such Orders: Provided always, that all Instalments of any Workhouse Loan, and all Monies of which the Recovery, levying, and raising respectively shall be suspended as aforesaid, and all Arrears (if any) in respect of the same Debts and Liabilities, shall be included in the Account to be taken as aforesaid of the Debts and Liabilities of the County, County of a City, County of a Town, Barony, Half Barony, Union, Electoral Division, or other District in which the same would have been levied and raised if this Act had not been passed.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XV.

An Act to authorize the Establishment of Courts of Appeal for certain of Her Majesty's *West India* Colonies. [31st *May* 1850.]

'WHEREAS the Councils and Assemblies of Her Majesty's Colonies of *Antigua*, *Saint Christopher*, and *Dominica* are desirous to provide an Appeal from the Judgments and Sentences of certain 'of the Courts of such Islands respectively to a Court to be holden in One of such Islands: And 'whereas it is expedient that Provision be made for the Establishment of Courts of Appeal as well for 'the said Islands as for others of Her Majesty's Colonies in the *West Indies* herein-after mentioned, 'where the local Legislatures may desire the Establishment thereof; but effectual Provision cannot be 'made for that Purpose without the Authority of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case it appear to Her Majesty that by any Act or Acts already passed or hereafter to be passed by the Legislatures of the Colonies of *Antigua*, *Saint Christopher*, and *Dominica*, or of the other Colonies now comprised in the Commission of the Governor of *Antigua*, or by any of such Legislatures, and confirmed by Her Majesty with the Advice of Her Privy Council, due Provision has been made for the Establishment and Maintenance of such Court of Appeal as herein-after mentioned, and for defining the Jurisdiction of such Court in relation to the Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty, by any Order to be by Her made with the Advice of Her Privy Council, to erect and establish, for and in relation to the Colony or Colonies for which such Act or Acts may be passed, a Court of Appeal, to consist of such Judge or Judges and to have such ministerial or other Officers thereof as by such Act or Acts may be provided; and such Court shall hold its Sittings in such Place or Places within the said Colonies or any of them, and at such Times, and shall have such Jurisdiction for the hearing and determining of such Appeals from Judgments, Decrees, Orders, and Rules, and other Determinations of all or any of the Courts of such Colony or Colonies, as by such Act or Acts may be provided.

Her Majesty may establish a Court of Appeal for any of the Islands comprised in the Commission of the Governor of Antigua, on due Provision being made for the Establishment and Maintenance of such Courts.

II. And be it enacted, That in case it appear to Her Majesty that by any Act or Acts to be passed by the Legislatures of the Colonies now comprised in the Commission of the Governor of *Barbadoes*, or any of such Legislatures, and confirmed by Her Majesty with the Advice of Her Privy Council, due Provision has been made for the Establishment and Maintenance of such Court of Appeal as herein-after mentioned, and for defining the Jurisdiction of such Court in relation to the Colony or Colonies for which such

Her Majesty may establish a Court of Appeal for all or any of the Islands com-

such Act or Acts may be passed, it shall be lawful for Her Majesty, by any Order to be by Her made with the Advice of Her Privy Council, to erect and establish, for and in relation to the Colony or Colonies for which such Act or Acts may be passed, a Court of Appeal, to consist of such Judge or Judges and to have such ministerial or other Officers thereof as by such Act or Acts may be provided; and such Court shall hold its Sittings in such Place or Places within the said Colonies or any of them, and at such Times, and shall have such Jurisdiction for the hearing and determining of such Appeals from Judgments, Decrees, Orders, and Rules, and other Determinations of all or any of the Courts of such Colony or Colonies, as by such Act or Acts may be provided. prised in the Commission of the Governor of Barbadoes.

III. And be it enacted, That in case, by reason of due Provision for the Purposes herein-before mentioned not having been made by such Acts as aforesaid in relation to all the Colonies now comprised in the Commission of the Governor of *Antigua*, or in relation to all the Colonies now comprised in the Commission of the Governor of *Barbadoes*, a Court of Appeal shall have been established by such Order as aforesaid for some only of the Colonies comprised in either of the said Governments, and due Provision shall be afterwards made by Act or Acts to be passed by the Legislature or Legislatures of any other or others of the said Colonies now comprised in the same Commission, and confirmed by Her Majesty as aforesaid, for giving to such Court Jurisdiction in relation to such Colony or Colonies or any of them, and for defining such Jurisdiction, and for contributing to the Maintenance of such Court, it shall be lawful for Her Majesty, by Order made with such Advice as aforesaid, to extend the Jurisdiction of such Court in relation to the Colony or Colonies in which such Act or Acts may be passed accordingly. Jurisdiction of Court may be extended over the Islands not originally subject to it.

IV. And be it enacted, That the Jurisdiction and Authority expressed to be given to any Court of Appeal to be established under this Act in relation to any of the said Colonies by any Act or Acts passed by the Legislature of such Colony, and confirmed by Her Majesty as aforesaid, and all Jurisdiction and Authorities given to such Court by any such Order in Council as aforesaid in relation to such Colony, in accordance with any such Act or Acts as aforesaid, may, notwithstanding the Establishment of such Court, or the holding of the Sittings thereof, beyond the local Limits of such respective Colony, be exercised as fully and effectually, and the Provisions of such Acts and Orders in Council in relation thereto shall have the same Force and Effect, as if the same had been given and enacted by Parliament. Jurisdiction may be exercised under Acts of Colonial Legislature by the Courts when sitting beyond the Limits of a Colony.

V. Provided always, and be it enacted, That it shall be lawful for the respective Legislatures of the several Colonies in relation to which any Court of Appeal established under this Act may have Jurisdiction, from Time to Time, by any Act or Acts confirmed by Her Majesty as aforesaid, to extend, restrict, or vary, in relation to such respective Colony and the Courts thereof, the Jurisdiction of such Court of Appeal. Jurisdiction may be varied by Acts of Colonial Legislature.

VI. And be it enacted, That it shall and may be lawful for Her Majesty, by any such Order or Orders of Her Majesty in Council as aforesaid, or by any other Order or Orders in Council to be made in that Behalf, to allow any Person or Persons feeling aggrieved by any Judgment, Decree, Order, or Sentence of the said Courts of Appeal respectively to appeal therefrom to Her Majesty in Council, in such Manner, within such Time, and under and subject to such Rules, Regulations, and Limitations as Her Majesty by such Order or Orders in Council respectively shall appoint and prescribe. Appeal to Her Majesty in Council.

VII. And be it enacted, That nothing in this Act shall be construed to interfere with or prevent the Operation of an Act passed in the Sixth Year of King *William* the Fourth, intituled *An Act to make Provision for the better Administration of Justice in certain of His Majesty's* West India *Colonies*. 6 & 7 W. 4. c. 17. not to be affected.

VIII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament. Act may be amended, &c.

CAP. XVI.

An Act to enable the Judges of the Courts of Common Law at *Westminster* to alter the Forms of Pleading. [31st *May* 1850.]

'WHEREAS by an Act of the Fourth Year of King *William* the Fourth, and an Act of the Second Year of Her Majesty, Powers were given to the Judges of the Superior Courts of Common Law at *Westminster* to make (within Periods which have expired) Alterations in the Forms of Pleading: And whereas it is desirable that Powers should be given to the said Judges, within such Time and under such Limitations as herein-after expressed, to make such further Alterations in Pleadings as they may deem expedient, and such other Alterations as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Judges of the said Superior Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, shall and may, by any Rule or Order to be from Time to Time by them made in Term or Vacation, at any Time within Five Years after the passing of this Act, make such Alterations in the Mode of pleading in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and in the Time and Manner of objecting to Errors in Pleadings and other Proceedings, and in the Mode of verifying Pleas and obtaining final Judgment without Trial in certain Cases, and such Regulations as to the Payment of Costs, and otherwise for carrying into effect the said Alterations, as to them may seem expedient; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within Five Days after the next Meeting 3 & 4 W. 4. c. 42. 1 & 2 Vict. c. 100. Judges of the Superior Courts may make Rules or Orders for altering the Mode of pleading, &c. in Actions at Law.

Such Rules or Orders not to be valid until Three Months after being laid before Parliament; and may previously be declared suspended by Proclamation or Resolution.

Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Three Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall, from and after such Time aforesaid, be binding and obligatory on the said Courts and all other Courts of Common Law, and on all Courts of Error into which the Judgments of the said Courts or any of them shall be carried by any Writ of Error, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament by any Resolution passed at any Time within Three Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error.

CAP. XVII.

An Act to amend an Act of the last Session of Parliament for granting Relief against Defects in Leases made under Powers of Leasing. [31st *May* 1850.]

12 & 13 Vict. c. 26.

12 & 13 Vict. c. 110.

'WHEREAS an Act was passed in the last Session of Parliament, "for granting Relief against "Defects in Leases made under Powers of Leasing in certain Cases;" and by another Act of 'the same Session the Operation of the said first-recited Act was suspended until the First Day of *June* 'One thousand eight hundred and fifty: And whereas it is expedient that the said first-recited Act should 'be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said first-recited Act as enacts that the Acceptance of Rent under any such invalid Lease as therein mentioned shall, as against the Person accepting the same, be deemed a Confirmation of such Lease, shall be repealed.

12 & 13 Vict. c. 26. § 3. repealed.

When Acceptance of Rent to be deemed a Confirmation.

II. And be it enacted, That where, upon or before the Acceptance of Rent under any such invalid Lease, as in the said first-recited Act mentioned, any Receipt, Memorandum, or Note in Writing, confirming such Lease, is signed by the Person accepting such Rent, or some other Person by him thereunto lawfully authorized, such Acceptance shall, as against the Person so accepting such Rent, be deemed a Confirmation of such Lease.

Where Reversioner is able and willing to confirm, Lessee to accept Confirmation.

III. And be it enacted, That where during the Continuance of the Possession taken under any such invalid Lease, as in the said first-recited Act mentioned, the Person for the Time being entitled (subject to such Possession as aforesaid) to the Hereditaments comprised in such Lease, or to the Possession or the Receipt of the Rents and Profits thereof, is able to confirm such Lease without Variation, the Lessee, his Heirs, Executors, or Administrators, (as the Case may require,) or any Person who would have been bound by the Lease if the same had been valid, shall, upon the Request of the Person so able to confirm the same, be bound to accept a Confirmation accordingly; and such Confirmation may be by Memorandum or Note in Writing, signed by the Persons confirming and accepting respectively, or by some other Persons by them respectively thereunto lawfully authorized; and after Confirmation and Acceptance of Confirmation such Lease shall be valid, and shall be deemed to have had from the granting thereof the same Effect as if the same had been originally valid.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XVIII.

An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland*. [31st *May* 1850.]

'WHEREAS the Process now in use for the Commencement of Personal Actions in Her Majesty's 'Superior Courts of Common Law in *Ireland* is, by reason of its Variety, Multiplicity, and Fiction, 'inconvenient and objectionable, and it is expedient for the better Administration of Justice to establish 'Uniformity of Process and Practice in the said Courts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the last Day of *Trinity* Term next after the passing of this Act the Process for Commencement of all such Actions, except Actions of Replevin and Ejectment, whether the Action be brought by or against any Person entitled to the Privilege of Peerage or of Parliament, or of the Court wherein such Action shall be brought, or of any other Court, as Attorney thereof, or otherwise, or to any other Privilege, or by or against any Corporation or incorporated Body or Company, or by or against any other Person, shall be according to the Form contained in the Schedule to this Act annexed marked No. 1., and which shall be called a Writ of Summons, and shall bear Date of the Day on which it shall be issued, and be tested by the Common Seal of the said Superior Courts, to be provided as herein-after mentioned, and to be thereunto set by the Clerk of the Writs, Appearances, and Seal, who shall not be required to sign such Writ, but shall enter the Particulars thereof in the Book to be kept for that Purpose, at the Time of sealing thereof.

Process for Commencement of Personal Actions shall be according to Form in Schedule, and be called Writ of Summons.

II. And

Residence and Description of Parties to be mentioned in Writ.

II. And be it enacted, That in every such Writ and Copy thereof the Place of Residence of the Party Plaintiff and the Place of Residence, or supposed Residence, or last known Residence of the Party Defendant, and the usual Designation or Description of such Parties respectively, or such Designation or Description as the Plaintiff or his Attorney may be able to give, shall be mentioned; and every such Writ may be sued out at any Time notwithstanding any Privilege, and may be served personally in any Place in which the Defendant or Defendants may be found, within the Jurisdiction of the Court, and the Person serving the same shall and is hereby required to endorse on the Writ the Place and the Day of the Month and Year of the Service thereof; and every such Writ shall remain in force for Four Calendar Months from the Day of the Date thereof, including the Day of such Date, and no longer.

Writ may be served anywhere, and remain in force Four Months.

No Writ of Summons to be invalid on account of verbal or technical Error or Omission.

III. And be it enacted, That no Writ of Summons issued under the Authority of this Act shall be treated or considered as invalid on account of any verbal or technical Error or Omission in the same; and it shall be lawful for the said Superior Courts of Law respectively, or any Judge or Baron thereof, to decide and determine what is a verbal or technical Error or Omission in any such Writ, and to amend or authorize the Amendment thereof; but all Errors or Omissions which have not a manifest Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Act not to affect 3 & 4 Vict. c. 105.

IV. Provided always, and be it enacted, That nothing in this Act shall interfere with or affect such of the Provisions of an Act of the Fourth Year of Her Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Administration of Justice, in* Ireland, as relate to Arrest on Mesne Process in certain Cases.

Mode of Appearance.

V. And be it enacted, That the Mode of Appearance to every such Writ or under the Authority of this Act shall be by delivering to the proper Officer, at the Writ and Appearance Office herein-after mentioned at the Four Courts in *Dublin*, a Requisition or Docket according to the Form in the said Schedule marked No. 2., such Requisition or Docket to be dated on the Day of the Delivery thereof, and to be entered by the Officer in the Appearance Book, and filed and kept by him.

Days for appearing to run in Vacation as well as in Term.

Provision as to Holidays.

VI. And be it enacted, That the Days for appearing to all such Writs of Summons shall run in all Cases as well in Vacation as in Term Time; and if the last of the Eight Days after the Service of any such Writ of Summons, inclusive of the Day of Service, shall in any Case happen to fall on any of the Days hereby appointed to be observed and kept as Holidays, in such Case the following Day, or, when there shall be consecutive Holidays, the Day following the last of such Holidays, shall be considered as the last of such Eight Days; and if any such Writ shall be served on any Day between the First Day of *August* and the Twentieth Day of *October* in any Year, an Appearance may be entered by the Defendant, or by the Plaintiff for the Defendant, in the usual Way, but no Declaration or Pleading after Declaration shall be filed or Rule entered thereon between the said First Day of *August* and Twentieth Day of *October*.

In default of Appearance, on personal Service being proved, Plaintiff may enter Appearance.

VII. And be it enacted, That if any Defendant in any such Writ, being personally served therewith, shall not appear in due Time after Service thereof according to the Exigency thereof, in such Case it shall and may be lawful for the Plaintiff or Plaintiffs, upon Affidavit being duly made before the proper Officer, and filed in the Writ and Appearance Office, of the personal Service of such Writ at the Place and on the Day endorsed thereon, to enter an Appearance for such Defendant within such Time as may be directed and limited by any General Order of the Judges to be made as herein-after provided, and to proceed thereon as if such Defendant had entered his or her Appearance, any Law or Usage to the contrary notwithstanding.

Mode of Service in Cases against Corporations, &c.

VIII. And be it enacted, That every such Writ of Summons issued against a Corporation aggregate may be served personally upon the Mayor or other head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Barony, Half Barony, or other like District may be served personally on the acting High Constable thereof, or any One of the acting High Constables thereof; and every such Writ issued against the Inhabitants of any County or any City or Town, or the Inhabitants of any Franchise, Liberty, City, Town, or Place, not being Part of a Barony or other like District, may be served personally on some Peace Officer or other known and responsible Officer thereof; and every such Writ issued against any other incorporated Body having a known and responsible Officer or Agent may be served personally on such Officer or Agent; and if any such Defendants shall not appear according to the Exigency of such Writ in due Time after such Service thereof as herein authorized, in such Case, upon Affidavit, made as herein-before provided, of such personal Service of such Writ, and of the Publication of the Notice herein-after provided, it shall and may be lawful for the Plaintiff to enter an Appearance for such Defendants, and to proceed thereon as if such Defendants had entered their Appearance, any Law or Usage to the contrary notwithstanding: Provided always, that in all such Cases a sufficient Notice of the issuing of the Writ shall be given in the *Dublin Gazette*, and in One of the local Newspapers of the County, City, or District in which the Defendant or Defendants, or the Officer or Agent to be served, shall reside; the Days for Appearance to run in such Cases from the Day of the Publication of such Notice in Gazette or Newspaper, whichever shall be the latest.

Courts may direct Substitution of Service.

IX. And be it enacted, That in case it shall be made appear by Affidavit to the Satisfaction of the Court in which the Appearance to the Process should be made, or in Vacation of any Judge of either of the said Courts, that any Defendant has not been personally served with any Writ of Summons, and has not according to the Exigency thereof appeared to the Action, and that due and proper Means were used to serve such Writ, or that such Defendant resides out of the Jurisdiction of the Court and can be

properly served through or upon any Agent or Representative or any Manager of the Real or Personal Estate of such Defendant within such Jurisdiction, or has removed to avoid Service, or on any other good and sufficient Grounds, it shall be lawful for such Court or Judge to authorize such Substitution of Service through the Post Office, or in such Manner, and with such Extension of Time for Service and Appearance, as to them or him shall seem fit; and upon due Proof of such substituted Service by Affidavit it shall and may be lawful for the Plaintiff, in default of Appearance by such Defendant in due Time, to enter an Appearance for such Defendant, and to proceed thereon as if such Defendant had entered his, her, or their Appearance, any Usage or Law to the contrary notwithstanding.

This Act shall extend to Actions of Replevin and Ejectment.

X. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-one this Act shall extend to and include all Actions of Replevin and Ejectment in the Superior Courts of Common Law, and that the Commencement of all such Actions shall be by such Writ of Summons as herein-before set forth, and that all the Powers, Provisions, Regulations, and Directions herein contained with reference to Service, Substitution of Service, the Mode of Appearance, and Means of compelling Appearance, shall be and be deemed and construed as applicable to such Actions of Replevin and Ejectment, any Law or Usage to the contrary notwithstanding, subject however to the further Provisions herein-after contained.

Action of Replevin to be commenced by Writ of Summons.

Particulars to be stated in Writ.

Service of Writ.

XI. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and fifty-one, where any Party whose Goods or Chattels have been distrained shall dispute the Validity of such Distress, and shall be desirous of proceeding by Replevin in any of the said Superior Courts, such Party shall commence any Action for the Recovery of the Goods or Chattels so distrained by a Writ of Summons, such as herein-before provided, which Writ of Summons shall, in addition to any Particulars herein-before required, state the Particulars of the Property distrained, and the Place where such Distress shall have been made, and which Writ shall and may be served by delivering a Copy or Copies thereof to the Defendant or Defendants, or to any Agent or other Person acting for him or them in making such Distress, or in keeping the Goods and Chattels so distrained; and the said Superior Courts of Common Law, and each of them, are and is hereby authorized and empowered and declared to have Authority, Power, and competent Jurisdiction to entertain and determine such Suits.

Plaintiff in such Action may sue out of the same Court a Writ of Replevin.

Form of Writ to be settled by Judges.

Sheriff, upon Security being given, to execute and return Writ within Eight Days.

XII. And be it enacted, That when any such Action shall have been so commenced, it shall be lawful for the Plaintiff therein to sue out of the Court in which such Action shall be instituted a Writ, to be called a Writ of Replevin, directed to the Sheriff of the County in which such Goods and Chattels shall be under Distress, requiring him to replevy the said Goods and Chattels; and the said Superior Courts of Common Law, and each of them, are and is hereby authorized to issue such Writ of Replevin, which shall be in such Form as the Judges shall order and direct, by a General Order to be made as herein-after required for the Regulation of the Practice of the said Courts, and shall be instead of and have the same Force and Effect as any Writs for such Purpose heretofore in use; and the said Sheriff shall, and he is hereby required, upon good Security (by the Bond of the Plaintiff and Two responsible Persons as Sureties conditioned as usual in such Cases) being given to him in double the Amount of the Value of the Property distrained, to execute such Writ, and to return the said Writ, with a correct and proper Statement endorsed thereon of the Manner in which the same shall have been executed, or the Cause why the same has not been executed, to the Court out of which the same shall have issued, within Eight Days, exclusive of any Days hereby appointed to be observed and kept as Holidays, next after such Writ shall have been delivered to him: Provided always, that the Value of the Property so distrained shall be ascertained by the said Sheriff in like Manner as the Value of Goods distrained is now ascertained by Law by the Sheriff in taking Security in Replevins; and that the said Bonds shall be assignable by the Sheriff under like Circumstances and in like Manner, and shall be available to the Assignee thereof, as by Law now authorized and directed with reference to Bail Bonds in Replevin, subject however to such Regulations as the Judges shall as aforesaid order and direct.

Value of Property to be ascertained as heretofore; and Bail Bond to be assignable.

Provision for Removal of Replevin Suits from Inferior to Superior Courts.

XIII. And be it enacted, That where Proceedings in Replevin shall have been instituted in any Court of inferior Jurisdiction, it shall be lawful for either Party to remove the same into one of the said Superior Courts of Common Law as heretofore: Provided always, that the Writs for the Removal of any such Proceedings shall issue out of the Consolidated Writ Office of the said Superior Courts of Common Law instead of the Writ Office of the Court of Chancery; and the said Superior Courts of Common Law and each of them are and is hereby authorized and empowered and declared to have Authority, Power, and competent Jurisdiction to issue Writs for such Purpose, and to entertain and determine the Suits so removed, and to enforce Obedience to all Writs by this Act authorized, as fully as in the Case of any other Writs now issued by the said Courts.

Writs to be in such Form as Judges shall direct.

XIV. And be it enacted, That the Writs for such Removal of Proceedings in Replevin shall be according to such Form as the Judges of the said Superior Courts of Common Law shall, by any General Order to be made as herein-after provided, direct, and shall be instead of and have the same Force and Effect as any Writs for such Purpose heretofore in use, and shall, by the Clerk of the Writs, at the Time of sealing thereof, be assigned, entered, and issued in Rotation for the said Courts, that is to say, the First for the Queen's Bench, the Second for the Common Pleas, and the Third for the Exchequer, and so on in continuous Rotation for the several Courts, so as to produce and keep up an equal Distribution of such Writs; and all subsequent Proceedings in any Suit so removed shall be had and taken in the Court to which the said Writ shall be in the Course of Rotation allotted, and shall be the Business of the said Court and the Officers thereof.

XV. And

Action of Ejectment shall be commenced by Writ of Summons.

XV. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-one, where any Party shall claim Possession of any Lands, Tenements, or Hereditaments, and shall be desirous of proceeding by Ejectment for the Recovery of the same in any of the said Superior Courts, such Party shall commence any Action for such Purpose by a Writ of Summons, such as herein-before provided, which Writ of Summons shall be directed to the immediate Tenant, or any One Tenant in possession, as Defendant, with the Addition of the Words "and all Persons concerned," and shall, in addition to any Particulars herein-before required, contain the Description of the Property sought to be recovered, and the County, Barony, or Parish in which the same is situated, and which Writ shall and may be served in like Manner and upon such Persons as now required for the Service of Ejectments, or as the Judges shall by any General Order made as aforesaid direct.

Particulars to be stated in Writ.

Service of Writ.

Proceedings after Appearance in Replevin and Ejectment.

Judges to make Regulations as to Declarations and Proceedings in Ejectment.

XVI. And be it enacted, That after Appearance in any Action of Replevin and Ejectment the Proceedings shall be, as nearly as may be, the same as in any Personal Action; and the Judges are hereby empowered and required, by any General Order to be made as herein provided, to order and direct what shall be the Form and Substance of any Declaration in Ejectment, and to dispense with and discontinue the Use of the Declaration now used in such Actions, and to dispense with and discontinue the Use of feigned Names and other Fictions in the Declaration, and to make such other Regulations with respect to Proceedings in Ejectment and Judgment thereon and the Costs thereof, as to them shall seem meet; and any General Order so made shall have the Force and Effect of Law, any Law or Usage to the contrary in anywise notwithstanding; provided always, that the Signature of the Attorney for the Plaintiff, with his registered Residence in *Dublin*, shall be sufficient to every such Declaration after the First Day of *January* One thousand eight hundred and fifty-one, and it shall not be necessary that the Name of a Barrister shall be affixed thereto, nor shall the Expense of obtaining such Signature be allowed against the Defendant in such Action.

Proceedings where Defendant does not appear.

XVII. And be it enacted, That if any Defendant in any such Action of Ejectment shall not appear in due Time according to the Exigency of the Writ of Summons, upon due Service thereof, it shall be lawful for the Plaintiff to enter an Appearance for such Defendant according to the Course herein provided with reference to Personal Actions generally; and if there shall be several Defendants in any such Action who shall not appear as aforesaid, the Plaintiff shall not enter several Appearances for them, but it shall be lawful for him to enter One Appearance, including all such defaulting Defendants, and which Appearance shall be deemed to be an Appearance for all the said Defendants, severally as well as jointly; and the Plaintiff shall not file several Declarations against such Defendants so defaulting, but shall file One Declaration, which shall be applicable to all such Defendants jointly and severally, as well as to all Defendants who shall have appeared, and if he obtain Judgment thereon such Judgment shall have the Force and Effect of a Judgment in like Cases against each Defendant severally; and after the filing of the Plaintiff's Declaration it shall be lawful for every Defendant who shall have appeared in any such Action, in pleading to such Declaration, to take Defence for all the Lands and Premises in such Declaration mentioned, or any Part thereof, which Defence shall have the same Effect as Defences in Ejectment now have according to the present Practice of the Courts, subject to such Regulations as the Judges, by any General Order made as herein-after provided, shall direct.

Judges to settle upon and approve of a simple Form of Declaration to be hereafter used in all Actions.

XVIII. And be it enacted, That the said Judges shall and they are hereby required, in manner aforesaid, to settle upon and approve of a plain and simple Form of Declaration to be hereafter used in all Actions at Law which may hereafter be brought or maintained upon any Bill of Exchange, Promissory Note, or for Money had or received by or paid for the Use of any Person, or for Goods sold and delivered, which Form, and no other (unless the Court in which such Action is brought shall, on Motion, make an Order to the contrary,) shall be filed, used, or adopted in all such and the like Actions; and in all such Actions the Name of the Plaintiff and his Residence shall be signed thereto if he shall sue in Person, but otherwise the Name and registered Residence of his Attorney; and no Fee to Council shall be allowed on any such Declaration, nor shall any Signature of a Barrister be necessary thereto.

Costs in Cases of Judgment by Default.

XIX. And be it enacted, That in all Cases when Judgment shall be permitted by the Defendant to go by Default, or where such Defendant shall, within the Period limited by the Practice of the Court, file a Plea of Confession in such Action, no Taxation of Costs on the Part of the Plaintiff shall take place therein, but the Officer of the Court in which Judgment shall be signed shall and he is hereby required, in case the Writ of Summons shall have been served in *Dublin*, to add to such Judgment the Sum of Five Pounds as and for the Plaintiff's Costs, but if the Writ of Summons shall have been served elsewhere in *Ireland*, then the Sum of Six Pounds shall be added for such Costs of the Plaintiff to such Judgment: Provided always, that this Provision shall not extend or be applicable to any Case where by reason of the Defendant being resident out of the Jurisdiction of the Court the Substitution of the Service of the Writ of Summons shall have been rendered necessary.

Writs of every Description may be tested and returnable in Vacation as well as in Term;

XX. And be it enacted, That every Writ of any Description whatsoever to be hereafter issued out of the said Superior Courts of Common Law shall or may be issued and tested or made returnable on any Day, not being one of the Days hereby appointed as Holidays, whether such Day shall be in Term Time or Vacation; and every such Writ so issued, tested, or returnable shall be of the like Validity, Force, and Effect as if the Day of the issuing, testing, or Return of such Writ were actually a Day in Term, any Law or Usage to the contrary notwithstanding: Provided always, that nothing herein contained shall apply or be construed to alter or affect the Process and Practice of the Revenue Side of the Court of Exchequer.

and Writs of Execution may be directed to Sheriff of any County without regard to Venue in Pleadings.

XXI. 'And whereas, according to the present Practice in the said Courts, Writs of Execution must in 'certain Cases in the first instance be directed to the Sheriff of the County or County of the City laid 'or mentioned in the Venue in the Pleadings, and no such Writ of Execution can issue to any other 'County until a Return shall have been had on such first Writ, and such Practice retards the due Admi-'nistration of Justice:' Be it therefore enacted, That from and after the passing of this Act any Writ of Execution, except a Writ of Habere facias possessionem or other Writ of Possession, in any of the said Courts, may issue and be directed in the first instance to the Sheriff of any County or County of a City or other Shrievalty, as the Parties suing out the same may think fit, without regard to the Venue in the Pleadings laid or mentioned, and without any Recital of a previous Writ, any Law or Usage to the contrary notwithstanding.

Rules shall issue and run in Vacation as well as in Term Time.

XXII. And be it enacted, That every Rule or Order, other than Rule on Postea, in or of the said Superior Courts of Common Law or either of them, which according to any present Practice or Usage of the said Courts can or ought only to be made, entered, or issued in Term Time or as in Term Time, or as or on any or some particular Day in Term Time, shall and may be made, entered, or issued on or as of any Day, except the Days hereby appointed to be observed and kept as Holidays, whether such Day shall be in Term Time or Vacation; and the Days limited for Compliance with such Rules or Orders shall, with the Exception of the Days hereby appointed to be observed and kept as Holidays, and of the Days between the First Day of *August* and Twentieth Day of *October*, run in Vacation as well as in Term Time; and all such Rules and Orders shall be of the like Validity, Force, and Effect, and all subsequent Proceedings may be had thereon, as if the Days of making, issuing, and running thereof were actually Days in Term.

Holidays.

XXIII. And be it enacted, That the following, and none other, shall be observed and kept as Holidays in the Offices of the said Courts, and in the Office of Registrar of Judgments; that is to say, *Sunday*, *Christmas Day*, and the Three Days following that Day, *Good Friday*, *Easter Eve*, *Monday* and *Tuesday* in *Easter* Week, *Whit Monday* and *Whit Tuesday*, any Day appointed for a Public Fast or Thanksgiving, and, when they do not occur in Term Time, the Day appointed to be kept as the Birthday and the Day of the Accession of Her Majesty the Queen and Her Successors; and the Days between *Thursday* next before and *Wednesday* next after *Easter* shall not be reckoned or included in any Rules or Notices or other Proceedings, except Notices of Trial and Notices of Inquiry in any of the said Courts.

Courts may hold Sittings in Vacation, by Order published with Week's Notice.

XXIV. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Courts, at their Discretion, to hold Sittings in Banco in Time of Vacation for the Purpose of disposing of Business therein pending and undecided in such Courts respectively; and that such Sittings in Vacation may be holden by virtue of a Rule or Order of the said Courts respectively to be made in or out of Term, whereof a Week's Notice (in such Form as the said Courts respectively shall direct) shall be published in the *Dublin Gazette*, and affixed in some conspicuous Place at the Entrance of such Court respectively making such Order; and that all Judgments to be pronounced at such Sittings in Banco, and all Rules and Orders in respect thereof to be made by virtue of this Act, shall have the same Effect to all Intents and Purposes as if they had been pronounced or made in Term Time.

Judgments and Orders to have same Effect as if made in Term.

Judges to establish Uniformity of Practice.

Code to be agreed upon by Judges, and be the uniform Practice.

Proviso for Alteration or Amendment of Code.

XXV. And be it enacted, That it shall and may be lawful for the said Judges and they are hereby required to cause a Revision to be made and continued from Term to Term of the Practice and Pleading of the said Courts, and on or before the First Day of *January* next following the passing of this Act to make such General Orders as to them shall seem fit, so that thenceforth there shall be Uniformity of Practice and Pleading in the said Courts and the Offices thereof; and any Code of Practice and Pleading consistent with the Provisions of this Act which shall be agreed upon and adopted by the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, and notified by General Order under their Hands, shall thenceforth be the uniform Practice and Pleading to be observed in each of the said Courts and the Offices thereof, any Law or Usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, from Time to Time and at all Times in like Manner to vary, alter, and amend the said Code of Practice and Pleading as to them shall seem fit.

Every Judge of either Court may transact Business depending in any of the Courts.

XXVI. And be it enacted, That every Judge of the said Courts, to whatever Court he may belong, shall have full Power and competent Jurisdiction and shall be and he is hereby authorized to sit in *Dublin*, as well in Term as in Vacation, for the Trial of Issues in Fact arising in any of the said Courts, and to transact in Chamber or elsewhere such Business depending in any of the said Courts as relates to Matters over which the said Courts have a common Jurisdiction, and as may, according to the Course and Practice of the Courts be transacted by a single Judge.

Consolidated Court of Nisi Prius for the Trial of Issues arising in any Superior Courts.

XXVII. And be it enacted, That from and after the First Day of *Hilary* Term next after the passing of this Act the Nisi Prius Courts of the said Superior Courts of Common Law sitting at *Dublin* shall be consolidated, and that thenceforth there shall be but One Common Court of Nisi Prius for the Trial at *Dublin* of Issues in Fact arising in either or any of the Courts, except as herein-after provided, and for the Hearing of Appeals from inferior Jurisdictions; which Court of Nisi Prius shall consist of One Judge or Baron of either of the said Superior Courts, to be chosen for that Purpose by the said Judges and Barons according to such Arrangement as they shall think proper, and in such Order of Rotation that each Court shall, by One of its Judges or Barons, take the Duty in turn by Terms.

Such Court to sit continuously.

XXVIII. And be it enacted, That such consolidated Nisi Prius Court shall sit continuously or by Adjournment, as Occasion may require, from the Second Day of each Term until the End thereof, or so much longer as may be necessary for the Completion of any Trial then in progress before the said Court,

Court, and that Notice of Trial may be served for any Day within the said Period, subject however to such Regulations as to the Class of Cases to tried in the said Court, or otherwise, as the Judges may by any General Order make from Time to Time in that Behalf: Provided always, that nothing herein contained shall be construed to interfere with the Duty of the Chief Judge of each Court as now discharged of sitting after Term for the Trial of Issues at Nisi Prius, but that each of the said Chief Judges shall, notwithstanding the Sittings at Nisi Prius herein provided, sit after Term as heretofore for the Trial of any Issues at Nisi Prius arising in his Court, which shall be entered as heretofore for such after Sittings; and provided also, that if any Issue or Issues entered for Trial in the said consolidated Nisi Prius Court shall remain undisposed of at the Termination of the Sittings of the said Court for any Term, the same shall be transferred to and be deemed to have been entered for such after Sittings, and shall be taken up and disposed of respectively by the Chief Judge of the Court in which such Issues respectively shall have arisen, as if the same had been originally entered for such after Sittings.

Officers of consolidated Nisi Prius Court.

XXIX. And be it enacted, That the Duty of attending such consolidated Nisi Prius Court as Clerk of Nisi Prius shall be discharged by the Town Registrar of the Chief Justice or Chief Baron of the Court to which the Judge sitting at Nisi Prius shall belong; and if it shall happen that such Sitting at Nisi Prius shall not have terminated at any Time when the Chief Justice or Chief Baron shall require the Attendance of his said Registrar for the Purpose of such Nisi Prius Sittings in his own Court as aforesaid, then and in such Case it shall be lawful for the said Nisi Prius Judge to require the Attendance of any of the Assistants or Clerks belonging to his Court who can at such Time be spared from his Office Duties, to act as his temporary Clerk of Nisi Prius; and the Lords Chief Justices and Chief Baron, or any Two of them, shall appoint a fit and proper Person to act as Crier of the said Nisi Prius Court, who shall be paid such Salary as the Commissioners of Her Majesty's Treasury shall direct, the same to be charged and included in the quarterly Accounts of incidental Expenses of the said Courts respectively, in like Manner and Proportions as the Salary of the Court Keeper of the Nisi Prius Court, and other incidental Expenses common to the Three Courts, are now charged; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend or who ought to attend at or for the Trial of any Cause before the said Chief Justice or Chief Baron shall give their Attendance at or for the Trial thereof before such other Judge as shall be sitting for the Trial thereof by virtue of this Act: Provided always, that all Causes intended to be tried at any Sittings at Nisi Prius at *Dublin* shall be entered for Trial with the Registrar of the Chief Justice or Chief Baron of that Court in which the Cause shall be at issue, and all other Process and Proceedings for or relating to the Trials thereof shall be made and issued as heretofore, but nevertheless the Trial of every Cause which shall be tried by virtue of this Act shall be entered and made of Record as having been had and made before the Judge before whom such Cause shall happen to have been actually tried.

Appeals to be heard by consolidated Nisi Prius Court.

XXX. 'And whereas by certain Acts of Parliament now in force in *Ireland* Provision is made for 'enabling any Person who may think himself aggrieved by a Decree or Dismiss of the Recorder of *Dublin* 'upon any Civil Bill, or by a Decree, Dismiss, or Order of the Chairman of the County of *Dublin*, or by 'the Decree of any Seneschal or Steward of any Manor Court within the County of *Dublin*, to appeal from 'such Decree to the Chief Justice of Her Majesty's Court of Queen's Bench or Common Pleas, or to the 'Chief Baron of Her Majesty's Court of Exchequer in *Ireland*, or other Justice of Nisi Prius, at their 'respective Sittings at Nisi Prius for the City of *Dublin*:' Be it enacted, That from and after the Commencement of this Act all such Appeals shall be made to the said consolidated Nisi Prius Court herein-before constituted and authorized at the Sittings thereof which shall commence or be in progress next after the Expiration of Fourteen Days from the Day of making such Decree, Dismiss, or Order, and shall be received and determined by the said Court at any Time or Times of its Sittings which shall be appointed by the Judge of the said Court for that Purpose.

Unequal Distribution of Business to be remedied.

XXXI. 'And whereas much public Inconvenience arises from the unequal Distribution of Business 'amongst the said Superior Courts of Common Law, whereby one Court is often insufficiently employed 'while the others are unduly pressed, to the great Delay and Injury of Suitors and Detriment of Justice, 'and it is expedient to adopt Means to equalize the Business of the said Courts, so far as the same 'can be effected:' Be it therefore enacted, That from and after the Commencement of this Act the several Writ and Appearance and Seal Offices of the Superior Courts of Queen's Bench, Common Pleas, and Pleas Exchequer in *Ireland* shall be consolidated, and there shall be for the said Three Courts but One Common Writ and Appearance and Seal Office for the Entry, Issue, and Sealing of Writs for all and each of the said Courts, and for the Transaction of such other Business as is now transacted at the Writ and Appearance and Seal Offices of such respective Courts, and which Office, and the Officers, Assistants, and Clerks therein, shall be deemed equally the Office, and Officers, Assistants, and Clerks, of each of the said Courts, as well for and in respect of any Business or Proceedings which may have been commenced before and be in progress at the Time of the Commencement of this Act or of any Part thereof as for and in respect of any Business or Proceedings which may be commenced thereafter, and shall be subject to such Orders, Rules, and Regulations as the Lords Chief Justices of the said Courts of Queen's Bench and Common Pleas and Lord Chief Baron of the said Court of Exchequer, or any Two of them, shall from Time to Time or at any Time make for the Regulation and Conduct thereof.

Writ and Appearance and Seal Offices to be consolidated.

Chief Justices to select Clerk of Writs and Assistants from amongst those

XXXII. And be it enacted, That it shall and may be lawful for the Lords Chief Justices of the said Courts of Queen's Bench and Common Pleas and the Lord Chief Baron of the said Court of Exchequer, and they are hereby required, as soon as conveniently may be after the passing of this Act, and in reasonable Time before the Commencement thereof, to select and appoint, from amongst the Officers, Assistants, and

now similarly employed;

and Clerks now employed in the Writ, Appearance, and Seal Offices of the said Three Courts, One of the said Officers now being Clerk of the Writs, Appearances, and Seal, to be the Clerk of the Writs, Appearances, and Seal in the said consolidated Office, and a sufficient Number of the said Assistants and Clerks to discharge the Duties of the said consolidated Office; and the Persons so selected and appointed by the said Chief Justices and Chief Baron shall have the same Powers and Authorities and discharge the like Duties in the said consolidated Office, except as herein-after provided, as were assigned to the Clerks of the Writs, Appearances, and Seal, and their Assistants and Clerks, in the respective Offices of the said Three Courts, under and by virtue of an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expense of the Offices attached to the Superior Courts of Common Law in* Ireland *payable out of the Consolidated Fund*, and shall hold their Offices as therein provided, and shall be entitled to such Salaries respectively as the Commissioners of Her Majesty's Treasury shall assign; and such Salaries, when settled and directed by the said Commissioners of Her Majesty's Treasury, shall be payable to the said Persons respectively in like Manner and out of the same Fund as provided for Payment of Salaries by the said recited Act.

such Clerk of Writs and Assistants to have same Powers, &c. as under 7 & 8 Vict. c. 107.

Future Appointments to be made as herein directed.

XXXIII. And be it enacted, That when and so often as a Vacancy shall occur by the Death, Resignation, or Removal of the Clerk of the Writs to be appointed in pursuance of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being to nominate and appoint some fit or proper Person to fill such vacant Office; provided that the Person so appointed shall be qualified as by the said last-recited Act is directed and required; and when and so often as a Vacancy shall occur by the Death, Resignation, or Removal of any of the Assistants or Clerks in the said Office such Vacancy shall be filled up by the Appointment of such of the Assistants or Clerks then in the said Office holding Situations inferior to that which shall be vacant, as the Masters of the said Superior Courts, or any Two of them, shall select and appoint, with the Approval of the Lords Chief Justices and Chief Baron, or any Two of them; and that on all future Vacancies in the Junior Clerkship in the said Office the Masters of the said Superior Courts, or any Two of them, shall appoint some fit and proper Person to be such Junior Clerk.

Clerk of Writs not to take Affidavits, &c.

XXXIV. Provided always, and be it enacted, That the said Clerk of the Writs shall not take Affidavits, or receive and file any returned Writs, and that all such Writs shall be received and filed by the Pleadings' Assistants respectively of the Courts into which the same shall be returnable.

Officers in Writ Offices not selected, to cease to be such Officers, &c.

XXXV. And be it enacted, That every Officer, Assistant, and Clerk now employed in the said Writ and Appearance and Seal Offices of the said several Courts, and who shall not be so selected and appointed in the said consolidated Office, shall, from the Time of the said Consolidation, cease to be such Officer, Assistant, or Clerk as constituted by the said Act.

Office of Chief Crier of Court of Exchequer abolished, and One Crier only to be appointed.

XXXVI. And be it enacted, That from and after the Commencement of this Act the Office of Chief Crier of the said Court of Exchequer shall be and the same is hereby abolished, and there shall be but One Crier of the said Court, to be appointed and to hold his Office in like Manner as the Crier of each of the other Superior Courts of Common Law; and it shall not be lawful for any Crier of the said Court of Exchequer to ask, demand, or receive any Fee or Fees in respect of Judgments, Appearances, or any other Proceedings at the Law Side of the said Court, but that such Fees shall utterly determine and cease to be payable; and that in lieu thereof such Crier shall in future be paid a Salary of One hundred and twenty Pounds yearly, as in the other Two Superior Courts of Common Law, which Salary shall be payable to such Crier in like Manner and out of the same Fund as herein-before provided for the Payment of Salaries: Provided always, that the said Crier shall account periodically, at such Times and in such Manner as the said Commissioners of the Treasury shall direct, for the Fees to be received by him in respect of Business at the Equity Side of the said Court, and shall pay over the Amount thereof at such Times and in such Manner as the said Commissioners of the Treasury shall direct, so that the same shall be carried to the Credit of the Consolidated Fund: Provided also, that the said Crier shall be entitled to receive such Salary in respect of the said Equity Business as the said Commissioners of the Treasury shall direct, the same to be payable out of the Consolidated Fund.

Crier to be paid in future by Salary, as in the other Courts.

Compensation to Persons affected by Act.

XXXVII. And be it enacted, That every Person holding any Office or Employment in the said several Courts, who shall by the Operation of this Act be deprived of such Office or Employment, or any Emolument arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office or Employment, and what was the Tenure thereof, and what were the lawful Salary or Emoluments in respect of which such Compensation should be allowed, and the said Commissioners in each Case shall award such Compensations, if any, as they shall think just; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that if any Person ceasing under this Enactment to be continued or employed as aforesaid shall be appointed after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended if the Amount of such Salary or Emoluments be greater than the Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments: Provided also, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the Meeting of the Parliament then next assembled.

XXXVIII. And

Writs for Commencement of Actions to be issued in Rotation for the several Courts.

XXXVIII. And be it enacted, That from and after the said Consolidation of Offices all Writs for the Commencement of Personal Actions in the said Courts shall by the Clerk of the Writs be entered and issued in Rotation by Twenty-fives, that is to say, the first Twenty-five for the Queen's Bench, the Second Twenty-five for the Common Pleas, and the Third Twenty-five for the Exchequer, and so on in continuous Rotation of Twenty-fives for the several Courts, so as to produce and keep up an equal Distribution thereof; and all subsequent Proceedings in any Action so commenced shall be had and taken in the Court to which the said Writ shall be in the course of Rotation allotted, and shall be the Business of the said Court and the Offices thereof.

No Plea in Abatement on ground of Privilege valid.

XXXIX. Provided always, and be it enacted, That no Plea in Abatement on the ground of any Privilege possessed or claimed by any Defendant to be sued in any particular Court shall be valid in any such Action.

One Common Seal to be used for the Three Courts.

XL. And be it enacted, That it shall and may be lawful for the Judges of the said several Courts and they are hereby required to devise and adopt and cause to be prepared a fitting Seal, which shall be the Common Seal of the Three Courts, to be affixed to all Writs of either Court by the Clerk of the Writs, and which Seal shall be in lieu of and have the same Force and Effect as the respective Seals of the said Courts now in use.

All Pleadings, &c. to be of uniform Shape and Dimensions.

XLI. And be it enacted, That from and after the Commencement of this Act every Pleading to be filed in any of the Offices of the said Courts shall be engrossed or written on Vellum or Parchment of uniform Shape and Dimensions, with a certain Margin so as to admit of their being filed and kept as herein-after directed; and that every Affidavit or other Proceeding usually written upon Paper, and to be filed in any of the said Offices, shall in like Manner be of uniform Shape and Dimensions, and with a like Margin for the like Purpose; and the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, shall determine and by their Order direct what shall be the Shape and Dimensions and Pattern of such Vellum, Parchment, or Paper respectively, and to what Documents such Regulations shall apply; and the Officers of the said Courts shall not receive or file any Pleading, Affidavit, or Document which shall not be according to such Regulations, and engrossed or written fairly and legibly, and in fit Condition to be placed amongst the Records of the Court.

Judges to fix the Shape and Dimensions of Pleadings, &c.

Officers to file Pleadings, &c.

XLII. And be it enacted, That the Officers whose Duty it shall be to file and keep such Pleadings, Affidavits, and Documents respectively shall file the same as they shall be received in compact Order, attaching them by Laces through the Margin to Portfolio Covers after the Manner of Books, so that the same shall be kept free from Injury and easily accessible; and that when it shall be required to make up any Judgment, the Attorney requiring the same shall deliver to the proper Officer a correct Summary or Recital of the Proceedings, briefly stating the several Pleadings and the Nature thereof, and which Summary shall be written fairly on Parchment, and signed by the Attorney; and thereupon the Officer shall take off from the Pleadings File the several Pleadings in the Cause in which such Judgment shall be required to be made up, and shall place them, together with the said Summary prefixed, in consecutive Order, in like Manner secured by Laces through the Margin, upon the File of Judgments, there to be kept as the permanent Records of the Court.

Attorney to deliver a Summary of Pleadings; and Officer to put Pleadings together on Judgment File.

Summary of Pleadings, &c. to be entered on Judgment Roll.

XLIII. And be it enacted, That from and after the Commencement of this Act it shall not be necessary in enrolling Judgments in any of the said Courts to transcribe the whole Pleadings as heretofore upon the Roll, or to insert Continuances or Imparlances or any other Fictions now used for Form sake; and that it shall in all Cases of enrolling Judgments be sufficient to place on the Roll a correct Summary or Recital of the Proceedings according to Fact, such as herein-before directed, together with the Award of Judgment in proper Form, with a Reference to the original Pleadings on the Judgment File, whereby the same may be immediately found and inspected; and no Judgment so enrolled under the Authority of this Act shall be liable to be disturbed on the Ground of Error on account of any Omissions hereby authorized upon any Plea whatsoever, any Law or Usage to the contrary notwithstanding: Provided always, that if it shall be deemed necessary in any Case for the Prosecution of a Writ of Error, or for any other Purpose, it shall and may be lawful for the Court to order that the whole or any Part of the Pleadings shall be transcribed upon the Roll, and the same shall be transcribed by the proper Officer.

No Judgment to be disturbed on account of Omissions, &c.

Proviso for Cases of Writs of Error, &c.

On filing any Pleading, Affidavit, &c., Copy must be delivered with the Notice, and, except in certain Cases, attested Copy shall not be necessary.

XLIV. And be it enacted, That from and after the Commencement of this Act, on the filing of any Pleading, Affidavit, Document, or Proceeding in any of the Offices of the said Courts or either of them, of which filing it shall be necessary to serve Notice, the Party filing the same shall cause to be served and delivered, together with the Notice thereof, a true Copy of such Pleading, Affidavit, Document, or Proceeding; and it shall not be necessary for either Party to take out or produce in Court or before any Judge or Baron in Chamber an attested Copy of any Pleading, Affidavit, Document, or Proceeding, a Copy of which shall have been delivered, unless it shall happen that the Trial, Hearing, or Motion upon which the Copy of such Pleading, Affidavit, Document, or Proceeding shall be read or used shall be had or made at Assizes, or at any Place where immediate Reference cannot be had to the original Pleading, Affidavit, Document, or Proceeding on the File, in the event of the Accuracy of the delivered Copy being disputed; and all Paper Books for the Judges on Law Arguments, and Transcripts of Records for the Court of Error, shall be prepared and written or engrossed by the Attornies or Parties requiring them, under such Regulations as the Judges shall make in that Behalf by any General Order as herein-before provided.

Expenses certified as proper to be paid as

XLV. And be it enacted, That any Expenses which the said Judges shall certify (as now required with reference to incidental Expenses) to have been necessarily or properly incurred in giving effect to the

Part of incidental Expenses.

the Provisions of this Act shall be charged and paid in like Manner and as Part of the incidental Expenses of the said Courts.

Commissioners for taking Affidavits in One Court shall be Commissioners for all the Law Courts;

XLVI. And be it enacted, That all Persons who shall at the Commencement of this Act have been duly appointed as Commissioners for taking Affidavits or Special Bail in and for any one of the said Superior Courts of Common Law shall be Commissioners for, and they are hereby authorized to take Affidavits or Special Bail in and for each of the said Courts; and the Administration of all Affidavits and all Bail Pieces taken by them or any of them by virtue hereof shall have the same Force and Effect to all Intents and Purposes as if the Commissioner administering or taking the same were duly appointed by Commission from each of the said Courts.

and hereafter shall be appointed by Court of Queen's Bench.

XLVII. And be it enacted, That from and after the Commencement of this Act no Commissioner for taking Affidavits or Special Bail for the said Courts shall be appointed except by the Court of Queen's Bench; and that each and every Person appointed by the said Court as Commissioner for taking Affidavits or Special Bail shall be, by virtue of the Commission issued by the Court of Queen's Bench, a Commissioner duly authorized to all Intents and Purposes for taking Affidavits or Special Bail in and for all the Superior Courts of Common Law, with all the Powers and Privileges now by Law belonging to or hereafter to belong to Commissioners appointed to take Affidavits in and for the said Courts or either of them.

As to Disqualification of Commissioners.

XLVIII. Provided always, and be it enacted, That any Person disqualified by the Order of either of the said Courts from acting as such Commissioner shall be thereupon disqualified from acting as such Commissioner for all the said Courts.

Commencement of Act.

XLIX. And be it enacted, That, save where herein otherwise provided, this Act shall commence and take effect on the last Day of *Trinity* Term next after the passing hereof.

Schedule to be Part of Act.

L. And be it enacted, That the Schedule to this Act annexed, and all Directions and Matters therein contained, shall be deemed and taken to be Part of this Act.

Interpretation of Act.

LI. And be it enacted, That in the Construction of this Act the Words "Judge or Judges" shall be taken to mean also Baron or Barons; and that the Words "Recorder, Chairman, Seneschal, or Steward" shall be taken to include any Deputy of the said Recorder, Chairman, Seneschal, or Steward; and that wherever the Word "County" is used herein it shall be taken to extend to and include, where necessary or consistent, any County of a City or County of a Town, or City and County of any Place, as the Case may be; and that the Words "Party and Person" shall extend to and include any Corporation or other Public Body; and that any Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise provided, or there be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c.

LII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

SCHEDULE to which this Act refers.

No. 1.

Writ of Summons.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To *A.B.* of [*Residence and Description, as the Case may be*], greeting.

We command you, that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of* at Dublin in an Action [*as the Case may be; if in Ejectment add the Words,* "of Trespass and Ejectment for Non-payment of Rent," *or* "on Title," *as the Case may be,* "to recover Possession of" *describing the Lands and Premises,*] at the Suit of *C.D.* of [*Residence and Description, as the Case may be; in Ejectment add the Words,* "and such other Person or Persons as may be necessary to support such Action"]; and take Notice, that in default of your so doing the said *C.D.* may cause an Appearance to be entered for you, and proceed thereon to Judgment and Execution.

* The Name of the Court to be inserted by Clerk of the Writs at the Time of entering and sealing.

Witness the Seal of Our Superior Courts of Common Law hereunto set at Dublin, the Day of in the Year of Our Lord 18 .

Memorandum to be subscribed to the Writ before entering and sealing thereof.

Issued by *E.F.* of No. [*the registered Residence*] Dublin.

Attorney for the said *C.D.*

In Cases where the Plaintiff sues in Person the Form shall be varied and signed accordingly.

Memorandum to be endorsed on the Writ before Service thereof.

N.B.—This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards. (*And if the Action be for liquidated Damages*) the Plaintiff claims £ for Debt and for Costs, and if the Amount thereof be paid to the Plaintiff or his Attorney within Eight Days from the Service hereof, further Proceedings will be stayed.

Memorandum

Memorandum to be endorsed on the Writ in Actions of Ejectment for Nonpayment of Rent before Service thereof.

The Plaintiff claims £ being for Year's Rent up to the Day of 18 , the Times at which the same accrued due being as follows, that is to say, and if the Amount thereof be paid to the Plaintiff or Attorney, together with the Costs, before the Day of 18 , further Proceedings will be stayed.

Attorney for the Plaintiff.

Endorsement to be made on the Writ after Service thereof.

This Writ was served by me *X.Y.* on *A.B.* therein described, personally, at in the County of on the Day of 18 .

(Signed)

N.B.—This Endorsement to be varied as may be necessary in Cases of Corporations, &c., or of substituted Service.

No. 2.

Form for entering Appearance.

Court of

Docket of Appearance.

A.B. at the Suit of *C.D.* } The Defendant *A.B.* this Day appears to the Writ of Summons [*if in Ejectment or Replevin, to be so stated here*] in this Cause by Attorney for the said

Dated this Day of 1850.

No. Dublin.

N.B.—In Cases of Default the Words "pursuant to Statute" *to be inserted after the Word* "appears;" *and in Cases where the Defendant appears in Person the Form shall be varied and signed accordingly. In all Cases the Residence or registered Residence of the Defendant or Attorney appearing shall be stated in the Docket of Appearance.*

CAP. XIX.

An Act to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland*. (*a*) [10th *June* 1850.]

13 & 14 Vict. c. 18.

'WHEREAS by an Act passed in the present Session of Parliament, intituled *An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in* Ireland, it is enacted, 'that the said Act as to certain Provisions thereof shall commence and take effect from and after the last 'Day of *Trinity* Term next after the passing thereof; and it is expedient to prevent Doubts as to the 'Construction of the said Act in that respect:' Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Words "from and after the last Day of *Trinity* Term," in the said Act contained, shall be construed and taken to mean, and the said Words are hereby declared to mean, wherever used in the said Act, the last Day of *Trinity* Term One thousand eight hundred and fifty.

The Words "Trinity Term" in recited Act to mean Trinity Term, 1850.

II. 'And whereas it is by the said Act enacted, that in all Cases when Judgment shall be permitted to 'go by Default no Taxation of Costs shall take place therein, but the Officer of the Court in which Judg- 'ment shall be signed shall and he is thereby required to add to such Judgment the Sums in the said Act 'specified as and for the Plaintiff's Costs:' Be it enacted and declared, That the said Provision shall be construed and taken and it is hereby declared to apply only to Cases of Judgment by Default in personal Actions brought for the Recovery of liquidated Sums under Twenty Pounds.

Provision in Section 19. of recited Act to apply only to Cases herein specified.

III. And be it enacted, That this Act shall take effect from the passing thereof.

Commencement of Act.

CAP. XX.

An Act to amend an Act of the Fifth and Sixth Years of Her present Majesty, for the Appointment and Payment of Parish Constables. [10th *June* 1850.]

5 & 6 Vict. c. 109.

'WHEREAS an Act for the Appointment and Payment of Parish Constables was passed in the Fifth and Sixth Years of Her present Majesty, and it is desirable to amend the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions in the said recited Act made in case of Vacancy by Death or Disqualification of any Constable during his Year of Office shall be extended to the Discharge of any Constable which shall take place under the Powers of the said recited Act.

Provision in case of Discharge of Parish Constables.

(*a*) See *ante*, Cap. 18.

Fees and Allowances.

II. 'And whereas it is by the said recited Act enacted, that certain Fees and Allowances, to be settled 'by Justices in General or Quarter Sessions assembled, shall be paid to Constables for the Service of 'Summonses and Execution of Warrants:' Be it enacted, That the said Fees and Allowances so settled by the Justices in General or Quarter Sessions, and approved by a Secretary of State, as in the said recited Act is required, shall in like Manner be paid to the said Constables for the Execution of any Order of a Justice made in Writing, or for the Performance of any occasional Duties, the same being sanctioned and allowed by Justices in Petty Session assembled.

Justices to fill up Vacancies, in the Case of Death, Resignation, &c. of paid Constables.

III. And be it enacted, That in case of the Death or Resignation or Dismissal for Misconduct of any paid Constable at any Time, it shall be lawful for the Justices of the Division in Petty Sessions assembled forthwith to appoint another paid Constable, from and out of the List of Constables allowed by the said Justices at the Special Sessions last holden for the Appointment of Constables, at the same Rate of Salary as has been agreed by the Vestry in the Manner required by the said recited Act to be given to paid Constables.

Notices for Appointment of Constables to be given by Clerks.

IV. 'And whereas it is by the said recited Act enacted, that due Notice shall be given to Justices 'to hold Special Sessions for the Appointment of Parochial Constables, but it is not stated by whom 'such Notice shall be given:' Be it enacted, That such Notice shall be given by the Clerk or Clerks to the said Justices.

Postmasters, &c. exempt from serving as Constables.

V. 'And whereas it is by the said recited Act enacted, that certain Persons therein named shall be 'freed and exempt from serving the Office of Constable under the said Act:' Be it enacted, That the said Exemption shall extend to all Postmasters and Persons employed in the Business of the Post Office.

5 & 6 Vict. c. 109. s. 23., as to Appointment of Constable to take charge of Lock-up Houses, repealed.

VI. 'And whereas it is by the said recited Act enacted, that whenever the Justices shall have provided 'a Lock-up House under this Act they shall also appoint a superintending Constable to have the Charge 'thereof, who shall have all the Powers and Immunities of a Parish Constable under this Act, and shall 'have the Superintendence of all the Parish Constables appointed in such Parishes as shall be ordered 'by the said Justices, and under such Regulations as they shall make, and every such superintending 'Constable shall be entitled to hold his Office until dismissed by the Justices in General or Quarter 'Session assembled, and shall receive such Salary out of the County Rates as the Justices assembled as 'aforesaid shall order; and it is expedient that the said Enactment should be repealed, and other Pro-'visions made in lieu thereof:' Be it enacted, That the said Enactment shall be repealed; and that it

Superintendents of Constables to be appointed.

shall be lawful for the Justices of the Peace of any County in General or Quarter Session assembled to appoint a superintending Constable for each or any Petty Sessional Division within the said County, who shall have all the Powers and Immunities of a Parish Constable under the said recited Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be ordered by the said Justices, and under such Regulations as they shall make, and shall perform such Duties as the said Justices shall require of him; and whenever the Justices assembled as aforesaid shall have provided a Lock-up House under the said recited Act, they shall also appoint a Constable to have the Charge thereof, who shall also have all the Powers and Immunities of a Parish Constable under the said recited Act; and every superintending Constable, and Constable so appointed to the Charge of a Lock-up House, shall be entitled to hold his Office until dismissed by the Justices in General or Quarter Sessions assembled, and shall receive such Salary and Allowances out of the County Rates as the Justices assembled as aforesaid shall order: Provided always, that Notice of the Day at which any Business relating to the Appointment or Dismissal, or to the fixing or ordering of the Salary and Allowances, of any such Constable shall begin at such General or Quarter Session shall be given by the Clerk of the Peace.

When Lock-up Houses are provided, Justices to appoint Constables to take charge of same.

Notice for Appointment, &c. of Constables to be given by the Clerk.

Act not to apply to the City of London, the Metropolitan Police District, or any Borough or Place within the Provisions of 5 & 6 W. 4. c. 76. and 3 & 4 W. 4. c. 90.

VII. And be it enacted, That nothing herein contained shall be taken to prevent the Appointment of Special Constables, or to apply to the City of *London* or the Metropolitan Police District, or to any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that Act or of any Act made for the Amendment thereof, or to any Parish, Town, or Place in which Rates are or shall be levied for the Payment of Constables under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty, making Provision for the lighting and watching of Parishes in *England* and *Wales*, or of any Local Act specially applying to such Parish, Town, or Place; and that nothing herein-before contained shall be taken to apply to the County Palatine of *Chester*.

Exempting Metropolitan Police District from Payments under this or the recited Act.

VIII. And for the Purposes of exempting the Metropolitan Police District as herein-before provided, be it enacted, That the Justices in General or Quarter Sessions assembled shall in each Year, at the Time of making up their Accounts for the Year, ascertain what Proportion any Expenses that have been incurred during the preceding Year under this or the said recited Act shall bear to the gross Amount of the County Rate expended within the same Period, and also what Proportion of the said County Rate has been levied within the Metropolitan Police District, and shall repay to each Parish within the said Metropolitan Police District such Proportion of the Sums so levied as they shall ascertain to be a like Proportion of the Sums expended under this Act out of the County Rate.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXI.

An Act for shortening the Language used in Acts of Parliament. [10th *June* 1850.]

Acts of Parliament may be altered, &c. in the same Session.

BE it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act to be passed after the Commencement of this Act may be altered, amended, or repealed in the same Session of Parliament, any Law or Usage to the contrary notwithstanding.

Acts to be divided into Sections.

II. Be it enacted, That all Acts shall be divided into Sections, if there be more Enactments than One, which Sections shall be deemed to be substantive Enactments without any introductory Words.

Where any Act is referred to it shall be sufficient to cite the Year of the Reign, Chapter, and Section, &c.

III. Be it enacted, That in any Act, when any former Act is referred to, it shall be sufficient, if such Act was made before the Seventh Year of *Henry* the Seventh, to cite the Year of the King's Reign in which it was made, and where there are more Statutes than One in the same Year the Statute, and where there are more Chapters than One the Chapter; and if such Act referred to was made after the Fourth Year of *Henry* the Seventh, to cite the Year of the Reign, and where there are more Statutes or Sessions than One in the same Year the Statute or the Session (as the Case may require), and where there are more Chapters or Sections than One the Chapter or Section or Chapter and Section (as the Case may require), without reciting the Title of such Act, or the Provision of such Section, so referred to; and the Reference in all Cases shall be made according to the Copies of Statutes printed by the Queen's Printer, or to the Copies thereof contained in the Reports of the Commissioners of Public Records: Provided that where it is only intended to amend or repeal any Portion only of such Section it shall be necessary still either to recite such Portion or to set forth the Matter or Thing intended to be amended or repealed.

Interpretation of certain Words for future Acts.

IV. Be it enacted, That in all Acts Words importing the Masculine Gender shall be deemed and taken to include Females, and the Singular to include the Plural, and the Plural the Singular, unless the contrary as to Gender or Number is expressly provided; and the Word "Month" to mean Calendar Month, unless Words be added showing Lunar Month to be intended; and "County" shall be held to mean also County of a Town or of a City, unless such extended Meaning is expressly excluded by Words; and the Word "Land" shall include Messuages, Tenements, and Hereditaments, Houses and Buildings, of any Tenure, unless where there are Words to exclude Houses and Buildings, or to restrict the Meaning to Tenements of some particular Tenure; and the Words "Oath," "swear," and "Affidavit" shall include Affirmation, Declaration, affirming, and declaring, in the Case of Persons by Law allowed to declare or affirm instead of swearing.

Repealed Acts not to be revived, &c.

V. Be it enacted, That where any Act repealing in whole or in part any former Act is itself repealed, such last Repeal shall not revive the Act or Provisions before repealed, unless Words be added reviving such Act or Provisions.

Repealed Provisions to be in force till substituted Provisions come into force.

VI. Be it enacted, That wherever any Act shall be made repealing in whole or in part any former Act, and substituting some Provision or Provisions instead of the Provision or Provisions repealed, such Provision or Provisions so repealed shall remain in force until the substituted Provision or Provisions shall come into operation by force of the last made Act.

Acts to be deemed Public Acts.

VII. Be it enacted, That every Act made after the Commencement of this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Act.

Commencement of Act.

VIII. Be it declared and enacted, That this Act shall commence and take effect from and immediately after the Commencement of the next Session of Parliament.

CAP. XXII.

An Act for raising the Sum of Eight millions five hundred and fifty-eight thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty. [10th *June* 1850.]

CAP. XXIII.

An Act to repeal an Exception in an Act of the Twenty-seventh Year of King *Henry* the Sixth concerning the Days whereon Fairs and Markets ought not to be kept. [10th *June* 1850.]

27 Hen. 6. c. 5.

'WHEREAS by an Act passed in the Twenty-seventh Year of King *Henry* the Sixth, intituled '*Certain Days wherein Fairs and Markets ought not to be kept*, it was provided that all Fairs and 'Markets on certain principal Feasts therein mentioned, and *Sundays* and *Good Friday*, should cease as 'therein mentioned (the Four *Sundays* in Harvest excepted): And whereas it is expedient that the said 'Exception should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Exception of the Four *Sundays* in Harvest, contained in the said Act, shall be repealed, and the said Act shall be construed as if such Exception were not inserted therein.

Exception of the Four Sundays in Harvest repealed.

CAP. XXIV.

An Act to enable the Commissioners of *Greenwich* Hospital to improve the said Hospital, and also to enlarge and improve the *Billingsgate Dock*, and widen *Billingsgate Street*, in *Greenwich*; and for other Purposes. [25th *June* 1850.]

'WHEREAS it would conduce to the Improvement of the Royal Hospital at *Greenwich*, and the Estate of the said Commissioners of *Greenwich* Hospital in the Vicinity thereof, if a certain Lane or Road known by the Name of *Fisher Lane* in the Town of *Greenwich* aforesaid were stopped up, and if the Soil of the said Lane or Road, and also a certain Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, on the Banks of the River *Thames* in the Parish of *Greenwich*, which will become unnecessary for the Use of the Public when the Dock known as the *Billingsgate Dock* herein-after mentioned shall have been widened and enlarged, were vested in the said Commissioners, and inclosed within and appropriated to the Use of the said Hospital, discharged from all public and other Rights and Interests in, over, or upon the same, and if the said Commissioners were empowered to purchase and take for the Use of the said Hospital certain Buildings, Ground, and Hereditaments lying between the said Lane called *Fisher Lane* and the Pier known as the *Greenwich Pier*, and such Part and Portion of the said Pier as now belongs to and is the Freehold Property of the *Greenwich Pier* Company, and also certain Houses, Buildings, Lands, and Hereditaments bounded on the North by *Crane Street*, on the East by *High Bridge Street*, both in *Greenwich* aforesaid, and on the South and West by certain Buildings, Ground, and Hereditaments already belonging to the said Hospital: And whereas it would also afford greater Accommodation to the Public if the said Dock known as the *Billingsgate Dock*, on the Banks of the River *Thames* in the Parish of *Greenwich* aforesaid, which will in future be used by the Public instead of the said Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, were enlarged, widened, and improved, and a Landing Place or Landing Stairs provided for the Use of Watermen and other Persons resorting to and using the same, and it would also be a great Accommodation and Improvement to the Town of *Greenwich* aforesaid, and the Persons using the said Dock, if a certain Road or Street known as *Billingsgate Street* in *Greenwich* aforesaid, and leading from *Church Street* to the said Dock, were improved and widened so as to be of an uniform Width of Forty Feet; and it is necessary, in carrying into effect such Improvements, that the said Commissioners should be empowered to purchase and take certain Houses, Buildings, Lands, Tenements, and Hereditaments lying and being on the East Side of *Billingsgate Street* aforesaid, and on the East and West Sides of *Billingsgate Dock*, both adjoining the River *Thames*: And whereas the said Commissioners of *Greenwich* Hospital are willing to take upon themselves the Execution of the above-mentioned Alterations and Improvements; and the Houses, Buildings, Lands, Tenements, and Hereditaments required in making such Alterations and Improvements are mentioned and comprised in the Schedule to this Act annexed: And whereas Plans and Sections showing the Situation and Level of the said *Billingsgate Dock* as the same is intended to be enlarged, widened, and improved, and the Line and Situation of the proposed Alteration and widening of *Billingsgate Street* aforesaid, and a Book of Reference containing the Names of the Owners, Lessees, or Occupiers of the said Houses, Buildings, Lands, Tenements, and Hereditaments, have been deposited with the Clerk of the Peace of the County of *Kent*: And whereas the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners of *Greenwich* Hospital and their Successors shall be and they are hereby empowered to make the Alterations and Improvements herein mentioned, and otherwise to carry the Purposes of this Act into execution, in manner herein-after mentioned.

Commissioners of Greenwich Hospital to make the Improvement.

Power to stop up Fisher Lane, and to vest the Ship Dock and Ship Stairs in the Commissioners of Greenwich Hospital.

II. And be it enacted, That when and so soon as the said Dock called the *Billingsgate Dock* shall have been enlarged, widened, and improved, and the said Street called *Billingsgate Street* shall have been widened and improved, in manner herein-after mentioned, and the Footpaths or Footways herein-after provided to be formed and made shall have been formed and made, then and from thenceforth the said Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, on the Banks of the River *Thames* in the Parish of *Greenwich* aforesaid, or so much thereof as is now public Property, shall be and become vested in the said Commissioners of *Greenwich* Hospital and their Successors, freed and discharged from all public and other Rights and Interests in, over, or upon the same; and then and immediately thereupon it shall be lawful for the said Commissioners to take and stop up the said Lane or Road known as *Fisher Lane*, situate in the Town of *Greenwich* aforesaid, commencing from the East Side of *King William Street*, and proceeding thence Eastward up to the Western Boundary of the said Hospital, and which said Lane or Road so proposed to be taken and stopped up is in Length Three hundred and thirty Feet or thereabouts, and in Breadth Fifty Feet or thereabouts, and the said Lane or Road shall thenceforth cease to be a Highway, and the Soil and Freehold thereof shall be vested in the said Commissioners and their Successors, freed and discharged from all public or private Rights of passing and repassing along the same.

Power to widen Billingsgate Dock

III. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital to enter upon, and make and maintain, enlarge, widen, deepen, and improve, the said Dock called the *Billingsgate*

Billingsgate Dock, on the Banks of the River *Thames* in the Parish of *Greenwich* aforesaid, in the Situation and upon the Lands delineated upon the said Plans, and to make and maintain such Walls, Fences, Landing Places, Landing Stairs, Approaches, and other Works and Conveniences as may afford adequate Accommodation to Watermen and other Persons resorting to and using the same, and as the said Commissioners may think necessary for the Purposes of the said Dock, and to enter upon, take, and use such of the said Houses, Buildings, Lands, Tenements, and Hereditaments as shall be required for the Purposes aforesaid.

If required by the Admiralty, Dock to be widened.

IV. And be it enacted, That if at any Time hereafter, before the Completion of the said Dock, the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty so require, it shall be lawful for the said Commissioners of *Greenwich* Hospital and they are hereby required to widen the said Dock so as to make the same of a Width not exceeding Sixty Feet.

Landing Stairs to be constructed according to Plan to be approved by the Admiralty.

V. And be it enacted, That the said Commissioners of *Greenwich* Hospital shall and they are hereby required to construct at the West End of *Brewhouse Lane* good and sufficient Landing Stairs, according to such Plan as shall be approved of by the Lord High Admiral or by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Works in the Thames to be approved by the Corporation of London.

VI. And be it enacted, That all Works to be executed under the Authority of this Act in or connected with the River *Thames* shall be constructed according to a Plan to be approved by the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, and to be deposited at the Office of the Town Clerk of the said City, and that such Works shall be executed and performed to the Satisfaction of the Clerk of the Works for the Time being employed in the *Thames* Navigation.

Power to widen Billingsgate Street.

VII. And be it enacted, That the said Commissioners of *Greenwich* Hospital shall be and they are hereby empowered to improve, widen, and enlarge the said Street called *Billingsgate Street*, in the Parish of *Greenwich* aforesaid, from the Point where the same joins *Church Street* to the South up to and so as to form a good Carriage Communication between *Church Street* and *Billingsgate Dock* as aforesaid, when so widened and improved; and such Street shall be so widened and improved within the Limits shown on the Plans aforesaid, so as to be of an uniform Width of not less than Forty Feet from the Point where such Improvements are commenced to where the same will join and communicate with the said *Billingsgate Dock*.

Footpath to be formed at West End of Brewhouse Lane.

VIII. And be it enacted, That in improving and widening the said *Billingsgate Dock* and *Billingsgate Street* the said Commissioners of *Greenwich* Hospital shall contemporaneously form, make, and construct a Footway or Footpath of a Width not less than Six Feet, for the Use of the Public, from the West End Corner of *Brewhouse Lane* along the Eastern Side of the Wall or Boundary of the said Dock, when altered and widened, up to and entering *Billingsgate Street* aforesaid; and such Footpath or Footway shall be flagged, paved, and put in good Order, and convenient for the public Use, at the Expense of the said Commissioners.

Footpath to be formed along the South Side of the Greenwich Pier.

IX. And be it enacted, That the said Commissioners of *Greenwich* Hospital shall also form, make, and construct a Footpath or Footway, for the Use of the Public, of an uniform Width of not less than Twelve Feet, to commence and form a Junction with the present Footpath running in front of the said Hospital on the Banks of the River *Thames*, and thence along the South Side of the *Greenwich Pier*, in the Direction shown on the said Plans, into *King William Street* aforesaid; and such Footpath or Footway shall be flagged, paved, and put in good Order, and convenient for the public Use, at the Expense of the said Commissioners.

Power to purchase Houses, Lands, &c.

X. And be it enacted, That in making the said Alterations and Improvements it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby empowered, when they shall deem it necessary, within Five Years from the passing of this Act, to treat and agree for the Purchase of any of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the Schedule to this Act annexed, and of any subsisting Leases, Terms, Estates, and Interests therein or Charges thereon, which the said Commissioners or their Successors may deem necessary or expedient to be purchased for the Purposes of this Act.

Custody and Inspection of Plans, Sections, and Book of Reference.

XI. And be it enacted, That the said Plans and Sections and Book of Reference herein-before mentioned shall remain in the Custody of the said Clerk of the Peace for the County of *Kent*, or his respective Deputy for the Time being; and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling each for such Inspection, and after the Rate of Sixpence for every One hundred Words of every such Copy or Extract.

Errors and Omissions may be corrected.

XII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any of the said Houses, Buildings, Lands, Tenements, and Hereditaments, or of the Owners, Lessees, or Occupiers thereof, on the said Plans, or in the said Schedule hereto, be it enacted, That it shall be lawful for the Commissioners of *Greenwich* Hospital, after giving Ten Days Notice to the said Owners, Lessees, or Occupiers affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement,

or

or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omissions, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificates shall be deposited with the said Clerk of the Peace, and with the Parish Clerk of the Parish in which the said Houses, Buildings, Lands, Tenements, and Hereditaments affected thereby shall be situate; and such Certificate shall be kept by such Clerk of the Peace and Parish Clerk along with the other Documents to which they relate; and thereupon such Documents shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners to execute the said Works according to such Certificate.

Copies to be Evidence.

XIII. And be it enacted, That true Copies of such Plans and Sections and Book of Reference, or of any Correction thereof, or Extracts therefrom, certified by the said Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Persons when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Extending Provisions of Lands Clauses Act to this Act.

XIV. And be it enacted, That the several Provisions of the Lands Clauses Consolidation Act, 1845, shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Powers given to Commissioners to apply to past as well as to future Purchases.

XV. And be it enacted, That the Powers and Authorities by this Act given to the said Commissioners of *Greenwich* Hospital and their Successors for the Purchase of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the said Schedule to this Act annexed shall apply as well to any Purchases already made or agreed to be made as to such as shall hereafter be made under the Provisions of this Act.

Power to arch over Drains, &c.

XVI. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby authorized and empowered, in making the Alterations and Improvements in the *Billingsgate Dock* and *Billingsgate Street* aforesaid, to cause to be arched over or filled up any Sewer or Drain, or Part or Parts thereof, which shall lie and be in or near the said Dock or Street, so as that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced without another Drain or Sewer being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood; provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, the said Commissioners of *Greenwich* Hospital or their Successors shall cause to be made and built other good and sufficient Sewers and Drains of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up: Provided always, that no such arching over or filling up of any Sewer, Drain, or Watercourse shall be made or done, and no Work whatever to any Sewer, Drain, or Watercourse shall be done, without the previous Sanction of the Metropolitan Commissioners of Sewers; and in arching over or filling in any new Sewer, Drain, or Watercourse, or in doing any other Work affecting Sewers, Drains, or Watercourses, the said Commissioners of *Greenwich* Hospital and their Successors shall abide by the Orders and Regulations which the said Metropolitan Commissioners of Sewers may make; and when any Works shall be so made or done, they, and all Sewers, Drains, and Watercourses altered, made new, or affected, shall remain subject to the Control and Jurisdiction of the said Metropolitan Commissioners of Sewers.

No such arching over, &c. to be done without the Sanction of the Metropolitan Commissioners of Sewers.

After Enlargement of Billingsgate Dock, same to be a public Dock.

XVII. Provided always, and be it enacted, That when the said Dock called the *Billingsgate Dock* shall have been enlarged, widened, deepened, and improved, and the Landing Places, Landing Stairs, Approaches, and other Works and Conveniences shall have been completed in manner herein-before provided, the Land or Ground which shall be laid into the said Dock shall form and thenceforth for ever thereafter be Part of the same Dock; and the said Dock so enlarged, widened, and improved shall continue and remain a public Dock, and the Public shall thenceforth have the same Enjoyment thereof, and of the said Landing Places, Landing Stairs, Approaches, and other Works and Conveniences, and have and be subject to the same Rights, Liberties, Privileges, and Restrictions, Dues and Payments, in using the same, as they have heretofore had or enjoyed or been subject to, or now have or enjoy or are subject to, in using the said Dock in its present State; and the said Dock so enlarged, widened, and improved, with the Landing Places, Landing Stairs, Approaches, and other Works and Conveniences, shall be repaired and kept in repair in the same Manner as the said Dock as now used is repaired and kept in repair.

After Enlargement of Billingsgate Street and Footways, same to be a public Highway and Footways.

XVIII. Provided always, and be it enacted, That when the said Street known as *Billingsgate Street* shall have been widened and improved in manner herein-before provided, the Land or Ground which shall be laid into the said Street shall form and thenceforth for ever thereafter be Part of the same Street; and the said Street so widened and improved shall continue and remain a public Highway to all Intents and Purposes; and when the said Footpaths or Footways herein-before provided to be formed and made shall have been formed and made, the said Footpaths or Footways shall be and thenceforth for ever thereafter continue and remain public Paths or Ways; and the said Street and Footpaths or Footways shall be and be subject to the like Restrictions, Provisions, Powers, Liberties, Privileges, Matters, and Things, both parliamentary and parochial, to which any other of the existing Highways within the Parish of *Greenwich* aforesaid, not being Turnpike Roads, are now subject.

Ship Dock, Ship Stairs, and Fisher Lane

XIX. And be it enacted, That it shall not be lawful for the said Commissioners of *Greenwich* Hospital to take possession of the said Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, or so much

much thereof as is now public Property, or to stop up the said Lane or Road called *Fisher Lane*, until after the said Commissioners shall have caused the said Dock known as the *Billingsgate Dock* to be enlarged, widened, deepened, and improved, and the said Street called *Billingsgate Street* to be widened and improved, and the said Footpaths or Footways to be formed and made, in manner herein-before provided. not to be stopped up till Billingsgate Dock and Street are widened, &c.

XX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, did or might lawfully claim, use, or exercise. Saving Rights of the Corporation of London.

XXI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

The SCHEDULE to which this Act refers.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises at the Corner of Church Street and Billingsgate Street.	John Francis Martin	- - -	James Stewart Gardiner.
A House and Premises on the West Side of Church Street.	Ditto - -	- - -	Jane Blackmore.
Another ditto, ditto -	Ditto - -	- - -	Stephen Norrie.
Another ditto, ditto -	Alexander Galloway	- - -	John Beere.
Another ditto, ditto -	A. Sirdefield -	Thomas Bell -	William Thomas.
Another ditto, ditto -	Joshua Hargrave -	Ditto - -	Thomas Bell.
A House and Premises, known as the "Ship and Sailor" Public House, on the West Side of Church Street.	George Martin Bird	Samuel Pratt, Administrator of the Goods, Chattels, and Effects of Robert Pratt, deceased.	Edward Thomas Phillips.
A House and Premises on the West Side of Church Street.	Charles King -	- - -	—— Davis, —— Parker, and Thomas Tyler.
A House and Premises on the East Side of Billingsgate Street.	George Martin Bird	Samuel Pratt, Administrator of the Goods, Chattels, and Effects of Robert Pratt, deceased.	Edward Thomas Phillips, Mary O'Niel, Charles Murry, James Steward, and William Pilgrim.
Another ditto, ditto -	Alfred Rhodes Bristow	- - -	Thomas Newland.
A House and Premises in a Court by the Side of the last-mentioned Premises.	Ditto - -	- - -	Joseph Young.
Another House and Premises in a Court adjoining the last-mentioned Premises.	George Martin Bird	Samuel Pratt, Administrator of the Goods, Chattels, and Effects of Robert Pratt, deceased.	Edward Thomas Phillips and Thomas Tyler.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A Yard, Court, or Passage, used in common by the Tenants of the Three former Tenements.	George Martin Bird and Alfred Rhodes Bristow.	- - -	Thomas Tyler, Thomas Newland, Joseph Young, and Edward Thomas Phillips.
A House and Premises on the East Side of Billingsgate Street.	John Rayley -	- - -	Richard Jones.
Another ditto, ditto -	Ditto - -	- - -	Mary Ann Welsh.
Another ditto, ditto -	Benjamin Lance -	- - -	Unoccupied.
Part of a Court or Passage, called Dark Entry, leading from the West Side of Church Street to the East Side of Billingsgate Street.	The Surveyor of Highways of the Parish of Greenwich, John Rayley, Benjamin Lance, William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased, Isaac Walker, Edwin Walker, and Joseph Funge, or some or one of them.	—	—
A House and Premises situate on the South Side of the Court or Passage called Dark Entry.	John Rayley - -	- - -	Unoccupied.
A House and Premises, known as the Sugar Loaf Public House, situate on the East Side of Billingsgate Street.	William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased, as to Three Sixths, Isaac Walker and Edwin Walker as to Two Sixths, and Joseph Funge as to One Sixth.	- - -	Catherine Jane Stockwell.
A House and Premises adjoining the last-mentioned Premises.	James Richard Watts	- - -	Catherine Jane Stockwell and William Bishop.
A Shed or Warehouse on the South Side of a certain Passage or Way leading to a Yard called Field's Yard, situate on the East Side of Billingsgate Street.	William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased.	- - -	Unoccupied.
A Yard situate on the East Side of Billingsgate Street, and forming Part of Field's Yard.	Sabrina Susannah Parker and Charles Rowland Frederick Parker, Trustees under the Will of Charles Rowland Parker, deceased.	William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased.	John Jones.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises situate on the East Side of a Court or Passage called Coomes Court, leading from the South Side of Brewhouse Lane to the North-east Side of Billingsgate Street.	Sabrina Susannah Parker and Charles Rowland Frederick Parker, Trustees under the Will of Charles Rowland Parker, deceased.	Sarah Stockwell -	William Penfold.
A House and Premises adjoining the last-mentioned Premises.	Francis Stevens -	- - -	Richard Hayes.
Another ditto, ditto -	Ditto - -	- - -	Thomas Short.
A Privy and Wash-house adjoining the last-mentioned Premises, and used in common by the Occupiers of the Two last-mentioned Premises.	Ditto - -	- - -	Richard Hayes and Thomas Short.
A House and Premises adjoining the last-mentioned Premises.	Ditto - -	- - -	John Slaughter.
Another - ditto - ditto, situate on the West Side of the said Court or Passage called Coomes Court.	William Norrie -	- - -	Henry Page and Joseph Rand.
A House and Premises adjoining the last-mentioned Premises.	Ditto - -	- - -	Henry Page, —— Woolf, —— Stapleton, and —— Glover.
A House and Premises, situate in Maiden Row, on the North-east Side of Billingsgate Street.	Sarah Shepherd -	- - -	Edward Lewer.
Another ditto, ditto -	Ditto - -	- - -	Sarah Dale.
Another ditto, ditto -	Ditto - -	- - -	Ellen Rowland.
Another ditto, ditto -	Ditto - -	- - -	James Taylor.
Another ditto, ditto -	Ditto - -	- - -	Francis Winter.
A House and Premises situate on the East Side of Billingsgate Dock.	William Norrie -	- - -	—— Davis, —— Duncan, and —— Cooper.
Another House and Premises situate in the Rear of the last-mentioned Premises.	Ditto - -	- - -	—— Savage.
A House, Passage, and Premises on the East Side of Billingsgate Dock.	Ditto - -	- - -	Unoccupied.
A Piece or Parcel of Ground adjoining the last-mentioned Premises.	Ditto - -	- - -	Ditto.
A House and Premises adjoining the last-mentioned Piece or Parcel of Ground.	Ditto - -	- - -	—— Ellis, —— Turner, —— Clarke, and —— Perry.
A Warehouse and Premises adjoining the last-mentioned Premises.	Thomas Smith -	- - -	Thomas Smith.
A House and Premises situate on the South Side of Brewhouse Lane.	William Robert Huntley.	- - -	Samuel Law.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises situate in a Court at the Rear of the above-mentioned Piece or Parcel of Ground.	William Norrie -	- - -	—— Robinson.
A Court or Passage with Well, situate in the Rear of Houses in Maiden Row, and used in common by all the Tenants of the said William Norrie.	Ditto - -	- - -	Henry Page, Joseph Rand, —— Woolf, —— Stapleton, —— Glover, —— Davis, —— Duncan, —— Cooper, —— Savage, —— Ellis, —— Turner, —— Clarke, —— Perry, and —— Robinson.
A House and Premises situate on the North Side of Brewhouse Lane.	Benjamin Smith, Thomas Calvert Morton, and William Chaplin.	- - -	Unoccupied.
Another ditto - ditto adjoining the last-mentioned Premises.	Ditto - -	- - -	Ditto.
Part of a certain Way, Court, or Passage called Brewhouse Lane.	The Surveyor of Highways of the Parish of Greenwich.	—	—
Part of a certain other Way, Court, or Passage called Coomes Court.	Ditto.	—	—
A covered Way, Court, or Passage situate on the East Side of Billingsgate Dock, and extending from the South Side of Brewhouse Lane to the North-east Side of Billingsgate Street.	The Surveyor of Highways of the Parish of Greenwich.	—	—
A Piece or Parcel of Ground.	William Norrie -	- - -	Unoccupied.
Outhouses and Privies used in common by the Occupiers of all the Premises belonging to the said William Norrie.	Ditto - -	- - -	Henry Page, Joseph Rand, —— Woolf, —— Stapleton, —— Glover, —— Davis, —— Duncan, —— Cooper, —— Savage, —— Ellis, —— Turner, —— Clarke, —— Perry, and —— Robinson.
A Draw-dock or Landing-place known as Billingsgate Dock, situate on the North Side of Billingsgate Street.	The Lords Commissioners for executing the Office of Lord High Admiral, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Mayor, Commonalty, and Citizens of the City of London, the Surveyor of Highways	—	—

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	of the Parish of Greenwich, and the Trustees of Morden College, or some or one of them.		
A Warehouse or Shed situate on the North Side of Billingsgate Street.	The Trustees of Morden College.	Robert Walter -	Robert Walter.
Another ditto, ditto -	Ditto - -	Ditto -	Ditto.
Another ditto, ditto -	Sir Richard Hughes, Baronet.	Edward Heneage Coltman.	Charles Francis the elder, Charles Francis the younger, Alfred Francis, and Arthur Francis.
Another ditto, ditto -	Ditto - -	Ditto - -	Ditto.
Another ditto, ditto -	Ditto - -	Ditto - -	Ditto.
A House and Premises known as the "Ship Torbay" Public House, situate on the East Side of King William Street.	The Commissioners of Greenwich Hospital.	George Matthew Hoare, Frederick Woodbridge, and Henry James Hoare, and Elizabeth Godsell, Executrix of the Will of Thomas Godsell, deceased.	Elizabeth Godsell.
A Piece or Parcel of Land or Ground, forming Part of the Greenwich Pier.	The Greenwich Pier Company.	- - -	The Greenwich Pier Company.
A Draw-dock or Landing-place known as the Ship Dock.	The Lords Commissioners for executing the Office of Lord High Admiral, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Mayor and Commonalty and Citizens of the City of London, the Commissioners of Greenwich Hospital, and the Surveyor of Highways of the Parish of Greenwich, or some or one of them.	—	—
A public Ferry, Landing-place, and Stairs, known as the Ship Stairs.	The Lords Commissioners for executing the Office of Lord High Admiral, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Mayor and Commonalty and Citizens of the City of London, the Master, Warden,		

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	and Commonalty of Watermen and Lightermen of the River Thames, and the Surveyor of Highways of the Parish of Greenwich, or some or one of them.		
A Road or Highway extending from the East Side of King William Street to the West Side of the Western Boundary of Greenwich Hospital, formerly Part of Fisher Lane.	The Surveyor of Highways of the Parish of Greenwich.	—	—
A House and Premises situate on the West Side of a Street or Way called High Bridge.	Thomas Heriot -	- - -	Robert Stroud, Jane King, and Mary Goodenough.
Another ditto, ditto -	Ditto - -	- - -	Daniel Grantham and —— Atkins.
Another ditto, ditto -	Sarah Shepherd -	- - -	William Garrett, Ann Middleton, Phœbe Scott, John Young, John Tolson, Peter Peters, and Mary Slater.
A House situate in a Court behind the last-mentioned House.	Ditto - -	- - -	Richard Pinkham and John Dockerty.
Outbuildings, Yard, and Passage used in common by the Tenants of the Two last-mentioned Houses.	Sarah Shepherd -	- - -	William Garrett, Ann Middleton, Phœbe Scott, John Young, John Tolson, Peter Peters, Mary Slater, Richard Pinkham, and John Dockerty.
A House and Premises situate on the West Side of High Bridge.	Jeremiah Bell, Joseph Allen, Mary Ann Graham, and George Graham, Executors under the Will of George Graham, deceased.	- - -	Bridget Small, Mary Langsdown, Mary Chapman, Jesse Moon, and John Twycross.
Another ditto, ditto -	Ditto - -	- - -	Phœbe Pepper, Edward Shadbolt, James Simons, Ann Wormhold, and Elizabeth Smith.
Another ditto, ditto -	John Tauzia Savary -	George Law -	—— Smith, —— Bruin, —— Mahoney, —— Bickley, —— Henry, and —— Harper.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Mackbean, —— —— Burns, —— Sullivan, —— Berry, —— Wright, —— Mercer, and —— Ryley.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Another ditto, ditto -	Ann Irwin - -	- - -	Susan Blake, Elizabeth Wheeler, and Maria Hart.
A House and Premises situate in a Court behind the Three last-mentioned Tenements.	John Tauzia Savary -	George Law -	—— Robson.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Pickett.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Calney.
A Shed adjoining the last-mentioned House and Premises.	Ditto - -	Ditto - -	George Law.
Another House situate in the last-mentioned Court.	Ditto - -	Ditto - -	—— Ryley.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Macarty.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Boxer.
Outbuildings, Yard, and Passage used in common by all the Tenants of the said George Law.	Ditto - -	Ditto - -	—— Smith, —— Bruin, —— Mahoney, —— Bickley, —— Henry, —— Harper, —— —— Mackbean, —— —— Burns, —— Sullivan, —— Berry, —— Wright, —— Mercer, —— Ryley, —— Robson, —— Pickett, —— Calney, George Law, —— Ryley, —— Macarty, and —— Boxer.
A House and Premises on the West Side of High Bridge.	Ann Irwin - -	- - -	John Lee, Katherine Turner, and —— Davis.
A House and Premises on the West Side of High Bridge.	Lawrence Levy -	- - -	Unoccupied.
Another ditto, ditto -	Jeremiah Bell, Joseph Allen, Mary Ann Graham, and George Graham, Executors under the Will of George Graham, deceased.	- - -	Henry Charles Austen, Mary Sawyer, and John George, Charles Crawford, Ann Wood, and Richard Fuller.
Another ditto, ditto -	Ditto - -	- - -	Joseph Parsons, James Murdock, William Newman, John Webb, Alexander Dryden, and John Prior.
Another ditto, ditto -	Ditto - -	- - -	William Whitaker, John Conway, Elizabeth Smith, Margaret Clarke, and Thomas FitzGerald.
Outbuildings, Yard, and Passage used in common by the Tenants of the Three preceding Houses.	Ditto - -	- - -	Henry Charles Austen, Mary Sawyer, John George, Charles Crawford, Ann Wood, Richard Fuller, Joseph Parsons, James Mur-

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			dock, William Newman, John Webb, Alexander Dryden, John Prior, William Whitaker, John Conway, Elizabeth Smith, Margaret Clarke, and Thomas Fitzgerald.
A House and Premises on the West Side of High Bridge.	Benjamin Lance -	- - -	—— Grover.
A Shed adjoining the last-mentioned Premises.	Ditto - -	- - -	Ditto.
Another Shed on the West Side of High Bridge.	Thomas John Crowder Armstrong.	- - -	Thomas John Crowder Armstrong.
A House at the Corner of the West Side of High Bridge and South Side of Crane Street.	William Emerson Sanderson.	John Sanderson -	Emma Blake, William Hall, and Robert Langley.
A House on the South Side of Crane Street.	Ditto - -	Ditto - -	Susan Lunn and Mary Smart.
Another ditto, ditto -	Ditto - -	Ditto - -	Charlotte Thompson, Katherine Burton, Widow Pendle, William Wood, and Elizabeth Ward.
Another ditto, ditto -	Ditto - -	Ditto - -	Benjamin Hawkins, Ann Davis, John Field, John Sutton, Archbald Bowen, Thomas Nightingale, and —— Newbury.
Another ditto, ditto -	Ditto - -	Ditto - -	George Edwards, John Elderson, Elizabeth Austen, James Brown, and John Matson.
Another ditto, ditto -	Ditto - -	Ditto - -	John Sanderson.
A House situate in a Court behind the Four preceding Houses.	William Emerson Sanderson.	John Sanderson -	James Kilner.
Another ditto, ditto -	Ditto - -	Ditto - -	John Gidney and John Waller.
Another ditto, ditto -	Ditto - -	Ditto - -	George Seaton and John Sturgeon.
Another ditto, ditto -	Ditto - -	Ditto - -	Edward Batchley and James Reed.
Outbuildings, Yard, and Passage used in common by the Tenants of the Nine preceding Houses.	Ditto - -	Ditto - -	Susan Lunn, Mary Smart, Charlotte Thompson, Katherine Burton, Widow Pendel, William Wood, Elizabeth Ward, Benjamin Hawkins, Ann Davis, John Field, John Sutton, Archbald Bowen, Thomas Nightingale, —— Newbury, George Edwards, John Elderson, Elizabeth Austen, James Brown, John Matson, John

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Sanderson, James Kilner, John Gidney, John Waller, George Seaton, John Sturgeon, Edward Batchley, and James Reed.
A Piece or Parcel of Ground situate on the South Side of Crane Street.	Ann Bean - -	- - -	Unoccupied.
A House and Premises on the South Side of Crane Street	Mary Ann Smith -	Mary Ann Gibbons	——Mallett,——Thorne, Henry Beauff, Robert Jackson senior, and Robert Jackson junior.
Another ditto, ditto -	Christiana Pell Winkworth.	- - -	Christiana Pell Winkworth.
A House situate in a Court behind the last-mentioned Premises.	Ditto - -	- - -	John Boy.
Another ditto, ditto -	Ditto - -	- - -	—— Green.
Another ditto, ditto -	Ditto - -	- - -	William Beal.
Another ditto, ditto -	Ditto - -	- - -	Mary Hart and Helen Smith.
Outbuildings, Yard, and Passage used in common by the Tenants of the Five preceding Houses.	Ditto - -	- - -	Christiana Pell Winkworth, John Boy, —— Green, William Beal, Mary Hart, and Helen Smith.
A Piece or Parcel of Ground situate on the South Side of Crane Street.	Ann Phillips -	- - -	Ann Phillips.

CAP. XXV.

An Act to enable Queen's Counsel and others, not being of the Degree of the Coif, to act as Judges of Assize. [25th *June* 1850.]

Queen's Counsel, and Barristers having Patents of Precedence, although not of the Degree of the Coif, may act as Judges of Assize.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person being One of Her Majesty's Counsel learned in the Law, or being a Barrister at Law having a Patent of Precedence, may be named in any Commission for the Despatch of Civil or Criminal Business at any County or Place or upon any Circuit in *England* and *Wales*, or either of them, although such Person be not of the Degree of the Coif; and any such Person shall and may, under any Commission in which he shall be so named, be and act as a Judge or Commissioner of Assize, as fully to all Intents and Purposes as if, at the Time of the issuing of such Commission, and since, he had been of the Degree of the Coif; any Law, Custom, or Usage to the contrary notwithstanding.

CAP. XXVI.

An Act to repeal an Act of the Sixth Year of King *George* the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels; and to make other Provisions in lieu thereof.* [25th *June* 1850.]

'WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for encouraging the Capture or Destruction of Piratical Ships and Vessels:* And whereas it is expedient that the said Act should be repealed, and that other Provisions be made in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *June* next after the passing of this Act the herein-before recited Act shall be and the same is hereby repealed, but nevertheless not so

6 G. 4. c. 49.

Recited Act repealed.

* See the next Act.

as

as to affect or prejudice the Application for or the Payment of Bounty under the said Act, or any of the Provisions relating thereto, for any Service rendered against Pirates on or before the said First Day of *June*.

Jurisdiction given to the High Court of Admiralty and all Vice Admiralty Courts.

II. And be it enacted, That whenever any of Her Majesty's Ships or Vessels of War, or hired armed Vessels, or any of the Ships or Vessels of War of the *East India* Company, or their Boats, or any of the Officers and Crews thereof, shall, after the said First Day of *June*, attack or be engaged with any Persons alleged to be Pirates afloat or ashore, it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, including those Courts of Vice Admiralty within the Territories under the Government of the *East India* Company, to take Cognizance of and to determine whether the Persons or any of them so attacked or engaged were Pirates, and to adjudge what was the total Number of Pirates so engaged or attacked, specifying the Number of Pirates captured, and what were the Vessels and Boats engaged.

List or Return of all Cases to be sent to the Lords Commissioners of the Admiralty.

III. And be it enacted, That with a view to the Assignment of fitting Rewards for Services performed by Her Majesty's Forces against Pirates the Registrars of the several Vice Admiralty Courts shall, on the First Day of *January* and First Day of *July* in every Year, transmit to the said Lords Commissioners of the Admiralty a List or Return of all Cases which shall have been adjudged in the said Courts respectively under this Act during the Six Months preceding, together with the Dates of the Seizure, according to the Schedule marked (A.) to this Act annexed; and that the Judges or Registrars of the said Courts respectively shall, upon the first convenient Opportunity after every such Decision, transmit the whole of the original Evidence, with a Statement of the Proceedings, to the said Lords Commissioners of the Admiralty, for the Purpose of the same being deposited in the High Court of Admiralty of *England* for Reference when necessary; and all Agents of Officers and Men receiving any Rewards herein-before referred to shall be subject to the same Laws, Rules, and Regulations to which Agents receiving Bounty for the Abolition of the Slave Trade are or may be subject.

Rewards for Services against Pirates by Vessels in the East India Company's Service.

IV. And be it enacted, That, with a view to the Assignment of fitting Rewards by the Court of Directors of the *East India* Company for Services performed by the Ships or Vessels of the said Company against Pirates, in all Cases wherein any Ships or Vessels of War belonging to the said Company shall be engaged in any Operations against Pirates, the Registrar of the said Vice Admiralty Courts shall, on the Days aforesaid, transmit to the said Court of Directors a similar List or Return of all such Cases which shall have been adjudicated in the said Courts respectively under this Act.

Property of Her Majesty's Subjects found in possession of Pirates to be restored on Payment of One Eighth of Value.

V. And be it enacted, That all Ships, Vessels, Boats, Goods, Merchandize, Specie, or other Property taken possession of from Pirates by any of Her Majesty's Ships or Vessels of War, or hired armed Vessels, or the Ships or Vessels of War of the *East India* Company, or their Boats, or any of the Officers and Crews thereof, shall and may be proceeded against in any of the Admiralty Courts before mentioned, and be subject and liable to Condemnation as Droits and Perquisites of Her Majesty in Her Office of Admiralty: Provided always, that if any Part of the said Property shall be duly proved to have belonged to and to have been taken from any of Her Majesty's Subjects, or from the Subjects of any Foreign Power, then such Property and every Part thereof shall, by the Decree of the said Court, be adjudged to be restored, and shall be accordingly restored to the former Owner or Owners, Proprietor or Proprietors thereof respectively, he or they paying for or in lieu of Salvage a Sum of Money equal to One Eighth Part of the true Value, which Money, if such Property shall have been taken by any of Her Majesty's Ships or Vessels of War or hired armed Ships, or their Boats, shall be paid to and divided and distributed amongst the Officers and Crews thereof, in such Manner, Form, and Proportion, as other Bounties are now distributable by virtue of Her Majesty's Proclamation or Order in Council dated the Thirtieth Day of *July* One thousand eight hundred and forty-nine, or as Her Majesty, Her Heirs and Successors, shall from Time to Time by any further Proclamation or Order or Orders in Council think fit to declare and direct; and which Money, if such Property shall have been taken by any of the Ships or Vessels of War of the *East India* Company, or their Boats, shall be paid to and divided and distributed amongst the Officers and Crews thereof, in such Manner, Form, and Proportion as the Court of Directors of the *East India* Company shall at any Time or from Time to Time direct; but if such Property shall have been a joint Capture by any of Her Majesty's Ships or Vessels of War, or hired armed Ships, or their Boats, and any of the Ships or Vessels of War of the said Company, or their Boats, then such Money in lieu of Salvage shall be divided and distributed amongst the joint Captors in such Manner, Form, and Proportion as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, shall at any Time or Times order and direct.

Persons giving false Evidence deemed guilty of Perjury.

VI. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

VII. And

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULE (A.) referred to by this Act.

Date of Attack or Destruction.	Property seized, if any.	Names of attacking Ships.	Date of Sentence.	Decretal Part of Sentence.	Whether any Property has been condemned, and sold or converted, and whether any Part remains unsold, and in whose Hands the Proceeds remain.

CAP. XXVII.

An Act to provide for the Commencement of an Act of the present Session, intituled *An Act to repeal an Act of the Sixth Year of King* George *the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels, and to make other Provisions in lieu thereof.*

[15th *July* 1850.]

'WHEREAS an Act has been passed in the present Session of Parliament, intituled *An Act to repeal an Act of the Sixth Year of King* George *the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels, and to make other Provisions in lieu thereof:* And whereas by the said Act so passed as aforesaid it was amongst other things enacted, that from and after the First Day of *June* next after the passing of such Act the said Act of the Sixth Year of King *George* the Fourth should be repealed, but nevertheless not so as to affect or prejudice the Application for or the Payment of Bounty under the said Act, or any of the Provisions relating thereto, for any Service rendered against Pirates on or before the said First Day of *June;* and by the said Act so passed as aforesaid it was also enacted, that whenever any of Her Majesty's Ships or Vessels of War, or hired armed Vessels, or any of the Ships or Vessels of War of the *East India* Company, or their Boats, or any of the Officers or Crews thereof, should after the said First Day of *June* attack or be engaged with any Persons alleged to be Pirates, afloat or ashore, it should be lawful for the High Court of Admiralty, and for the Courts of Vice Admiralty therein mentioned, to take cognizance of and to determine the Matters in the said Act mentioned: And whereas the Bill which became the said Act so passed as aforesaid was originally introduced in the House of Commons, and having passed that House was amended by the Lords, and was returned to the Commons for their Agreement to the Amendments: And whereas the Commons agreed to some of the said Amendments, but disagreed to one of the said Amendments and amended another thereof, and communicated their Amendment and Disagreement and the Reason for such Disagreement to the Lords at a Conference on the Twenty-eighth Day of *May* One thousand eight hundred and fifty: And whereas the Lords did not take the said Reason and Amendments into consideration until the Twenty-first Day of *June* One thousand eight hundred and fifty, when they finally agreed to the said Amendment of the Commons, and resolved not to insist upon the Amendment to which the Commons had disagreed; and accordingly the said Act received the Royal Assent on the Twenty-fifth Day of *June* One thousand eight hundred and fifty: And whereas by reason of the said Act not having received the Royal Assent until the said Twenty-fifth Day of *June* One thousand eight hundred and fifty, the herein-before recited Enactments will not take effect until the First Day of *June* One thousand eight hundred and fifty-one: And whereas such Postponement of the Operation of the said Enactments was not within the Contemplation of either House of Parliament when they respectively passed the said Act, but has arisen accidentally from the Delay occasioned by the Proceedings herein-before mentioned; and it is expedient that the said Enactments should be made to take effect as if the First Day of *June* One thousand eight hundred and fifty had been therein mentioned instead of the First Day of *June* next after the passing of the said recited Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the present Session of Parliament shall take effect as if the First Day of *June* One thousand eight hundred and fifty had been therein mentioned and referred to instead of the First Day of *June* next after the passing of such Act. 13 & 14 Vict. c. 26. 1st June 1850 to be substituted in recited Act for 1st June next after the passing of such Act.

II. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament. Act may be amended, &c.

CAP. XXVIII.

An Act to render more simple and effectual the Titles by which Congregations or Societies for Purposes of Religious Worship or Education in *England* and *Ireland* hold Property for such Purposes. [15th *July* 1850.]

'WHEREAS it is expedient to render more simple and effectual the Titles by which Congregations or Societies associated together for the Purposes of maintaining Religious Worship or promoting Education in *England*, *Wales*, or *Ireland* may hold the Property required for such Purposes:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That wherever Freehold, Leasehold, Copyhold, or Customary Property in *England* or *Wales* has been or hereafter shall be acquired by any Congregation or Society or Body of Persons associated for Religious Purposes or for the Promotion of Education, as a Chapel, Meeting House, or other Place of Religious Worship, or as a Dwelling House for the Minister of such Congregation, with Offices, Garden, and Glebe, or Land in the Nature of Glebe, for his Use, or as a Schoolhouse, with Schoolmaster's House, Garden, and Playground, or as a College, Academy, or Seminary, with or without Grounds for Air, Exercise, or Recreation, or as a Hall or Rooms for the Meeting or Transaction of the Business of such Congregation or Society or Body of Persons, and wherever the Conveyance, Assignment, or other Assurance of such Property has been or may be taken to or in favour of a Trustee or Trustees to be from Time to Time appointed, or of any Party or Parties named in such Conveyance, Assignment, or other Assurance, or subject to any Trust for the Congregation or Society or Body of Persons, or of the Individuals composing the same, such Conveyance, Assignment, or other Assurance shall not only vest the Freehold, Leasehold, Copyhold, or Customary Property thereby conveyed or otherwise assured in the Party or Parties named therein, but shall also effectually vest such Freehold, Leasehold, Copyhold, or Customary Property in their Successors in Office for the Time being and the old continuing Trustees, if any, jointly, or if there be no old continuing Trustees, then in such Successors for the Time being wholly, chosen and appointed in the Manner provided or referred to in or by such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument declaring the Trust thereof, or if no Mode of Appointment be therein set forth, prescribed, or referred to, or if the Power of Appointment be lapsed, then in such Manner as shall be agreed upon by such Congregation or Society or Body of Persons, upon such and the like Trusts, and with, under, and subject to the same Powers and Provisions, as are contained or referred to in such Conveyance, Assignment, or other Assurance, or in any such separate Deed or Instrument, or upon which such Property is held, and that without any Transfer, Assignment, Conveyance, or other Assurance whatsoever, anything in such Conveyance, Assignment, or other Assurance, or in any such separate Deed or Instrument, contained to the contrary notwithstanding: Provided always, that in case of any Appointment of a new Trustee or Trustees of or the Conveyance of the legal Estate in any such Property being made as heretofore was by Law required, the same shall be as valid and effectual to all Intents and Purposes as if this Act had not been passed.

Property conveyed for Religious or Educational Purposes to vest in Successors without Conveyance.

II. And be it enacted, That where such Property shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Property shall be holden, on the next Appointment of a new Trustee or Trustees thereof, and at the Expiration of every Period of Forty Years thereafter, so long as such Property shall belong to or be held in trust for such Congregation or Society or Body of Persons or other Party or Parties to whom such Property may have been or shall be conveyed for their Benefit, to receive and take a Sum corresponding to the Fine and Heriot, if any, which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof; and such Payments shall be in full of all Fines payable to the Lord or Lady of the Manor of which such Property is holden, while the same shall remain the Property or be held in trust for such Congregation or Society or Body of Persons; and the Lord or Lady of such Manor shall have all such Powers for the Recovery of such Sums as such Lord or Lady could have had in the event of the Tenant or Tenants of such Property having died or having alienated the same.

Providing for Payment in lieu of Fines on Death or Alienation of Property of Copyhold or Customary Tenure.

III. And be it enacted, That for the Purpose of preserving Evidence of every such Choice and Appointment of a new Trustee or new Trustees, and of the Person and Persons in whom such Charitable Estates and Property shall so from Time to Time become legally vested, every such Choice and Appointment of a new Trustee or new Trustees shall be made to appear by some Deed under the Hand and Seal of the Chairman for the Time being of the Meeting at which such Choice and Appointment shall be made, and shall be executed in the Presence of such Meeting, and attested by Two or more credible Witnesses, which Deed may be in the Form or to the like Effect of the Schedule to this Act annexed, or as near thereto as Circumstances will allow, and may be given and shall be received as Evidence in all Courts and Proceedings in the same Manner and on the like Proof as Deeds under Seal, and shall be Evidence of the Truth of the several Matters and Things therein contained.

Appointment of new Trustees to be made appear by Deed.

IV. And be it enacted, That the Provisions of this Act shall extend to that Part of the United Kingdom called *Ireland*.

Act extended to Ireland.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament, except so far as the contrary shall be made to appear.

Act may be amended, &c.

SCHE-

SCHEDULE to which this Act refers.

MEMORANDUM of the Choice and Appointment of new Trustees of the [*describe the Chapel, School, or other Buildings and Property*] situate in the Parish [*or Township*] of in the County [*Riding, Division, City, or Place*] of at a Meeting duly convened and held for that Purpose [*in the Vestry of the said Chapel*] on the [*25th*] Day of [*April 1850*], *A B.* of Chairman.

Names and Descriptions of all the Trustees on the Constitution or last Appointment of Trustees made the Day of .

Adam Bell of
Charles Dixon of
Edward Foster of
George Hurst of
John Jackson of
Kenneth Lucas of
Matthew Norman of
Octavius Parker of

Names and Descriptions of all the Trustees in whom the said [*Chapel*] and Premises now becomes legally vested.

First.—Old continuing Trustees :—
John Jackson, now of
Matthew Norman, now of
Octavius Parker, now of

Second.—New Trustees now chosen and appointed :—
Benjamin Adams of
Charles Bell of
Jonathan Edmonds of
Richard Baxter of
John Home of

Dated this Day of

William Hicks, (L.S.)
Chairman of the said Meeting.

Signed, sealed, and delivered by the said *William Hicks,* as Chairman of the said Meeting, at and in the Presence of the said Meeting, on the Day and Year aforesaid, in the Presence of

C.D.
E.F.

[*The Blanks, and Parts in Italics, to be filled up as the Case may be.*]

CAP. XXIX.

An Act to amend the Laws concerning Judgments in Ireland. [15th *July* 1850.]

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in* Ireland; *and to amend the Laws relating to Grants in custodiam and Recovery of Debts in* Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the Public Accounts of* Great Britain, it was enacted, that it should be lawful for any Person entitled to sue out or who had already sued out a Writ of Elegit upon any Judgment recovered in any of His Majesty's Courts at *Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver might be appointed of the Rents and Profits of the entire, and not of a Moiety only, of all Lands, Tenements, or Hereditaments which he would be entitled to have extended or appraised under a Writ of Elegit, or extended, seized, or taken under a Writ of Levari facias, or other Proceeding on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that Matter, and it should be lawful for the Court to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as should appear to it sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance: And whereas by an Act passed in the Fourth Year of Her Majesty's Reign, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Advancement of* 5 & 6 W.4. c.55. 3 & 4 Vict. c. 105.

'*Justice*, *in* Ireland, it was enacted, that it should be lawful for the Sheriff or other Officer to whom any 'Writ of Elegit, or any Precept in pursuance thereof, should be directed at the Suit of any Person, upon 'any Judgment which at the Time appointed for the Commencement of that Act should have been 'recovered or should be thereafter recovered in any Action in any of Her Majesty's Superior Courts at '*Dublin*, to make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tene-'ments, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments which might be 'of Copyhold Tenure, as the Person against whom Execution was so sued, or any Person in trust for him, 'should have been seised or possessed of at the Time of entering up the said Judgment or at any Time 'afterwards, or over which such Person should at the Time of entering up such Judgment or at any Time 'afterwards have any disposing Power which he might without the Assent of any other Person exercise 'for his own Benefit, in like Manner as the Sheriff or other Officer might then make and deliver Execu-'tion of One Moiety of the Lands and Tenements of any Person against whom a Writ of Elegit was 'sued out; and it was enacted, that it should be lawful for any Person entitled to sue out or who had 'already sued out a Writ of Elegit upon any Judgment recovered in any of Her Majesty's Courts at '*Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recognizance there, 'to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, 'for an Order that a Receiver might be appointed over any Lands, Tenements, Rectories, Tithes, Annui-'ties, Rents, or Hereditaments by that Act made liable to be seized, extended, appraised, or taken in 'Execution on any such Judgment, or to order that any Receiver appointed before the passing of that 'Act over the Property of any Judgment Debtor might be extended to the Matter of such new Petition, 'and that in proceeding under the said Act of the Sixth Year of King *William* the Fourth and the Act 'now in recital the said Court of Chancery and Court of Exchequer at the Equity Side thereof should 'have Power to appoint or extend a Receiver in a summary Way, on a Petition at the Instance of such 'Person, over any Property of such Judgment Debtor which such Creditor would or could make avail-'able for the Payment of his Judgment Debt by filing (after a Writ of Execution had been issued and 'returned at Law upon such Judgment) a Bill in a Court of Equity, or by any Writ of Execution at 'Law, or (subject to the Proviso therein-after contained) by Petition under the Provisions of the Act 'now in recital, and it should be lawful for the said Courts respectively to appoint or extend a Receiver 'accordingly over the whole thereof, or over so much thereof as should appear to be sufficient for the 'Purposes of paying the Sum due on such Judgment or Recognizance; and it was enacted, that a Judgment 'already entered up or to be thereafter entered up against any Person in any of Her Majesty's Superior 'Courts at *Dublin* should operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, 'Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to which such 'Person should at the Time of entering up such Judgment or at any Time afterwards be seised, possessed, 'or entitled for any Estate or Interest whatever, at Law or in Equity, whether in possession, reversion, 'remainder, or expectancy, or over which such Person should at the Time of entering up such Judg-'ment or at any Time afterwards have any disposing Power which he might without the Assent of any 'other Person exercise for his own Benefit, and should be binding as against the Person against whom 'Judgment should be so entered up, and against all Persons claiming under him after such Judgment, 'and should also be binding as against the Issue of his Body, and all other Persons whom he might with-'out the Assent of any other Person cut off and debar from any Remainder, Reversion, or other Interest 'in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, 'and that every Judgment Creditor should have such and the same Remedies in a Court of Equity 'against the Hereditaments so charged by virtue of that Act or any Part thereof as he would be entitled 'to in case the Person against whom such Judgment should have been so entered up had Power to 'charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same, with 'the Amount of such Judgment Debt and Interest thereon, subject to the Provisoes in such Act con-'tained; and by the lastly-recited Act the Effect of Judgments in the Superior Courts of Common Law 'was given to certain Decrees, Orders, and Rules for Payment of Monies, Costs, Charges, and Expenses:

7 & 8 Vict. c. 90.

'And whereas an Act was passed in the Eighth Year of Her Majesty, intituled *An Act for the Protection 'of Purchasers against Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing 'One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland '*respecting Bankrupts and the Limitation of Actions;* and an Act was passed in the Twelfth Year

11 & 12 Vict. c. 120.

'of Her Majesty, intituled *An Act to facilitate the Transfer of Landed Property in* Ireland: And

12 & 13 Vict. c. 95.

'whereas an Act was passed in the last Session of Parliament, "to amend the Law concerning Judgments 'in *Ireland*:" And whereas it is expedient further to amend such Law:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions herein-before recited of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty shall not in anywise extend or be applicable to any Judgment entered up in any of Her Majesty's Superior Courts at *Dublin*, or obtained in any Inferior Court of Record, after the passing of this Act, nor to any Decree, Order, or Rule made after the passing of this Act, and no Writ of Elegit or Writ of Execution (save as herein-after mentioned) shall issue or be sued upon any such Judgment, Decree, Order, or Rule against any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, nor shall any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, be charged or affected by any such Judgment, Decree, Order, or Rule, save as provided by this Act.

Recited Provisions not to extend to Judgments, Decrees, &c. entered or made after passing of this Act.

II. And

Existing Judgments, &c. not to affect Land purchased after passing of this Act.

II. And be it enacted, That where any legal or equitable Estate or Interest or any disposing Power in or over any Lands, Tenements, or Hereditaments shall, under any Conveyance, Lease, Deed, or Instrument executed after the passing of this Act, become vested in any Person as a Purchaser for valuable Consideration, such Lands, Tenements, or Hereditaments shall not be taken in Execution under any Writ of Elegit or other Writ of Execution (save as herein-after mentioned) to be sued upon any Judgment which before the passing of this Act has been entered up in any of Her Majesty's Superior Courts at *Dublin*, or obtained in any Inferior Court of Record, against such Person, or any Decree, Order, or Rule which has been made before the passing of this Act for Payment by such Person of any Sum of Money, Costs, Charges, or Expenses, and no Receiver shall be appointed over such Lands, Tenements, or Hereditaments in respect of any Money due upon such Judgment, Decree, Order, or Rule, nor shall such Judgment, Decree, Order, or Rule operate as a Charge upon or in anywise charge or affect such Lands, Tenements, or Hereditaments, save as provided by this Act: Provided always, that this Enactment shall not take away or affect any Rights or Remedies which might have been had against or in relation to such Lands, Tenements, or Hereditaments, if this Act had not been passed, in respect of any Estate, Interest, Right, Title, or Power in, to, or over the same, which may have been in such Person before the passing of this Act.

Judgments, &c. already registered to be re-registered within Five Years after passing of this Act. 9 G. 4. c. 35.

III. And be it enacted, That no Judgment re-docketed or entered after Revival under an Act of the Ninth Year of King *George* the Fourth, intituled *An Act to protect Purchasers for valuable Consideration in* Ireland *against Judgments not revived or re-docketed within a limited Time*, and not before the passing of this Act registered under the said Act of the Eighth Year of Her Majesty, and no Judgment of any Superior Court registered under such last-mentioned Act before the passing of this Act, and no Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, registered under the said Act of the Fourth Year of Her Majesty or the said Act of the Eighth Year of Her Majesty, before the passing of this Act, and no Judgment, Rule, or Order of any Inferior Court registered under the said Act of the Eighth Year of Her Majesty before the passing of this Act, shall, after the Expiration of Five Years from the passing of this Act, affect Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute as is required for a Registry thereof under the said Act of the Eighth Year of Her Majesty be left with the Officer appointed under that Act within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or, as to Creditors, within Five Years before the Right of such Creditor accrued: Provided always, that where Twenty Years from the Date of the Re-docket or Entry under the said Act of the Ninth Year of King *George* the Fourth of any Judgment has expired, or will expire before the Expiration of Five Years from the passing of this Act, nothing in this Enactment contained shall be taken to dispense with the Registry under the said Act of the Eighth Year of Her Majesty of such Judgment within such Twenty Years, or to give any greater Validity or Effect to such Judgment than the same would have had under the Provisions of the said Act of the Eighth Year of Her Majesty in case this Act had not been passed.

All Judgments, &c. registered or re-registered after the passing of this Act to be re-registered every Five Years.

IV. And be it enacted, That no Judgment of any Superior Court, Decree or Order in any Court of Equity, Rule in any Court of Common Law, Order in Bankruptcy or Lunacy, or Judgment, Rule, or Order of any Inferior Court, which, after the passing of this Act, shall be registered or re-registered under the said Act of the Eighth Year of Her Majesty or this Act, shall, after the Expiration of Five Years from the Date of such Registry or Re-registry thereof, affect Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute as was required in the first instance be again left with such Officer as aforesaid, within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or, as to Creditors, within Five Years before the Right of such Creditor accrued, and so *toties quoties* at the Expiration of every succeeding Five Years.

Lis pendens not to affect Purchasers, &c. unless registered within Five Years before Execution of Conveyance, &c.

V. And be it enacted, That no Lis pendens shall bind or affect a Purchaser or Mortgagee, without express Notice thereof, unless and until a like Memorandum or Minute as is required for a Registry thereof under the said Act of the Eighth Year of Her Majesty be left with the Officer appointed under that Act, within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to such Purchaser or Mortgagee for valuable Consideration, save where such Lis Pendens has been registered under the said Act of the Eighth Year of Her Majesty before the passing of this Act, and such Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument is executed within Five Years after the passing of this Act.

Creditors under Judgments, Decrees, &c. entered up or made after passing of Act may file Affidavit of Ownership of Lands, and register same in

VI. And be it enacted, That where any Judgment shall be entered up after the passing of this Act in any of Her Majesty's Superior Courts at *Dublin*, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, shall be made after the passing of this Act, or any Judgment, Rule, or Order shall be obtained or made in or by any Inferior Court of Record after the passing of this Act, and shall, under the Provisions of the said Act of the Fourth Year of Her Majesty, be removed into One of Her Majesty's Superior Courts of Record at *Dublin*, and the Creditor under any such Judgment, Decree, Order, or Rule shall

Office for registering Deeds, and Creditors under Judgments, Decrees, &c. entered up or made before passing of Act may file and register a like Affidavit in respect of Lands purchased after passing of Act.

shall know or believe that the Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made is seised or possessed at Law or in Equity of any Lands, Tenements, or Hereditaments, of any Nature or Tenure, or has any disposing Power over any such Lands, Tenements, or Hereditaments which he may without the Assent of any other Person exercise for his own Benefit, and where any Judgment has been entered up before the passing of this Act in any of Her Majesty's Superior Courts at *Dublin*, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy to which the Effect of a Judgment in one of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty has been made before the passing of this Act, or any Judgment, Rule, or Order has been obtained or made in or by any Inferior Court of Record before the passing of this Act, and has been or shall be, under the Provisions of the said Act of the Fourth Year of Her Majesty, removed into one of Her Majesty's Superior Courts at *Dublin*, and the Creditor under any such Judgment, Decree, Order, or Rule shall know or believe that the Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made is seised or possessed as aforesaid of, or has such disposing Power as aforesaid over, any Lands, Tenements, or Hereditaments which by virtue of this Act are exempted from being taken in execution under any Writ of Execution to be issued upon such Judgment, Decree, Order, or Rule, it shall be lawful for such Creditor, at any Time and from Time to Time after the entering up or Removal of such Judgment in or into such Superior Court, or the making of such Decree, Order, or Rule, or the passing of this Act, whichever shall last happen, to make and file in the Superior Court in, by, or into which such Judgment, Rule, or Order is entered up, made, or removed, or in the Court of Equity by which such Decree or Order is made, or, in the Case of such Order in Bankruptcy or Lunacy as aforesaid, in the Court of Chancery in *Ireland*, an Affidavit stating the Name or Title of the Cause or Matter, and the Court in which such Judgment, Decree, Order, or Rule has been entered up, obtained, or made, and the Date of such Judgment, Decree, Order, or Rule, and the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff (if there be such), and of the Defendant or Person whose Estate is intended to be affected by the Registration, as herein-after mentioned, of such Affidavit, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid by such Judgment, Decree, Order, or Rule, and stating that, to the best of the Knowledge and Belief of the Deponent, the Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made is at the Time of the swearing of such Affidavit so seised or possessed, or has such disposing Power as aforesaid, of or over such Lands, Tenements, or Hereditaments, and such Affidavit shall specify the County and Barony, or the Town or County of a City, and Parish, or the Town and Parish, in which the Lands to which the Affidavit relates are situate, and where such Lands lie in Two or more Counties or Baronies, or Parishes or Streets, or partly in One Barony, Parish, or Street and partly in another, the same shall be distinctly stated in such Affidavit; and it shall be lawful for the Creditor making such Affidavit to register the same in the Office for registering Deeds, Conveyances, and Wills in *Ireland*, by depositing in such Office an Office Copy of such Affidavit; and such Copy shall be numbered and transcribed, and shall be entered in the Books and Indexes kept in the said Office, in like Manner as if the same were a Memorial of a Deed; and for the Purpose of such Entries the Creditor under such Judgment, Decree, Order, or Rule shall be deemed the Grantee, and the Debtor thereunder shall be deemed the Grantor; and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid thereby shall be deemed the Consideration; and the like Fee shall be paid on such Registration as in the Case of registering a Memorial of a Deed.

Registration of Affidavit to have the Effect of a Mortgage.

VII. And be it enacted, That the Registration as aforesaid of such Affidavit shall operate to transfer to and vest in the Creditor registering such Affidavit all the Lands, Tenements, and Hereditaments mentioned therein, for all the Estate and Interest of which the Debtor mentioned in such Affidavit shall at the Time of such Registration be seised or possessed at Law or in Equity, or might at such Time create by virtue of any disposing Power which he might then without the Assent of any other Person exercise for his own Benefit, but subject to Redemption on Payment of the Money owing on the Judgment, Decree, Order, or Rule mentioned in such Affidavit; and such Creditor, and all Persons claiming through or under him, shall, in respect of such Lands, Tenements, and Hereditaments, or such Estate or Interest therein as aforesaid, have all such Rights, Powers, and Remedies whatsoever as if an effectual Conveyance, Assignment, Appointment, or other Assurance to such Creditor of all such Estate or Interest, but subject to Redemption as aforesaid, had been made, executed, and registered at the Time of registering such Affidavit.

Voluntary Conveyances after Judgment entered up void as against the Creditor.

10 Car. 1. (I.)

Not to affect Provisions as to fraudulent Conveyances.

VIII. And be it enacted, That where an Affidavit shall be registered as aforesaid, every such Conveyance and other Act whatsoever made or done after the Date of the Judgment, Decree, Order, or Rule mentioned in such Affidavit, of and concerning any Lands, Tenements, or Hereditaments mentioned in such Affidavit, as under an Act of the Parliament of *Ireland* passed in the Tenth Year of King *Charles* the First, intituled *An Act against covenous and fraudulent Conveyances*, would be deemed void against Purchasers for Money or other good Consideration, shall be void as against the Creditor registering such Affidavit, and the like Remedies may be had in respect of such Lands, Tenements, and Hereditaments as if such Conveyance or other Act had not been made or done: Provided always, that nothing herein contained shall in anywise affect the Provisions of the same Act concerning Conveyances and other Acts had or made to the Intent to delay, hinder, or defraud Creditors.

Registrar of Deeds, upon

IX. And be it enacted, That upon the Lodgment in the said Office for registering Deeds, Conveyances, and Wills of such Certificate of the Entry of Satisfaction upon the Roll of any Judgment, or of such

such Certificate of any Decree, Rule, or Order having been performed, complied with, or satisfied, as is mentioned in the said Act of the Twelfth Year of Her Majesty, the Registrar of the said Office shall, where an Affidavit has been registered under this Act in respect of such Judgment, Decree, Rule, or Order, cause a Memorandum of Satisfaction thereof to be subscribed to the several Entries of such Affidavit in the Books kept at the said Office, specifying the Date at which Satisfaction of such Judgment appears by such Certificate to have been entered on Record, or, in the Case of any such Decree, Rule, or Order, specifying the Date of the Certificate; and upon every Certificate of Search made in the said Office subsequently to the Entry of such Memorandum as aforesaid whereon such Affidavit shall appear the Entry of such Memorandum shall be stated.

Lodgment of Certificate of Satisfaction of Judgment, &c., to enter Memorandum thereof upon Entries of Affidavit.

X. Provided always, and be it enacted, That all such Chattel Interests in Lands, Tenements, or Hereditaments as might have been taken in Execution under any Writ of Fieri facias if the said Act of the Fourth Year of Her Majesty had not been passed, may be taken in Execution and otherwise dealt with under any Writ of Fieri facias already issued or hereafter to be issued, anything in this Act contained notwithstanding.

Act not to affect Execution by Fieri facias.

XI. And be it enacted, That in the Administration in Courts of Equity of the Assets of any Person against whom any Judgment, Decree, Order, or Rule has been or shall be entered up, obtained, or made, either before or after the passing of this Act, who shall die seised of or entitled to any Estate or Interest in Lands, Tenements, or Hereditaments, the Creditor under such Judgment, Decree, Order, or Rule shall have the same Rights upon and in respect of such Lands, Tenements, or Hereditaments as if this Act had not been passed.

Rights of Judgment Creditor in Administration of Assets preserved.

XII. 'And whereas Doubts have arisen whether under the recited Provision of the said Act of the 'Fourth Year of Her Majesty Judgments against Persons having Securities upon Land for Payment of 'Money may not operate as a Charge upon such Land, or affect the Title thereto; and it is expedient 'that such Doubts should be removed:' Be it therefore declared and enacted, That no Judgment, Decree, Order, or Rule shall under the said Act of the Fourth Year of Her Majesty operate or be deemed to have operated as a Charge upon any Estate, Interest, or Title in or to Lands, Tenements, or Hereditaments vested in or subject to the Power of Disposition of any Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made, where such Estate, Interest, or Title is so vested or subject to such Power as aforesaid, by way of Mortgage or otherwise, as a Security for the Payment of any Money, or consists of any Judgment or Lien or any Money thereby secured or recoverable, or any Sum or Sums of Money (except Rents and Rent-charges) charged upon or payable out of Lands, Tenements, or Hereditaments: Provided always, that this Section shall not in any Manner extend or apply to any Case in which the above Doubts, or any Question thereon, have or hath been already argued or raised in any Proceeding now depending in any Court of Equity in *Ireland*.

3 & 4 Vict. c. 105. s. 22. not to extend to Interests created by Securities for Money.

XIII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

Act may be amended, &c.

CAP. XXX.

An Act to provide for the Appointment of Sheriff of the County of *Westmoreland*.

[15th *July* 1850.]

'WHEREAS the Office of High Sheriff of *Westmoreland*, by virtue of a certain Grant or Grants of 'His Majesty King *John* to *Robert de Veteripont* and his Heirs, and of divers Assignments or 'Conveyances thereof, descended and came to *Henry* Earl of *Thanet* now deceased, who in his Lifetime 'and at the Time of his Death was and exercised and enjoyed the said Office of Hereditary High Sheriff, 'descendible to him and his Heirs: And whereas the said *Henry* Earl of *Thanet* died on or about the 'Twelfth Day of *June* One thousand eight hundred and forty-nine without lawful Issue, having first 'made and published his Will, whereby (as it is alleged) he devised the said Office of Sheriff to *Richard* '*Tufton* for Life, with divers Remainders over: And whereas Doubts have arisen whether the said 'Office of Sheriff passed by the said Devise contained in the said Will, or whether it became on the 'Death of the said *Henry* Earl of *Thanet* vested in his Heir or Heiress at Law, or whether it escheated 'to the Crown: And whereas it being impracticable to settle and ascertain such Doubts and Rights 'within the Time necessary for executing and performing the said Office of Sheriff within the said 'County, and it being necessary for the Administration of Justice within the said County that 'a Sheriff for the said County should be appointed until such Doubts and Rights could be settled 'and ascertained, it was by a certain Act of Parliament passed in the Thirteenth Year of the 'Reign of Her Majesty, intituled *An Act to provide for the Execution for One Year of the Office of* 12 & 13 Vict. c. 42. '*Sheriff in the County of* Westmoreland, enacted that it should be lawful for Her Majesty, from and 'after the passing of that Act, to nominate and appoint, in Manner and Form therein mentioned, such 'Person to be Sheriff for One Year of the County of *Westmoreland* as She should by the Advice of Her 'Council think fit: And whereas, in pursuance of the said Power given to Her Majesty by the said Act, 'Her Majesty, on the Eighteenth Day of *July* in the Year One thousand eight hundred and forty-nine, 'was graciously pleased, by the Advice of Her Council, to appoint *George Edmund Wilson* of *Heversham* '*House*, Esquire, to be Sheriff of the County of *Westmoreland*: And whereas grave Inconveniences 'have arisen in consequence of the said Office of Sheriff of *Westmoreland* having been so vested in the 'Heirs of the said *Robert de Veteripont*, and also still further Inconveniences in consequence of the con-'flicting Claims of different Persons to the said Office under or by virtue of the said Grant; and the

'like

'like Inconveniences may again occur if the Right to hold, exercise, or enjoy the said Office should be 'continued as aforetime in any of Her Majesty's Subjects; wherefore it is expedient that Provision 'should be made for the discontinuing and abolishing such Rights, and for vesting the Appointment of 'the Sheriff of the County of *Westmoreland* in Her Majesty, Her Heirs and Successors, in like Manner 'as is the Case in all other Counties of *England* and *Wales*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Appointment by Her Majesty, Her Heirs and Successors, of any of Her Majesty's Subjects, in manner herein-after mentioned, to be Sheriff of the County of *Westmoreland*, all Right and Title in the said *Robert de Veteripont*, his Heir or Heirs, or any Person or Persons claiming through or under any of them, or under any Devise, Conveyance, or Assurance made by them or any of them, or under or by virtue of any hereditary Claim or Title whatsoever to hold, exercise, and enjoy the Office of Sheriff of *Westmoreland*, shall for ever cease and determine.

After the first Appointment by Her Majesty of Sheriff of Westmoreland, all other Rights to make such Appointment to cease.

After passing of Act, Her Majesty to appoint to Office of Sheriff.

3 & 4 W. 4. c. 99.

II. And be it enacted, That from and after the passing of this Act it shall be lawful for the Queen's most Excellent Majesty, Her Heirs and Successors, to appoint, in such Manner and Form as is provided by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, for, amongst other things, "facilitating the Appointment of Sheriffs," such Person (being by Law competent to hold and exercise the Office of Sheriff) to be Sheriff of the County of *Westmoreland* as She shall, by the Advice of Her Privy Council, think fit, and hereafter from Time to Time as Occasion shall require to appoint in like Manner and Form any other Person (so being by Law competent as aforesaid) to be Sheriff of the said County of *Westmoreland;* and such Person so to be from Time to Time appointed shall hold, use, and execute the said Office of Sheriff within the said County of *Westmoreland,* and upon taking the Oath of Office by the said Act prescribed shall thenceforth have and exercise all the Powers, Privileges, and Authorities hitherto usually exercised and enjoyed by the Sheriff of the County of *Westmoreland,* or any other Sheriff now or heretofore appointed under and by virtue of the said last-mentioned Act, and shall be subject and liable to the same Duties and Liabilities as the Sheriff of the County of *Westmoreland* has hitherto been subject and liable to, and to all the Liabilities imposed upon Sheriffs in *England* and *Wales* by the said last-mentioned Act.

G. E. Wilson, Esq. to continue Sheriff of Westmoreland until another appointed.

III. Provided always, and be it enacted, That the said *George Edward Wilson* shall continue to hold, use, and execute the said Office of Sheriff of the County of *Westmoreland* until the Appointment by Her Majesty, Her Heirs or Successors, of some other Person to be Sheriff of the said County under this Act.

CAP. XXXI.

An Act to authorize further Advances of Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts relating to such Advances.

[15th *July* 1850.]

9 & 10 Vict. c. 101.
10 & 11 Vict. c. 11.
11 & 12 Vict. c. 119.
10 & 11 Vict. c. 32.
12 & 13 Vict. c. 59.
12 & 13 Vict. c. 23.

'WHEREAS an Act was passed in the Tenth Year of Her Majesty, intituled *An Act to authorize 'the Advance of public Money to a limited Amount to promote the Improvement of Land in* Great 'Britain *and* Ireland *by Works of Drainage*, and the said Act was explained and amended by another 'Act passed in the Tenth Year of Her Majesty; and an Act was passed in the Twelfth Year of Her 'Majesty, to simplify the Forms of Certificates under the said first-mentioned Act: And whereas an 'Act was passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of 'Landed Property in* Ireland; and the said Act was amended by an Act passed in the last Session of 'Parliament; and an Act was passed in the same Session, "to authorize further Advances of Money for '"the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works '"of public Utility, in *Ireland*:" And whereas it is expedient to authorize further Advances of Money 'for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts 'relating to such Advances:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to issue and advance or cause to be issued and advanced out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in addition to the Sums already authorized to be advanced for the Purposes herein-after mentioned, such Sum or Sums of Money, not exceeding in the whole the Sum of Two million Pounds, as may be required for the Purposes of Loans for the Improvement of Landed Property in *Great Britain*, and such Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, as may be required for the Purposes of Loans for the Improvement of Landed Property in *Ireland*, or, if the Commissioners of Her Majesty's Treasury so think fit, it shall be lawful for them to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sums of Money not exceeding in the whole the said Sums of Two million Pounds for *Great Britain*, and Two hundred thousand Pounds for *Ireland*, as they shall think fit to direct for the Purposes aforesaid, but provided that the whole Amount of such Advances out of the Consolidated Fund and by Exchequer Bills shall not together exceed the said Sums of Two million Pounds for *Great Britain* and Two hundred thousand Pounds for *Ireland*.

Treasury may advance 2,000,000*l.* for Improvement of Landed Property in Great Britain, and 200,000*l.* for Ireland.

The Sums to be advanced for

II. And be it enacted, That the Money to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Great Britain* shall be applied for the Purposes and under the Provisions

Provisions of the said firstly-recited Act, as amended by the said secondly and thirdly recited Acts and this Act, save so far as the same relate to Lands in *Ireland*, and all the Powers, Authorities, Provisions, Matters, and Things contained in the said firstly, secondly, and thirdly recited Acts, and applicable to Loans out of the Money authorized to be advanced for *Great Britain* under the said firstly-recited Act, shall extend to the Loans to be made out of the Money authorized to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Great Britain*.

Great Britain to be applied to Loans under 9 & 10 Vict. c. 101. and the Acts amending the same.

III. And be it enacted, That the Money to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Ireland* shall be applied for the Purposes and under the Provisions of the said Act of the Tenth Year of Her Majesty "to facilitate the Improvement of Landed "Property in *Ireland*," as amended by the said firstly-recited Act of the last Session of Parliament and this Act, and all the Powers, Authorities, Provisions, Matters, and Things contained in the said last-mentioned Act of the Tenth Year of Her Majesty, and the said Act amending the same, applicable to the Loans authorized to be made by the said Act for the Improvement of Landed Property in *Ireland*, shall extend to the Loans to be made out of the Money authorized to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Ireland*.

The Money to be advanced for Ireland to be applied to Loans under 10 & 11 Vict. c. 32. and the amending Act.

IV. And be it enacted, That where a Provisional Certificate has been or may be issued under the said firstly, secondly, and thirdly recited Acts or any of them, or this Act, and no Advance shall have been made in respect of the Works to which such Provisional Certificate relates, or the whole of the Sum in such Provisional Certificate expressed as the Limit of the Advance to be made under the same shall not have been issued, it shall be lawful for the Inclosure Commissioners for *England* and *Wales*, where they think fit, upon the Application of the Owner of the Land to which such Provisional Certificate relates, by Order under the Seal of the said Inclosure Commissioners, to authorize the Alteration or Modification of any Works to which such Provisional Certificate relates, or to authorize any other Works in respect of which an Advance might be made under the said Acts or this Act to be executed on the Land to which such Provisional Certificate relates, or on any other Land of the same Owner, in Substitution in whole or in part for the Works referred to in such Provisional Certificate, and all Proceedings, Advances, and Acts shall and may be thenceforth had, made, and done upon such Provisional Certificate as varied by such Order, in the same Manner as if the Works altered or modified or substituted under such Order had been originally authorized or referred to in such Provisional Certificate: Provided always, that the said Commissioners shall not authorize the Execution of Works on Land other than that to which the Provisional Certificate relates in Substitution as aforesaid for Works mentioned in such Certificate, until the like Notice of the Application shall have been given as is required by the said Acts in the Case of an Application for an Advance; and the Provisions of the said Acts concerning Notice of such last-mentioned Application, and concerning Dissents and Consents, and Proceedings consequent upon Dissent, shall be applicable where Notice is required under this Act.

Inclosure Commissioners may authorize Application of Advances to other Works than those mentioned in Provisional Certificate.

V. 'And whereas by the said secondly-recited Act it is enacted, that no Provisional Certificate shall be 'issued upon any Application or Applications by the same Owner for a larger Sum than Ten thousand 'Pounds:' Be it enacted, That the said recited Provision shall, as respects Provisional Certificates to be issued upon Application made after the passing of this Act, be repealed; and no Provisional Certificate shall be issued upon any such Application or Applications by the same Owner for a larger Sum than Five thousand Pounds; or if any previous Provisional Certificate or Certificates have been issued to such Owner in respect of the same or any other Land, or have been issued in respect of the same Land to any previous Owner thereof, no Provisional Certificate shall upon such Application or Applications be issued for any larger Sum than will, with the Sum which has been or may be issued under such previous Certificate or Certificates, make up Five thousand Pounds.

Loans to the same Owner in Great Britain restricted to 5,000*l*.

VI. And be it enacted, That when the Owner of any Lands in *England* or *Wales*, or the Person who under the Act of the Seventh Year of King *William* the Fourth, for the Commutation of Tithes in *England* and *Wales*, would be deemed the Owner of any Lands in *England* or *Wales*, shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively shall be substituted in the Place of such Owner or Person deemed to be Owner for all the Purposes of the said several herein-before recited Acts and of this Act.

Persons under Disabilities.

VII. And be it enacted, That so much of this Act as amends the said firstly-recited Act shall be construed with such Act and the said secondly and thirdly recited Acts as One Act.

Act construed with 9 & 10 Vict. c. 101.

VIII. And be it enacted, That out of any Money authorized to be advanced for facilitating the Improvement of Landed Property in *Ireland*, under the said Act of the Tenth Year of Her Majesty, "to "facilitate the Improvement of Landed Property in *Ireland*," or the said secondly-recited Act of the last Session of Parliament, or this Act, Loans may be made for the Erection of Farm Buildings; and all the Provisions of the said last-mentioned Act of the Tenth Year of Her Majesty, and the said Act amending the same, shall be construed in like Manner as if the Erection of Farm Buildings had been enumerated in such last-mentioned Act of the Tenth Year of Her Majesty among the Purposes for which Loans might be made under that Act.

Loans may be made for the Erection of Farm Buildings in Ireland.

IX. 'And whereas by the said Act "to facilitate the Improvement of Landed Property in *Ireland*" 'it is provided that all the Works for which any Loan is made under such Act shall be completed within 'such Period as may, previously to making any such Loan or Advance as therein mentioned, be fixed by 'the Commissioners of Public Works in *Ireland*, or within such further Period as they may fix from 'Time to Time, such Periods not exceeding in the whole Three Years from the Date of the First 'Advance

Commissioners may fix a Time for Completion of Works, not exceeding 5 Years from First Advance.

'Advance on account of any such Loan:' Be it enacted, That so much of the said recited Enactment as requires the said Commissioners to fix a Period for the Completion of any Works within Three Years from the Date of such First Advance shall be repealed; and it shall be lawful for the said Commissioners to fix, for the Completion of any such Works, such Period, and from Time to Time such further Period, within Five Years from the Date of the First Advance on account of any such Loan, as the said Commissioners may think fit.

Loans to the same Owner in Ireland restricted to 5,000*l.*

X. And be it enacted, That the Commissioners of Public Works in *Ireland* shall not make any Order for any Loan under the said Act of the Tenth Year of Her Majesty, "to facilitate the Improvement of Landed Property in *Ireland*," the said secondly-recited Act of the last Session of Parliament, and this Act, or any of them, to the same Owner to a larger Amount than Five thousand Pounds; or if any previous Order or Orders have been made under such Acts or any of them for a Loan or Loans to the same Owner in respect of the same or any other Land, or to any previous Owner of the same Land in respect of such Land, the said Commissioners shall not make such Order for a Loan to a larger Amount than will, with the Sum which has been or may be issued under such previous Order or Orders, make up Five thousand Pounds.

Treasury may advance 800,000*l.* for Drainage and Works of public Utility in Ireland.

XI. 'And whereas it is expedient to authorize the Advance of a further Sum of Money for the 'Extension and Promotion of Works of Drainage and other Works of public Utility in *Ireland*:' Be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and advance out of the growing Produce of the said Consolidated Fund, in addition to the Sums already authorized to be advanced for the Purposes herein-after mentioned, such further Sum or Sums of Money not exceeding in the whole the Sum of Eight hundred thousand Pounds, as may from Time to Time be required for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland;* or if the Commissioners of Her Majesty's Treasury so think fit, it shall be lawful for them to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sums of Money not exceeding in the whole the Sum of Eight hundred thousand Pounds, as they shall think fit to direct, for the Purposes last aforesaid; but provided that the whole Amount of such Advances out of the Consolidated Fund and by Exchequer Bills shall not together exceed the said Sum of Eight hundred thousand Pounds; and the Advances to be so made shall be applied for the Purpose of the Loans which the Commissioners of Public Works in *Ireland* may be called upon to make under the Provisions of the Acts now in force authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland.*

Provisions of existing Acts extended to this Act. 12 & 13 Vict. c. 23.

XII. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things, of what Nature or Kind soever, contained in or referred to by the said Act of the last Session of Parliament "to "authorize further Advances of Money for the Improvement of Landed Property, and the Extension "and Promotion of Drainage, and other Works of public Utility, in *Ireland*," so far as such Act relates to Loans for the Purposes last aforesaid, or in any Act authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*, shall extend to this Act, and to Loans hereby authorized to be made for those Purposes.

9 & 10 Vict. c. 101. extended to this Act.

XIII. And be it enacted, That all the Provisions of the said firstly-recited Act applicable to the Exchequer Bills to be made out and issued under that Act shall extend and be applicable to the Exchequer Bills to be made out and issued under this Act.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

CAP. XXXII.

An Act for confirming certain Provisional Orders of the General Board of Health.

[15th *July* 1850.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, 'published, and deposited, according to the Provisions of the Act, certain Provisional Orders 'mentioned in the Schedule to this Bill annexed, and it is expedient that the said Orders should be con-'firmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisional Orders of the General Board of Health referred to in the Schedule to this Bill annexed shall be and the same are hereby confirmed, and shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Bill.

First Election of Local Board for Stratford on Avon.

II. And be it enacted, That the First Election of the Local Board of Health for the Borough of *Stratford on Avon* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Dartford.

III. And be it enacted, That the First Election of the Local Board of Health for the Town and Parish of *Dartford* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Harrow Town and Roxeth.

IV. And be it enacted, That the First Election of the Local Board of Health for the Hamlet of *Harrow* Town and *Roxeth* in the Parish of *Harrow* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

V. And

V. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Chelmsford* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty. First Election of Local Board for Chelmsford.

VI. And be it enacted, That the Local Board of Health in and for the City of *York*, as constituted by the Provisional Order of the General Board of Health by this Act confirmed, so often as they shall have Occasion to make and levy a Rate or Rates under the Powers conferred upon them by the Public Health Act, 1848, or the said Provisional Order by this Act confirmed, shall and may order such Rate or Rates to be made, levied, and collected within the said City as a Rate in the Nature of a County Rate; and in the same Manner in all respects as the Council of the said City is now authorized to order a Borough Rate to be made, levied, and collected under the Provisions of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, anything in the said Public Health Act, 1848, as to the Mode of making, levying, and collecting any Rate or Rates under that Act, to the contrary notwithstanding. Local Board of Health for York may make Rates. 5&6 W. 4. c. 76.

VII. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act. Act incorporated with Public Health Act.

VIII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1850." Short Title of this Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD OF HEALTH, submitted for the Confirmation of Parliament.

PLACES to which the Orders apply.

Stratford upon Avon.	Brecon.	Dover.
Dartford.	Harrow.	Chelmsford.
Newport.	Derby.	York.

CAP. XXXIII.

An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for paving, draining, cleansing, lighting, and improving the same.

[15th *July* 1850.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police:* And whereas an Act was passed in the same Session of Parliament, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of* Scotland *which now return or contribute to return Members to Parliament, and are not Royal Burghs:* And whereas an Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend an Act to enable Burghs in* Scotland *to establish a general System of Police, and another Act for providing for the Appointment and Election of Magistrates and Councillors in certain Burghs and Towns of* Scotland: And whereas it is expedient to make more effectual Provisions for regulating the Police of Towns and populous Places in *Scotland*, and also for paving, draining, cleansing, lighting, supplying Water to, and otherwise improving the same:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first and last recited Acts be and the same are hereby repealed, except only as regards such Burghs as have already adopted, in whole or in part, the Powers and Provisions of the said first-recited Act. 3&4 W.4. c.46. 3&4 W.4. c.77. 10&11 Vict. c. 39. First and last recited Acts repealed, except where already adopted.

II. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, and Burgh of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained in Terms of this Act; the Expression "Parliamentary Burgh" shall mean a Burgh or Town to which Magistrates and Councils were provided by the said second-recited Act; the Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Royal Burgh, or Burgh of Regality or Barony, or Burgh or Town to which Magistrates and Councillors were by the said second-recited Act provided, containing a Population of Twelve hundred Inhabitants or upwards; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations; the Word "Householder" shall mean a Male Occupier of a Dwelling House or other Heritable Subjects of the yearly Value of Ten Pounds or upwards; the Word "Occupier" shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Party by whom such furnished House is so let; the Expression "Lodging House" shall mean a House in which Lodgers are housed at an Amount not exceeding Interpretation of Terms.

Sixpence *per* Head *per* Night; the Word "County" shall include Stewartry; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include Sheriff Substitute, and also Steward and Steward Substitute; the Expression "the Commissioners" shall mean the Commissioners for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted; the Words "Magistrates," or "Magistrates and Council," when applied to Royal Burghs, shall include the Provost; the Word "Magistrate" (except where used in reference to Proceedings with respect to the Adoption of this Act) shall mean a Magistrate of Police appointed and acting under this Act; the Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act; the Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other Houses and Buildings, and Yards and Places; the Word "Street" shall extend to and include any Road, Bridge, Lane, Square, Court, Alley, Close, Wynd, Vennel, and Thoroughfare or public Passage; the Word "Month" shall mean Calendar Month; the Word "Oath" shall include Affirmation in the Case of Quakers, and Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath; the Word "Owner," used with reference to any Lands or Premises in respect of which any Work is required to be done or any Assessment paid under this Act, shall mean the Person for the Time entitled to receive, or who, if such Lands or Premises were let to a Tenant at a Rack-rent, would be entitled to receive the Rack-rent from the Occupier thereof; the Expression "Rack-rent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises, and the full net annual Value shall be taken to be the Rent at which the Property ought reasonably to be expected to let from Year to Year, free from all Feu Duty, Ground Rent, and usual Tenants' Rates and Taxes, and deducting therefrom the probable annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent; the Expression "private Assessment" shall mean any Assessment or Charge on Individuals for private Improvement Expenses, or for House Drainage, or otherwise, under this Act; the Expression "District Assessment" shall mean any Assessment other than a "private Assessment" which is confined only to a Portion or District of any Burgh; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender (except only the Word "Male") shall include Females.

Boundaries of Parliamentary Burghs fixed by 2&3 W.4. c.65.

III. And be it enacted, That the Boundaries of such Burghs and Towns as send or contribute to send a Member or Members to Parliament shall for the Purposes of this Act be the same as the Boundaries which are fixed by an Act passed in the Second and Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland.

Boundaries of all other Royal Burghs, and Burghs of Regality and Barony, how to be fixed.

IV. And be it enacted, That the Boundaries of all other Royal Burghs, Burghs of Regality and of Barony, shall for the Purposes of this Act be fixed by the Sheriff as after mentioned, but so as not at any Point to extend more than One thousand Yards beyond the Bounds of such Burghs as established by Charter, Grant, Prescription, or Act of Parliament; and on the Application of any Twenty-one or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, being always within the Limits of such One thousand Yards aforesaid; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall for the Purposes of this Act be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid.

Boundaries of populous Places how to be fixed.

V. And be it enacted, That on the Application of any Seven or more Householders in any populous Place of which the Population shall not exceed Three thousand Inhabitants, and on the Application of any Twenty-one or more Householders in any populous Place of which the Population shall exceed Three thousand Inhabitants, and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year Boundaries to be held to be unascertained.

VI. And be it enacted, That if at the Expiration of One Year from the Date of such Deliverance in regard to any Burgh or populous Place this Act shall not have been adopted by such Burgh or Place, in whole or in part, the Boundaries of such Burgh or Place shall for the Purposes of this Act be held and taken to be still unascertained.

VII. And

VII. And be it enacted, That it shall be lawful for any Seven or more Householders in any Burgh of which the Population shall not exceed Three thousand Inhabitants, and for any Twenty-one or more Householders in any Burgh of which the Population shall exceed Three thousand Inhabitants, or for the Magistrates and Council of any such Burgh, whether exceeding in Population Three thousand Inhabitants or not, to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh, for the Purpose of considering whether the Provisions of this Act or any Part of the same shall be adopted and carried into execution within such Burgh: Provided always, that, previously to such Requisition being entertained by such Magistrate or Sheriff, the Boundaries of such Burgh shall have been ascertained, where required to be ascertained for the Purposes of this Act, by Proceedings under the same.

Chief Magistrate, &c. of Burghs to convene Meeting of Householders to consider the Adoption of Act.

Boundaries of Burgh to be ascertained previously.

VIII. And be it enacted, That such Magistrate or Sheriff shall, upon receiving such Requisition for the convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, (except where previously made out and furnished as directed by this Act,) a Return showing to the best of his Knowledge and Belief the Amount of Population residing within such Burgh, and shall also direct the Collectors of the Poor Assessment within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Collectors are hereby required to make and certify on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein; and in case it shall be expedient to obtain such List otherwise than from such Collector's Book, it shall be competent for such Magistrate or Sheriff to cause an accurate List to be taken and made up by Persons to be appointed for that Purpose.

Return of the Population and Lists of Householders to be made out.

IX. And be it enacted, That if the Provisions of this Act shall be adopted in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein-after specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party or Parties who shall have disbursed such Expenses is and are hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

Expenses attending the calling First Meeting, &c., how to be borne.

X. And be it enacted, That on Receipt of such Requisition such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk to act thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides his deliberative Vote, have a casting or decisive Vote.

Mode of calling First Meeting.

XI. And be it enacted, That such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid; and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by Tuck of Drum, or other Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Meetings to be intimated by posting Handbills, &c.

XII. And be it enacted, That at such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Houses or other Heritable Subjects of the yearly Value of Ten Ponnds or of greater Value, so as to afford more than One Qualification of Ten Pounds, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and have Vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each Qualification of Ten Pounds afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided by such Magistrate or Sheriff, whose Determination shall be final.

Qualification of Voters.

XIII. And be it enacted, That such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed; and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such Meeting.

Power of Meeting to adopt this Act, or to decline to adopt it.

XIV. And

Preses to declare the Determination of the Meeting.

XIV. And be it enacted, That the Preses of such Meetings shall ascertain the Determination thereof by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same; which Declaration shall be final, unless the same shall not be unanimous, and a Poll shall be then demanded in Writing by any Five Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

XV. And be it enacted, That when such Poll shall be demanded as aforesaid such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Day of the Date of such Demand in Writing, exclusive of *Sundays*, and the Polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day, but may close earlier.

XVI. And be it enacted, That no Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon; and the Poll shall close at any Time after the Lapse of Two Hours without any qualified Person offering to vote.

Poll Books to be provided.

XVII. And be it enacted, That such Magistrate or Sheriff shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes, and the Voter shall sign his Name to such Entry or Inscription.

State of Poll to be ascertained and declared.

XVIII. And be it enacted, That as soon after the Close of the Poll as may be the Poll Clerks shall transmit the State of the respective Polls to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day; and any Householder present at such adjourned Meeting may then and there demand a Scrutiny, and, on finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, and to be held on a Day not later than the Third Day from such Second adjourned Meeting; and the Result of such Scrutiny as declared by such Magistrate or Sheriff, or, if there be no Scrutiny, the Result of the Poll as originally declared, shall be final, and the Party demanding such Scrutiny shall be liable in the Expense thereof.

Majority necessary to adopt this Act.

XIX. And be it enacted, That any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

How Minutes of Meeting to be worded if Act adopted in part only.

XX. And be it enacted, That if such Resolution shall be to adopt this Act only in part, the Matter or Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words introductory to the Enactment in this Act with respect to such Matter, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so adopted; and it shall not be competent by such Resolution to adopt Part only of the Provisions applicable to a Matter provided for in this Act, but the whole Enactment with respect to such Matter must, if adopted, be adopted entire; and any Adoption of this Act, though in Part only, shall infer the Adoption of the Enactments with respect to Commissioners, and shall also infer the Adoption of the Enactments with respect to Assessments, and shall also infer the Adoption of the Enactments with respect to Appeal to the Sheriff in so far as the Enactments relate to the Matter or Matters adopted, and shall also infer the Adoption of every other general Enactment or Enactments applicable to such Matter or Matters, though not specially set forth and declared in such Minutes to be adopted.

If Act not adopted, Proposal may be reconsidered after Two Years.

XXI. And be it enacted, That where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, after the Expiration of Two Years from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or such Part thereof as may not have been formerly adopted, or determine not to adopt the same.

Where Parliamentary Boundaries include Royal Burgh, Householders may resolve it shall be held as a populous Place.

XXII. And be it enacted, That where the Parliamentary Boundaries of any Burgh include a Royal Burgh, the Householders of which Royal Burgh do not exceed in Number Three Fourths of the Householders within such Parliamentary Boundaries, it shall be competent for any Two Thirds or more of such Householders of such Burgh as are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, to resolve that such Burgh shall for the Purposes of this Act be deemed and taken to be only a populous Place, and such Burgh shall thereafter be deemed and taken for the Purposes of this Act as only a populous Place accordingly: Provided always, that in such Case the Magistrates of such Royal Burgh shall, *ex officio* and along with the Commissioners to be elected in Terms of this Act, be Commissioners for the Purposes of this Act within such Parliamentary Boundaries, anything in this Act to the contrary notwithstanding; and provided also, that it shall not be lawful for the Commissioners to be elected for such Burgh in Terms of this Act to elect any Magistrates of Police, anything in this Act to the contrary notwithstanding, but the Magistrates of such Royal Burgh shall be the Magistrates of Police within such Parliamentary Boundaries.

Where Parliamentary Boundaries include Royal Burgh,

XXIII. And be it enacted, That where the Parliamentary Boundaries of any Burgh which shall have resolved not to adopt this Act in whole or in part include a Royal Burgh, it shall be competent for such Royal Burgh, and for any populous Place within such Parliamentary Boundaries, and without the Limits of

of such Royal Burgh, to take Measures for adopting this Act within such Royal Burgh and populous Place respectively, in so far as not adopted within such Parliamentary Boundaries.

Act may be adopted therein.

XXIV. And be it enacted, That where the Parliamentary Boundaries of any Burgh include One or more Towns or Places which if not included within such Parliamentary Boundaries might have separately adopted this Act, and where such Town or Place, Towns or Places, have a separate Magistracy or separate Magistracies, or a separate Police Act or separate Police Acts, this Act shall not be adopted in whole or in part within such Burgh, unless a Majority not only of the Householders of such Burgh but of the Householders of each such Town or Place who shall be present at the Meeting held in Terms of this Act to consider or determine as to the Adoption of this Act within such Burgh, or who shall vote at the Poll following thereon, shall be in favour of such Adoption; and where in such Burgh this Act shall not have been adopted in whole or in part by reason of such Majorities not having been obtained, it shall be competent for each such Town or Place to take Measures for the Adoption of this Act separately, in the same Manner as if such Town or Place did not form Part of such Burgh.

When Parliamentary Boundaries include Places which might otherwise have separately adopted Act, Provision for their still doing so in certain Circumstances.

XXV. And be it enacted, That where this Act shall be adopted in any Burgh in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and except in the Cases after mentioned, and where it may be necessary to provide for the special Election of Commissioners and Magistrates of Police, the Householders thereof present at the Meeting adopting this Act unanimously, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Further Proceedings on Act being adopted.

XXVI. And be it enacted, That the Resolutions and whole Proceedings of such Meetings shall be reported to the Sheriff by the Transmission to him of the Minutes of such Meetings, and all Documents laid before the same, within Forty-eight Hours after the Close of the Proceedings aforesaid; and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Minutes to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Proceedings to be reported to the Sheriff.

Commissioners.

And with respect to Commissioners for the Purposes of this Act, be it enacted as follows:

XXVII. That the Commissioners for the Purpose of executing this Act, to be elected as herein-after provided, shall be in Number either Six, Nine, or Twelve, as may be determined as aforesaid.

Number of Commissioners:

XXVIII. That where the Burgh shall be divided into Wards as aforesaid, the Number thereof, and the Number of Commissioners to be elected in manner herein-after provided, shall be so settled and adjusted that there shall be Three such Commissioners for each such Ward.

If Burgh divided into Wards.

XXIX. That as soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to a Burgh adopting the same as aforesaid, and where Commissioners are to be elected, the Chief or Senior Magistrate or Sheriff, as the Case may be, shall convene a Meeting of the Householders of the Burgh, qualified as aforesaid, in the Town Hall or other convenient Place within the Burgh, or if the Burgh shall be divided into Wards, at some convenient Place in their respective Wards, to be specified in the Notice to be given of such Meeting for the Election of Commissioners for the Purpose of executing this Act, all which Meetings shall be summoned in the same Way and Manner and at the same Distance of Time as is provided for the First Meeting to be held in virtue of this Act; and in all such Burghs as shall be divided into Wards in manner herein provided the Ward Meetings shall elect their own Preses; and the Commissioners shall be elected by such Meeting or by such Wards.

Meeting for Election of Commissioners to be convened.

XXX. That such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed at such Meeting by any Householder, and may be seconded by any other Householder; and the Preses of the Meeting shall thereupon ascertain and declare the Resolution thereof in manner aforesaid; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing, in the Manner before provided, at any Meeting for the Purposes of Election under this Act, such Magistrate or Sheriff or such Preses of such Meeting shall open and proceed with such Poll in the Manner herein-before provided; and such Magistrate or Sheriff or Preses of Wards respectively shall for that Purpose appoint a Clerk, and shall provide a Book in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Book; and such Magistrate or Sheriff or Preses shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Money assessed and levied under the Authority of this Act.

Election of Commissioners.

XXXI. That the whole Commissioners so returned as aforesaid shall, at Twelve of the Clock Noon on the First *Monday* after such Election, hold their First General Meeting in the Town Hall or other convenient Place within such Burgh, with Power to adjourn to such other Place as they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting

First Meeting of Commissioners.

Commissioners.

Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act, shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until, upon a Scrutiny, his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, though, by reason of Equality of Votes or otherwise, the full Number of Commissioners may not be filled up; and the Commissioners returned shall be arranged alphabetically according to their Surnames, and where the Burgh is divided into Wards the Commissioners for each Ward shall be kept in separate Lists.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

XXXII. That the Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Voices, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

Commissioners to be elected annually.

XXXIII. That One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, being in each Case those who are the highest on the List or Lists of Commissioners for the Time, shall go annually out of Office, *videlicet*, on the same Day at the Expiration of a Year on which Commissioners were last elected into Office, or on the next lawful Day thereafter; and on the same or the next lawful Day annually the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners, to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Meeting and Election, and where the Burgh is divided into Wards the Place of each Commissioner going out of Office shall in all Cases under this Act be filled up by the Ward which returned him; and the like Notice of each such annual Meeting shall be given as is herein-before directed to be given of such First Meeting for the Election of Commissioners; and the Commissioners elected at each annual Meeting, arranged alphabetically according to their Surnames, shall be placed at the Foot of the List of Commissioners, or where the Burgh is divided into Wards, at the Foot of the List of Commissioners for their respective Wards; and where the Senior Magistrate of Police would in ordinary Rotation be One of the Commissioners going out of Office, but remains to complete the Period of Three Years Service as such Senior Magistrate, another Commissioner, being the highest on the List, or, where the Burgh is divided into Wards, the highest on the List for the Ward by which such Senior Magistrate was elected, shall go out in the Room of such Senior Magistrate.

Out-going Commissioners may be re-elected.

XXXIV. That any of such out-going Commissioners may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment due under this Act shall at the Time of the Election have been owing for the Space of a Month, and shall since it became due have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Vacancies in the Magistrates of Police how to be supplied.

XXXV. That where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Commissioner whose Name is found highest on the Poll, shall have a double or casting Vote, in case of Equality: Provided always, that the Senior Magistrate shall always remain in Office for the Period of Three Years, and that he, as well as the Junior Magistrates, shall at all Times be capable of being re-elected.

Interim Vacancies how to be supplied.

XXXVI. That in case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to act, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners and Magistrates of Police to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or if the Burgh be divided into Wards, the Householders of the Ward.

If Electors refuse, &c. to elect, Commissioners may.

XXXVII. That if the Electors shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners originally fixed and agreed to, it shall be lawful for the Commissioners who held Office immediately before the Time specified for such Election to supply the Deficiency.

Magistrates and Councils in Royal and Parliamentary Burghs to be Commissioners for executing this Act.

XXXVIII. That where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh having Magistrates and Council, the Magistrates and Council of such Burgh for the Time being shall be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act.

In Burghs of Regality or Barony having

XXXIX. That where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council, (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that

that in which such Burgh as previously bounded was situated), it shall be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh for the Time being shall always be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation as regards such Burgh; and in that Case, but in that Case only, such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act.

Magistrates and Councils the Householders may vest such Magistrates and Councils with the Office of Commissioners.

XL. That no Commissioner shall, directly or indirectly, derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners not to hold Places of Profit under this Act.

XLI. That the whole Commissioners shall be cited to attend all Meetings, both Special and Statutory, (save only the First Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Shops, by written or printed Summonses issued by their Clerk, at least Twenty-four Hours before the Time of meeting; and the Senior Magistrate present, or in Absence of any Magistrate such one of the Commissioners as shall be chosen by the Meeting, shall preside in all Meetings of the Commissioners; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Commissioners to be summoned to attend Meetings.

Quorum.

XLII. That Meetings of the Commissioners shall be held, in such Places as they shall appoint within the Burgh, upon the Second *Monday* of the Months of *February, May, August,* and *November* in each Year, at Twelve of the Clock Noon.

Statutory Meetings of Commissioners.

XLIII. That the Clerk to the Commissioners, on Requisition being made to him, stating the Object of the intended Meeting, in Writing and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings by printed or written Summonses containing a Copy of such Requisition.

On Requisition Special Meetings may be called;

XLIV. That no Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

but not to annul Rules made at Statutory Meetings.

XLV. That the Commissioners may adjourn to any other Day, Hour, and Place within the Bounds before described.

Meetings may be adjourned.

XLVI. That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expenses.

Commissioners Expenses.

XLVII. That the Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committee shall be entitled to a casting Vote in case of Equality, and to convene the Members by Notices in the Way he shall think most convenient.

Power to appoint Committees.

XLVIII. That the Commissioners shall, in such Manner as to them shall seem best for the Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Purposes of this Act, and shall have Power, at such Times as they shall appoint, and from Time to Time, to order and direct Lists to be taken of the Inhabitants of the Burgh, and of the Value of Premises situate therein, and to appoint a Superintendent of Police, at a fixed annual Salary, and also to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons at Pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also, with the Consent of the Proprietors, to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, and Regulations relative to the watching, lighting with Gas or otherwise, paving, and cleansing the Streets, Roads, Lanes, Passages, or public Ways or Places within the Burgh, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for the Prevention of infectious Diseases, and putting down and removing such Nuisances as may affect the Health of the Inhabitants, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty

Powers and Duties of Commissioners.

Commissioners.

Shillings, and execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained.

Commissioners may contract for Execution of Works.

XLIX. That the Commissioners, or any Committee of their Body thereunto especially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in Name of the Meeting at which such Agreement or Contract shall be made.

Property vested in Commissioners.

L. That the Monies arising from the Assessment hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Clerk to be appointed.

LI. That the Commissioners shall appoint a Clerk for keeping the Books and Records of the Commissioners and their Committees; which Book or Records, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever in any Case or Matter concerning this Act, and shall be open to the Inspection of any Person interested therein, without Payment of any Fee or Reward; and the Clerk shall, when required, give certified Copies or Extracts therefrom to all Persons requiring the same, upon Payment of such reasonable Sum as shall be fixed by the Commissioners, not exceeding One Shilling for every Three hundred Words.

Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

LII. That no Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence committed within the Limits of the Burgh as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions, such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

LIII. That the Commissioners shall in like Manner at their First Meeting elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

LIV. That the Commissioners may allow reasonable Salaries to the Clerk and Treasurer, and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

LV. That such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in one of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

LVI. That in case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed upon the Burgh at the next annual Assessment in the Manner herein prescribed with regard to annual Assessments, and shall be payable at such Time as the Commissioners shall appoint; and in case of Failure in Payment, the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the annual Assessment.

Treasurer and Collector may be same Person; but Clerk and Treasurer not to be same Person.

LVII. That it shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

LVIII. That

Commissioners.

Actions by or against Commissioners, how to be brought, and not to abate.

LVIII. That all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners shall be in the Name of their Clerk or Treasurer or Collector for the Time being, as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk or Treasurer or Collector, or by any Change in the Persons holding Office as Commissioners, but the Clerk, Treasurer, or Collector to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Books of Accounts and Proceedings to be kept by Commissioners.

LIX. That Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the Commissioners, shall be kept in Books by their Clerk; and all such Books of Accounts and Proceedings whatsoever may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed and published.

LX. That the Commissioners shall yearly, and previous to their Statutory Meeting in the Month of *February* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited as herein-after provided, shall be signed by Two of the Commissioners and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause to be printed, and inserted in One or more of the Newspapers published or circulated in the Burgh, authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Auditors to be appointed.

LXI. That the Commissioners shall, at their Statutory Meeting in the Month of *February* in each Year, appoint Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

Auditors to inspect Accounts, and may appeal against Part of the same if they think fit.

LXII. That the Auditors so appointed shall attend as soon as conveniently may be after the said annual Meeting at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall proceed to audit the Accounts of the Commissioners for the Year preceding the said annual Meeting; and the Commissioners shall lay before such Auditors the Accounts for such Year, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Rate-payer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct such Auditors shall sign the same in token of their Allowance thereof, but if such Auditors think there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the Commissioners be dissatisfied with the Result of such Audit they may appeal to the Sheriff, whose Decision shall be final: Provided always, that unless the Balance as ascertained and fixed by the Auditors shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

And with respect to General Assessments under this Act, be it enacted as follows:

General Assessments.

Commissioners to make Assessment for the Purposes of this Act.

LXIII. That once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Premises within the Burgh in the Sums necessary to be levied for the Purposes of this Act, other than by way of Private or District Assessments, and shall fix a Day, not being less than Three Months from the Date of laying on such Assessment, on which the same shall be payable, and another Day, not being less than One Month preceding the Day on which such Assessment is so made payable, on or before which Appeals by any Parties, complaining that they have been improperly assessed, may be lodged with the Clerk, and another Day or Days on which Appeals shall be heard; and the Rate of Assessment, and Days, so fixed by the Commissioners, shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated; and the

General Assessments.

Decision of the Commissioners on such Appeals shall be final: Provided always, that such Assessment other than Private and District Assessments shall not in any Year exceed the Rate of Two Shillings and Sixpence in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of One Shilling and Sixpence in the Pound where such Enactments with respect to Water have not been adopted.

Exceptions from Assessments.

LXIV. That the Commissioners shall not assess any Premises which shall be unoccupied or unfurnished from one Term of *Whitsunday* to another Term of *Whitsunday*, nor the Town House of the Burgh, nor any Place used solely for Public Worship, nor any Buildings which are solely occupied for the Purposes of Religion, or of public Charity, or of Education, or which are exempted from County, Borough, Parochial, or other local Rates or Cesses by the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, intituled *An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.*

6 & 7 Vict. c. 36.

Common Good to contribute towards the Purposes of this Act.

LXV. That when the Provisions of this Act shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there shall be annually contributed therefrom such a reasonable Proportion towards the Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided always, that if any Six or more Inhabitants liable in Assessment under this Act shall think proper, such Inhabitants may require, by Notice in Writing, that the Amount of such Contribution shall be submitted to the Decision of the Sheriff, who is hereby required thereupon to repair to such Burgh, and to inquire into all Facts and Circumstances which he may deem material, and to take in Writing the Statements of Parties, and such Evidence as he shall think necessary, and such Sheriff shall decide as to the Amount of such Contribution to be paid from the Common Good of such Burgh, and such Decision shall be recorded in the Books of the Burgh, and also in the Books of the Commissioners: Provided also, that in the event of any Change of Circumstances operating either towards the Increase or Diminution of the free Income of such Burgh, it shall be competent either to the Town Council or to the said Inhabitants, after the Expiration of Three Years after the Date of any such Decision, or Three Years after the Date of any after Decision, to propose an Amendment or Rectification of the existing Contribution; and in case of Disagreement between the Town Council and Inhabitants the Amount shall again be submitted to the Decision of the Sheriff; and the Decision of the Sheriff in both of the Cases above mentioned shall, subject to the foresaid Proviso, be final, and not subject to Review.

Contribution, how to be recovered.

LXVI. That the Sum which the Burgh shall thus agree to, or shall be directed to contribute annually as aforesaid, shall be recoverable by such and the like Process as Debts due from the Common Good of Royal Burghs in *Scotland* may now by Law be recovered.

Occupiers to pay Assessments

LXVII. That the said Assessment shall be levied from the actual Occupiers of all Premises (whether Proprietors or Tenants); but in the Cases of Premises let at a Rent under Five Pounds, or for a less Period than Half a Year, the Person by whom the Assessment shall be paid shall be entitled to deduct the same from the Rent payable to the Person by whom the said Premises shall be so let, who shall be liable for such Assessment, and from whom the same may be levied, in case of the Removal or Default of the actual Possessor of such Premises; and Deduction shall be allowed by the Commissioners of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished: Provided always, that where Premises are let to One or more Persons at a Rent or Rents not exceeding Five Pounds payable by each such Person respectively as his own Rent or proper Share of Rent, and where the Assessments payable by the Occupier under this Act shall not have been recovered from such Occupier, it shall be lawful for the Commissioners to recover such Assessment from the Owner.

Names of Occupiers to be furnished by Collectors of Poor Assessments, &c.

LXVIII. That the Collectors of Poor Assessments shall furnish the Commissioners, as often as they shall require the same, with a List of the Names of all Occupiers of Premises situated within the Burgh, certified as aforesaid, and on Payment of such Fee as is before provided; and in like Manner the Clerks of such Burghs as are included in the said recited Act of the Second and Third Year of the Reign of His Majesty King *William* the Fourth shall, upon Requisition, furnish the Commissioners with a List of the Persons qualified to vote in such Burgh for a Member of Parliament.

Assessment Roll to be made up; and Appeals how to be entered and disposed of.

LXIX. That the Commissioners shall annually cause to be made up a Roll or Book of Assessment, showing the yearly Rent or Value of the whole Premises in the Burgh liable to be assessed under this Act, and according to which the Assessments under this Act are intended to be levied; and such Roll or Book of Assessment shall be open to Inspection by all Rate-payers, in the Hands of the Clerk, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for hearing Appeals against the same; and the Commissioners shall have Power to rectify or alter any Valuation of Premises against which an Appeal may be taken by the Person liable to be assessed therefor, by Letter to the Clerk lodged with him on or before such Day as the Commissioners shall at the Time of laying on the Assessment appoint as aforesaid.

Commissioners may grant Relief from Assessment in case of Poverty.

LXX. That the Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

LXXI. That

Assessment Roll to be delivered to the Collector.

LXXI. That as soon as may be after disposing of the Appeals in each Year the said Roll or Book of Assessment, as finally adjusted by the Commissioners, or a Copy thereof, docqueted and signed by any Two of their Number, shall be delivered over to the Collector, as the Rule for levying and collecting the annual Assessment under this Act.

Recovery of Rates.

LXXII. That if any Assessment is not paid when the same falls due, the Commissioners may authorize the Collector by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for recovering from the different Parties liable therein and remaining in arrear; and thereupon the Collector may present the said Roll or Book of Assessment, or a Copy thereof, docqueted and signed and endorsed as aforesaid, to any One of the Magistrates of Police or other Magistrates of the Burgh, who is hereby authorized and required to grant such summary Decreets and Warrants as may be necessary for levying the same; and where any Person so rated and assessed as aforesaid shall refuse or neglect to pay the Assessment charged upon him, for the Space of Ten Days next after the same shall be due and demanded by the Collector, it shall be lawful for the Collector to apply to any such Magistrate for a Warrant to any of the Officers of the Burgh to enter any Premises rented or possessed by the Person assessed and refusing and neglecting as aforesaid, and to seize and take possession of his Goods and Effects, and which Warrant such Magistrate is hereby authorized and required to grant, upon a Certificate, signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person assessed being in arrear to the Amount stated in the Certificate; and if such Assessment shall not be paid within Three Days after such Seizure is made, together with the Charges and Expenses thereby incurred, then the Collector is hereby authorized to sell by public Roup, either on the Premises where the said Goods were seized or any other Place, the whole or such Part of the said Goods or Effects as shall be sufficient to pay the said Assessment, with the Expenses attending such Seizure and Sale, returning the Surplus, if any be, to the Owner; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Magistrate shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to prosecute for and recover all or any Part of such Assessment in arrear before the Sheriff's Small Debt Court, or otherwise according to Law; and no Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of any Assessment under this Act shall prejudice the Recovery of such Assessment and Expenses, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment of such Assessment under the Provisions of this Act.

Private and District Assessments.

And with respect to Private and District Assessments under this Act for Sewers, Drains, and private Improvements, be it enacted as follows:

Commissioners may assess for Private Improvement Expenses.

LXXIII. That where by this Act the Occupiers of any Premises are made liable to the Payment of any Expenses which are directed to be recoverable as Private Improvement Expenses, the Commissioners may charge the Occupiers of such Premises respectively with special Rates, over and above any other Rates to which such Persons may be liable under this Act, after the yearly Rate of Six Pounds Ten Shillings in the Hundred Pounds on the Cost of such private Improvements respectively, such special Rates to be payable during Thirty Years next after such Expenses have been incurred.

Where new Sewers are made Commissioners may make special Sewer Rates.

LXXIV. That whenever any new Sewer shall be made the Commissioners may charge the Occupiers of all Premises liable to contribute to the Rates for making the same with special Sewer Rates, over and above any other Rates to which such Persons may be liable under this Act, after the yearly Rate of Six Pounds Ten Shillings in the Hundred Pounds on the Cost of making such new Sewer, such special Sewer Rates to be payable during Thirty Years next after such Expenses have been incurred.

Commissioners may make a general Sewer Rate distinct from other Rates.

LXXV. That the Commissioners may make a Sewer Rate, to be called the general Sewer Rate, distinct from any other Rate which they may be authorized to make under this Act, and the Money to be raised by such general Sewer Rates shall be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the special Sewer Rates, and for securing and paying off any Monies which may be borrowed for the Purposes aforesaid on Security of the special Sewer Rates under the Provisions of this Act, and the Interest of such Monies which the special Sewer Rates shall be insufficient to defray.

Sewer Rate to be of such Amount as to

LXXVI. That the Commissioners shall from Time to Time make the general Sewer Rate of such Amount as will with the special Sewer Rates raise Money sufficient not only to defray the current Expenses

pay off Monies borrowed thereon in 30 Years.

Expenses of maintaining the Sewers that shall have been purchased or made, but also to keep down the Interest of any Monies borrowed on Security of the special and general Sewer Rates, and to pay off the Principal of such Monies within a Period not longer than Thirty Years.

Cases where Rates may be charged upon separate and distinct Districts.

LXXVII. That where by this Act the Commissioners are authorized to order that any Rate shall be levied by Assessments to be made for separate and distinct Districts, the Commissioners from Time to Time may order Assessments to be made in respect of the Rates authorized to be so levied upon separate and distinct Districts, and in such Case the Commissioners shall cause their Surveyor to describe and define in the Plan of the Burgh every such separate and distinct District for the Purposes of separate Rating as aforesaid, and so from Time to Time as Occasion shall require.

Rates to be levied on separate and distinct Districts.

LXXVIII. That the Commissioners may in such Case, instead of making One Assessment for the whole Burgh, make separate and distinct Assessments, as Occasion shall require, for every such separate and distinct District respectively, and may appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in a fair and equitable Manner.

Drainage Rates.

LXXIX. That in all Cases when the Commissioners have paid or become liable to the Payment of any Expenses in constructing or laying any Drain or Pipe from any House or Building, or in providing any Privy, Ashpit, or Cesspool for the Use of the Occupiers thereof, and when neither the Owner nor Occupier of such House or Building is willing to defray the said Expenses forthwith, the Commissioners shall lay Drainage Rates on the Occupiers of such Houses and Buildings respectively, to be continued for Six successive Years and no longer; and the Sum to be annually levied by every such Drainage Rate shall be One Fifth Part of the whole Expense incurred in constructing, laying, or providing such Drain, Privy, Ashpit, or Cesspool as aforesaid, and shall be applied in satisfaction thereof; and the Amount of any such Drainage Rate may be added to any other Rate levied from the Occupiers of such Houses and Buildings, and recovered therewith by the like Ways and Means.

Occupiers may deduct a Proportion of Drainage Rate from their Rent.

LXXX. That every Occupier of any such House or Building at a Rent not less than the Rack Rent who has paid any such Drainage Rate shall be entitled to deduct Three Fourths of the Rate so paid by him from the Rent payable by him to his Landlord; and every Occupier at a Rent less than the Rack Rent who has paid any such Drainage Rate shall be entitled to deduct from the Rent payable by him to his Landlord such Proportion of Three Fourths of the Rate so paid by him as the Rent payable by him bears to the Rack Rent.

Limitation of Expenditure for House Drains, &c.

LXXXI. That, without the written Consent of the Owner of any such House or Building, the Commissioners shall not be empowered to expend during any Term of Six successive Years more in the whole than One Year's Rack Rent thereof in constructing or laying any such Pipe or Drain, or in providing any such Privy, Cesspool, or Ashpit.

Assessment how to be imposed, and how Appeals to be entered and disposed of.

LXXXII. That all Private and District Assessments leviable under this Act may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day or Days on which Appeals in reference to such Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so assessed, stating the Particulars of the intended Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office at least Four Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; and the Commissioners may rectify or alter any Private or District Assessment as regards any Person liable to be assessed therefor, by whom an Appeal may be taken by Letter to the Clerk, lodged with him on or before such Day for lodging Appeals as the Commissioners shall have fixed as aforesaid: Provided always, that it shall be lawful for any Person considering himself aggrieved by any Private or District Assessment imposed as aforesaid to appeal from the Decision of the Commissioners to the Sheriff in the Manner and to the Effect herein-after mentioned.

Recovery of Private and District Assessments.

LXXXIII. That as soon as may be after disposing of the Appeals against any Private or District Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment applicable thereto, and the same, or a Copy thereof, docqueted and signed by any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Assessments; and if the said Assessments shall not be paid when the same fall due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for Recovery of the same; and the Collector may present such Roll or Book of Assessment, or a Copy thereof, docqueted, signed, and endorsed as aforesaid, to any One of the Magistrates of Police, or other Magistrates of the Burgh, and thereupon the whole Provisions of this Act in reference to the Recovery of any other Assessments by this Act authorized shall apply to and be available for the Recovery of such Private and District Assessments.

LXXXIV. That

Private and District Assessments.

Application of surplus Assessment.

LXXXIV. That if any Surplus of the Assessment for general Purposes under this Act, or any Surplus of any other Assessment under this Act, shall remain at the End of any Year, after the whole Expenses for which such Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall be applied towards the same Purpose in the Year following, so that such Assessment may be proportionally diminished; and if any such Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency in the following and subsequent Years until the same shall be fully paid: Provided always, that the Rates hereby authorized to be levied shall in no One Year be exceeded.

Constables, &c.

And with respect to the Police of Burghs, and to the Appointment, Powers, Duties, and Privileges of Constables, be it enacted as follows:

Appointment of Superintendent of Police and of Constables.

LXXXV. That the Commissioners shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as the Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the above Duty, and to direct their Distribution within the Burgh, and to remove them at Pleasure.

Duties of Superintendent of Police and Constables.

LXXXVI. That it shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police under the Control of the Commissioners, to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the Burgh fall to be tried in another Jurisdiction, and to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Bye Laws which may be made under this Act, for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances and the Removal of Obstructions within the Burgh; and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

Powers, &c. of Superintendent of Police and Constables.

LXXXVII. That the Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Constables not to resign without Leave or Notice.

LXXXVIII. That no Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Constables dismissed to deliver up Accoutrements.

LXXXIX. That every Constable appointed under this Act who is dismissed from or ceases to hold and exercise his Office shall forthwith deliver over to the Superintendent of Police or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under Pain of Imprisonment, with or without hard Labour, for any Time not exceeding One Month; and the Sheriff or any Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

XC. That every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Penalty for Neglect of Duty.

XCI. That every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and convicted thereof before the Sheriff or a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, he may lawfully be imprisoned for any Time not exceeding One Month, with or without hard Labour.

XCII. That

Constables, &c.

Power to provide Offices, Watch-houses, &c.

XCII. That the Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses, Prisons, and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

Obstructions and Nuisances.

And with respect to the Police of Burghs, and to Obstructions and Nuisances in the Streets, be it enacted as follows:

Power to prevent Obstructions in the Streets during public Processions, &c.

XCIII. That the Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

XCIV. That if any Cattle be at any Time found at large in any Street of the Burgh without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

Power to sell stray Cattle for Penalty and Expenses.

XCV. That if the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

XCVI. That every Person who in any Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding Fourteen Days; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before the Sheriff or a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof; or who, without having Reins, and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons, and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the first Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every

Obstructions and Nuisances.

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal, or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, or Iron Beam, to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground:

Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon:

Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any profane or obscene Song or Ballad:

Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door; or who wilfully and unlawfully extinguishes the Light of any Lamp:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box, or other heavy Article, in any upper Window, without sufficiently guarding the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Story:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, or Sea Beach or Strand within the Boundaries of a Burgh, or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street, so as to be a common Nuisance.

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

XCVII. Every Person drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

Fires.

And with respect to the Police of Burghs and to Fires, be it enacted as follows:

Penalty for wilfully setting Chimneys on fire.

XCVIII. That every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

XCIX. That if any Chimney within the Burgh accidentally catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Sheriff or Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant.

Fire Engines may be provided and Firemen employed by the Commissioners.

C. That the Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

CI. That the Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner of the Premises where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as Damages.

Places of public Resort.

And with respect to the Police of Burghs and to Places of public Resort, be it enacted as follows:

Penalty on Victuallers entertaining Constables while on Duty.

CII. That every Victualler or Keeper of any Public House, or Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, within the Burgh, who knowingly harbours or entertains or suffers to remain in his Public House or Place wherein he carries on his Business any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring disorderly Persons.

CIII. That every Person keeping any House, Shop, Room, or other Place of public Resort within the Burgh for the Sale or Consumption of Refreshments of any Kind, who knowingly suffers common Prostitutes or reputed Thieves to assemble at and continue in his Premises, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons keeping Places for baiting Animals; and on Persons found therein.

CIV. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, to Imprisonment, with or without hard Labour, for a Time not exceeding One Month; and the Commissioners may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequence to which he is liable for the Nuisance thereby occasioned.

Hackney Carriages.

And with respect to the Police of Burghs and to Hackney Carriages, be it enacted as follows:

Hackney Carriages to be licensed.

CV. That the Commissioners may from Time to Time license to ply for Hire within Five Miles from the General Post Office of the Burgh such Number of Hackney Coaches or Carriages of any Kind or Description adapted to the Carriage of Persons as they think fit.

What to be Hackney Carriages.

CVI. That every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered

numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act. *Hackney Carriages.*

CVII. That for every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Commissioners direct, not exceeding Five Shillings. Fee to be paid for Licences.

CVIII. That before any such Licence is granted a Requisition for the same, in such Form as the Commissioners may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds. Persons applying for Licence to sign a Requisition for same.

CIX. That in every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Commissioners think fit. What shall be specified in the Licence.

CX. That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage; and any Person may at any reasonable Time inspect such Book without Fee or Reward. Licences to be registered.

CXI. That every Licence so to be granted shall be signed by Two or more of the Commissioners, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Commissioners. Licence to be in force for One Year only.

CXII. That so often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned either solely or in Partnership with any Person in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof, in Writing, signed by him, to the Commissioners, specifying in such Notice his new Place of Abode; and he shall at the same Time produce such Licence at the Office of the Commissioners, who shall, by their Clerk, or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings. Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

CXIII. That if the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings. Penalty for plying for Hire without a Licence.

CXIV. That no Person shall act as Driver of any Hackney Carriage licensed in pursuance of this Act to ply for Hire within such prescribed Distance without first obtaining a Licence from the Commissioners, which Licence shall be registered by the Clerk to the Commissioners, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended as after mentioned. Drivers not to act without first obtaining a Licence.

CXV. That if any Person acts as such Driver as aforesaid without having obtained such Licence or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings. Penalty on Drivers acting without Licence.

CXVI. That in every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before the Sheriff or a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned.

Magistrates may endorse Convictions upon Licence.

Penalty on Proprietors for Neglect.

Licence of such Driver, if he be then in his Employ; and if any Driver complained of be adjudged guilty of the Offence alleged against him, such Sheriff or Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise, Proprietor to summon them.

Compensation if Licence improperly withheld.

CXVII. That when any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before the Sheriff or a Magistrate to answer the said Complaint; and such Sheriff or Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint, and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Sheriff or Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Licences to be suspended or revoked for Misconduct.

CXVIII. That the Commissioners may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Bye Law made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

CXIX. That no Hackney Carriage shall be used or employed or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in Form following, (that is to say,) "To carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be required to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Penalty for Neglect or for Refusal to carry the prescribed Number.

CXX. That if the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for refusing to drive.

CXXI. That any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Commissioners, or in any Street, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Bye Law of the Commissioners, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

CXXII. That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Bye Law made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

CXXIII. That no Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Bye Law made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before the Sheriff or a Magistrate, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Sheriff or Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

Driver to carry, under Agreement for discretionary Distance, the Distance to which Hirer is entitled for the Fare.

CXXIV. That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid, for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon according to the Fare allowed by any Bye Law made under this Act.

Overcharge by Coachmen, &c. to be included

CXXV. That every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Bye Law made under this Act shall be liable to a Penalty not

not exceeding Forty Shillings, and such Penalty may be recovered before the Sheriff or a Magistrate; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in Proof of such Offence. *in Conviction, and returned to aggrieved Party.*

CXXVI. That any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings. *Persons not to ride without Consent of the Hirer.*

CXXVII. That no Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence. *No Person to act as Driver without the Consent of the Proprietor.*

CXXVIII. That if the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person by wanton and furious Driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Sheriff or Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months. *Penalty on Drivers misbehaving.*

CXXIX. That if the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Sheriff or Magistrate before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Sheriff or Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage. *Penalty for leaving Carriages unattended at Places of public Resort.*

CXXX. That in every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Sheriff or Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum not exceeding Five Pounds as appears to such Sheriff or Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages. *Damage done by Driver may be recovered from the Proprietor.*

CXXXI. That any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings. *Improperly standing with Carriage, or obstructing any other Driver, &c.*

CXXXII. That if the Driver of any Hackney Carriage be summoned or brought before the Sheriff or any Magistrate to answer any Complaint or Information touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Bye Law made under this Act, and such Complaint or Information be afterwards withdrawn or quashed or dismissed, or if such Driver be acquitted of the Offence charged against him, such Sheriff or Magistrate, if he think fit, may order the Complainer or Informer to pay to such Driver such Compensation for his Loss of Time in attending such Sheriff or Magistrate touching or concerning such Complaint or Information as to such Sheriff or Magistrate seems reasonable; and in default of Payment of such Compensation such Sheriff or Magistrate may commit such Complainer or Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid. *Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.*

CXXXIII. That if any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Bye Law made under this Act, such Fare may, together with Costs, be recovered before the Sheriff or any Magistrate as a Penalty. *Penalty for refusing to pay the Fare.*

CXXXIV. That any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Sheriff or Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty. *Penalty for damaging Carriage.*

CXXXV. That the Commissioners may from Time to Time (subject to the Restrictions of this Act) make Bye Laws for all or any of the Purposes following; (that is to say,) *Commissioners may make Bye Laws for regulating Hackney Carriages.*

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For

Hackney Carriages.

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

Bathing.

And with respect to the Police of Burghs, and to public Bathing, be it enacted as follows:

Bathing Machines and bathing.

CXXXVI. That where any Part of the Sea-shore or Strand of any River used as a public Bathing-place is within the Burgh, the Commissioners may make Bye Laws for the following Purposes; (that is to say,)

For fixing the Stands of Bathing Machines on the Sea-shore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

Precautions during Repairs.

And with respect to the Police of Burghs, and to Precautions during the Construction and Repair of Sewers, Streets, and Houses, be it enacted as follows:

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

CXXXVII. That the Commissioners shall, during the Construction or Repair of any Streets, and during the Construction or Repair of any Sewers or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and shall cause such Bars or Chains to be fixed across or in any of the Streets, to prevent the Passage of Carriages and Horses while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof by them, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who takes down, alters, or removes any of the said Bars or Chains, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Hoards to be set up during Repairs.

CXXXVIII. That every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any Street or Footway will be obstructed or rendered inconvenient by means of such Work, shall before beginning the same cause sufficient Hoards or Fences to be put up, in order to separate the Building where such Works are being carried on from the Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers, outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition, to the Satisfaction of the Commissioners, during such Time as the public Safety or Convenience requires, and shall in all Cases in which it is necessary in order to prevent Accidents cause the same to be sufficiently lighted during the Night; and every such Person who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a reasonable Time afterwards, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

CXXXIX. That when any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any of the Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for continuing Deposits of Building Materials or

CXL. That in no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person who causes such Materials or other Things to be laid or such Hole to be made, and

and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence; and in any such Case the Proof that the Time has not exceeded the necessary Time shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole to be made.

Excavations an unreasonable Time.

CXLI. That if any Building or Hole or any other Place near any Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Street, the Commissioners shall cause the same be repaired, protected, or enclosed, so as to prevent Danger therefrom; and the Expenses of such Repair, Protection, or Enclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or enclosed, and shall be recoverable from him as Damages.

Dangerous Places to be repaired or enclosed.

And with respect to the Police of Burghs, and to cleansing the Streets, be it enacted as follows:

Cleansing Streets.

CXLII. That the Commissioners shall cause all the Streets, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all Dust and Filth of every Sort found thereon to be collected and removed, and shall cause all the Dust, Ashes, and Rubbish to be carried away from the Houses and Premises of the Inhabitants of the Burgh, at convenient Hours and Times, and shall cause the Privies and Cesspools within the Burgh to be from Time to Time emptied and cleansed in a sufficient and proper Manner: Provided always, that the Occupier of any House or Premises within the Burgh may keep and remove any such Soil, Ashes, or Rubbish as shall be made on his own Premises, and shall be kept for Manure, so that the same be not a Nuisance to the Inhabitants residing near such Premises, and that the same be removed at such Times and in such Manner as shall be approved of by the Commissioners.

Commissioners to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses.

CXLIII. That the Occupiers of Premises within or adjoining the Streets shall once in every Day (*Sundays* excepted) before Eight of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Premises; and every such Occupier making default herein shall for every such Offence be liable to a Penalty not exceeding Five Shillings; and for the Purpose aforesaid, when any House shall be let in separate Apartments, the Person letting such Apartments shall be deemed the Occupier.

Occupiers to cause Footways to be swept.

Penalty for Neglect.

CXLIV. That the Commissioners may compound, for such Time as they think fit, with any Person liable to sweep or cleanse any Footway under the Provisions of this Act, for sweeping and cleansing the same in the Manner directed by this Act.

Commissioners may compound for sweeping Footways.

CXLV. That the Dust and Filth which the Commissioners shall cause to be collected from the Streets, Privies, Sewers, and Cesspools, and all the Dust, Ashes, and Rubbish which the Commissioners shall cause to be collected and carried away from the Houses or Premises, or elsewhere within the Burgh, shall be the Property of the Commissioners, and the Commissioners shall have Power to sell and dispose of the same as they think proper, and the Money arising from the Sale thereof shall be applied towards the Purposes of this Act.

Dust, &c. collected to be vested in the Commissioners.

CXLVI. That the Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Buildings by them considered necessary, or they may cause any new Building to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

CXLVII. That the Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who after such Dust Boxes or Conveniences have been so provided shall deposit or cause or permit to be deposited any Ashes or Dust in any Part of any Street, except in some of such Dust Boxes or other Conveniences, and every Person who shall lay or cause to be laid any Dirt, Dung, or other Filth in any Part of any Street, shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings.

Dust Boxes to be erected by Commissioners.

CXLVIII. That the Commissioners may erect such public Water-closets, Privies, and Urinals within the Burgh and in such Situations as they think fit, so as not to create a Nuisance, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Monies to be levied under this Act.

Public Conveniences to be erected.

CXLIX. That the Commissioners shall, as often as Occasion requires, cause the Streets to be watered, and they may contract with any Water Company or other Party for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and if necessary, they may place Pipes, Conduits, and Pumps in any of the Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

CL. That the Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Company or other Person to employ Scavengers, for sweeping, cleansing, and watering the Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and from the Houses and other Premises therein, and for emptying Privies and Cesspools, in the Manner by this Act directed; and such Scavengers shall, on such Days, and at such Hours, and in such Manner as the Commissioners from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any

Commissioners to appoint Scavengers.

Cleansing Streets.

any Street which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes, Rubbish, or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for obstructing Scavengers.

CLI. That every Occupier of any Premises within the Burgh, and every other Person, who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

CLII. That every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be removed by Persons employed by the Commissioners, from any Street or public Place within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty for conveying offensive Matter at improper Times.

CLIII. That the Commissioners may from Time to Time fix the Hours within which only it shall be lawful to empty Privies or remove offensive Matter within the Burgh; and when the Commissioners have fixed such Hours, and given public Notice thereof, every Person who within the Burgh empties or begins to empty any Privy, or removes along any Thoroughfare within the Burgh any offensive Matter, at any Time except within the Hours so fixed, and also every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart or of the Stench thereof, or who wilfully slops or spills any such offensive Matter in the Removal thereof; or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably slopped or spilled, shall be liable to a Penalty not exceeding Forty Shillings, and in default of the Apprehension of the actual Offender the Driver or Person having the Care of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Nuisances.

And with respect to the Police of Burghs, and to the Prevention of Nuisances, be it enacted as follows:

Stagnant Pools of Water and other Annoyances to be removed.

CLIV. That no Person shall suffer any waste or stagnant Water to remain in any Cellar or other Place within any Premises belonging to or occupied by him within the Burgh, so as to be a Nuisance; and every Person who so suffers any such Water to remain for Forty-eight Hours after receiving Notice from the Commissioners to remove the same, and every Person who allows the Contents of any Privy or Cesspool to overflow or soak therefrom, to the Annoyance of the Occupiers of any adjoining Property, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Five Shillings for every Day during which such Nuisance continues; and the Commissioners may drain and cleanse out any stagnant Pools, Ditches, or Ponds of Water within the Burgh, and abate any such Nuisance as aforesaid, and for that Purpose may enter, by their Officers and Workmen, into and upon any Premises within the Burgh at all reasonable Times, and do all necessary Acts for any of the Purposes aforesaid; and the Expenses incurred thereby shall be paid by the Person committing such Offence or occupying the Premises whence such Annoyance proceeds, and, if there be no Occupier, by the Owner of such Premises, and shall be recoverable as Damages.

Beds of running Streams to be kept clear.

CLV. That when the Contents of any Sewer, or any other Flow of Filth or Refuse, are discharged into any River or Stream in the Bed or Channel of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off to supply any Mill Race, Course, or Dam, or by any other natural or artificial Cause, as to be insufficient to keep such Channel clean or clear, it shall be lawful for the Commissioners to make Alterations on the Bed of such River or Stream by cutting in such Bed a Trough or Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed, or from accumulating and stagnating in Parts thereof, to the Injury of Health and the Annoyance of the surrounding Population: Provided always, that the Commissioners shall not be entitled in any way to interfere with the Rights of the Owners or Occupiers of Mills on such River or Stream, or to diminish in any respect the Quantity of Water flowing in such River or Stream, or available to such Owners or Occupiers, previously to and at the Time of making the Alterations or Operations hereby allowed.

Regulations to prevent Accumulation of Dung, &c.

CLVI That if the Dung or Soil of any Stable, Cowhouse, or Pigstye, or other Collection of refuse Matter, elsewhere than in any Farmyard, be at any Time allowed to accumulate within the Burgh for more than Twenty Days, or for more than Seven Days after a Quantity exceeding One Ton has been collected in any Place not allowed by the Commissioners, such Dung, Soil, or Refuse, if not removed within Forty-eight Hours after Notice from any Officer of the Commissioners for that Purpose, shall become the Property of the Commissioners, and they, or any Person with whom they have at that Time any subsisting Contract for the Removal of Refuse, may enter upon the Premises and remove the same, and may sell and dispose of the same, and the Money thence arising shall be applied towards the Purposes of this Act.

CLVII. That

CLVII. That no Person shall be allowed to keep any Cow or Cows in any Byre or Cowhouse or other Place where it shall have been ascertained by competent Medical Evidence that the keeping of such Cow or Cows in such Place is injurious to the Health of the Neighbourhood, and the Commissioners shall have ordered such Place not to be so used or occupied: Provided always, that any Person who shall think himself aggrieved by any Order of the Commissioners in this Matter shall be entitled to appeal to the Sheriff, whose Decision shall be final. Regulations against Cowhouses injurious to the Health of the Neighbourhood.

CLVIII. That if at any Time the Officer of Health, or, if for the Time being there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hand to the Commissioners that any Accumulation of Dung, Soil, or Filth, or other noxious or offensive Matter within the Burgh ought to be removed as being injurious to the Health of the Inhabitants, the Clerk to the Commissioners shall forthwith give Notice to the Owner or reputed Owner of such Dung, Soil, or Filth, or to the Occupier of the Land where the same are, to remove the same within Twenty-four Hours after such Notice; and in case of Failure to comply with such Notice such Dung, Soil, or Filth shall thereupon become vested in the Commissioners, and they, or any Person with whom they have at that Time contracted for the Removal of all such Refuse, may enter upon the Premises and remove the same, and may sell and dispose of the same, and the Money thence arising shall be applied towards the Purposes of this Act. On Certificate of the Officer of Health, Filth to be removed.

CLIX. That if at any Time the Officer of Health, or, if there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hands to the Commissioners that any House or Part of any House or Building within the Burgh is in such a filthy or unwholesome Condition that the Health of the Inmates or of the Neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any House or Building or any Part thereof would tend to prevent or check infectious or contagious Disease therein, or that any Drain, Privy, or Cesspool is in such a defective State that the Health of the Neighbours is thereby affected or endangered, the Commissioners shall order the Occupier of such House or Part thereof to whitewash, cleanse, and purify the same, and the Owner of such Drain, Privy, or Cesspool to amend the Condition thereof, in such Manner and within such Time as the Commissioners deem reasonable; and if such Occupier or Owner do not comply with such Order he shall be liable to a Penalty not exceeding Ten Shillings for every Day's Neglect thereof; and in such Case the Commissioners may cause such House or any Part thereof to be whitewashed, cleansed, and purified, or the Condition of such Drain, Privy, or Cesspool to be amended, and may recover the Expense thereof from such Occupier or Owner in the same Manner as Damages. Houses to be whitewashed and purified, on Certificate of Officer of Health, &c.

CLX. That no Coffin containing a Corpse shall be buried in any Grave within the Burgh, not being a Vault or Catacomb, without at least Thirty-six Inches of Soil between the ordinary Surface of such Burial Ground and the upper Side of the Coffin; and if the Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin permit the Coffin to be buried in such Grave, or if the Person having the Control of the Burial Ground knowingly permit any Coffin to be buried in any Grave in which there is not left after the Burial thereof Thirty-six Inches at the least of Soil, measuring from the ordinary Surface of such Burial Ground to the upper Side of the Coffin, the Person having the immediate Charge of the Preparation of the Grave, and the Person having the Control of the Burial Ground in which such Burial is made, shall for every such Offence be liable to a Penalty not exceeding Five Pounds. No Interment in any Grave without leaving Thirty-six Inches clear of Soil above the Coffin.

CLXI. That the Commissioners may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Burgh, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Assessments authorized to be imposed under the Provisions of this Act. Commissioners to order Costs of Prosecutions to be paid out of the Rates.

CLXII. That nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Person which is, or but for this Act would be, deemed to be a Nuisance, nor to exempt any Person guilty of Nuisance from Prosecution or Action in respect thereof, in the same Way and Manner as before the passing of this Act. Act not to affect present Law as to Nuisances.

CLXIII. That the Commissioners may, if, for the Purpose of preventing the Evils occasioned by the Retention of the Dead in the Dwellings of the Poor or otherwise, they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the Commissioners may, upon Application, and subject to such Regulations, and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment. Power to provide Premises for the Reception of the Dead previously to Interment.

CLXIV. That if upon an Application by the Commissioners, and after Evidence to his Satisfaction that there is sufficient Ground to justify the Conclusions of such Application, the Sheriff shall certify (such Certificate to be published in the *Edinburgh Gazette* and in some One or more of the public Newspapers usually circulated within the Burgh) that any Burial Ground situate within the Burgh is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within the Burgh is dangerous to the Health of Persons frequenting the same by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful after a Time to be named in such Certificate to Burial Grounds, &c. dangerous to Health may be prohibited.

Nuisances.

to bury or permit or suffer to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever after Notice of such Certificate buries or causes, permits, or suffers to be buried any Corpse or Coffin contrary to this Enactment shall for every such Offence be liable to a Penalty of Twenty Pounds.

As to Interments within Churches or Burial Grounds newly erected or formed.

CLXV. That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in the Burgh, after the Adoption of this Act with respect to Burial Grounds and Interments, and no Burial Ground shall be made or formed within any District after such Adoption of this Act, without the Consent of the Sheriff first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before such Adoption of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment shall for any such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

Grounds for Burials may be purchased in place of those closed.

CLXVI. That it shall be lawful for the Commissioners to purchase or provide for the Use of the Inhabitants of the Burgh a suitable Piece or Plot of Ground for the Purpose of supplying the Place of such Burial Ground as it may be necessary to shut up; provided that the Commissioners shall not charge a higher Price on Fees for Graves or Interment in such new Ground than were previously paid in the old Burial Ground.

Lodging Houses.

And with respect to the Police of Burghs, and to Lodging Houses, be it enacted as follows:

For their Regulation, &c.

CLXVII. That it shall not be lawful to keep or use as a Lodging House within the Burgh any House, not being a licensed Victualling House, unless such House shall have been registered as a Lodging House in a Book to be kept by the Commissioners for that Purpose.

Commissioners to keep a Register of Lodging House Keepers, and make Rules for promoting Cleanliness and Ventilation.

CLXVIII. That the Commissioners shall cause a Register to be kept in which shall be entered the Names of all such Persons as apply to have the Houses occupied by them registered as Lodging Houses, and the Situations of such Houses; and the Commissioners shall from Time to Time fix the Number of Lodgers who may be received into each such Lodging House, and make Rules for promoting Cleanliness and Ventilation in such Lodging House; and they shall order that a Ticket containing the Number of Lodgers allowed to be received into the House, and a Table of Rules for promoting Cleanliness and Ventilation, shall be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and the Keepers of all such Lodging Houses shall at all Times observe such Rules, and give Access to such Lodging Houses when required by any Persons appointed by the Commissioners, for the Purpose of Inspection thereof, or for the Purpose of performing therein any disinfecting Process which the Commissioners may order.

Penalty on Lodging House Keepers not complying with the Provisions of the Act.

CLXIX. That every Person who shall keep any Lodging House, or receive Lodgers therein, without such Lodging House having been duly registered, or who shall receive into the same more Lodgers than shall be allowed by the Commissioners, or who shall fail to keep such Ticket or such Table of Rules as aforesaid hung up or displayed as required by the Commissioners, or who shall neglect to cause such Rules to be observed in such Lodging House, or who shall refuse to admit to such Lodging House at all reasonable Times any Person appointed by the Commissioners for any of the Purposes aforesaid, or who shall wilfully obstruct any such Person in performing any disinfecting Process therein which the Commissioners may order, shall be liable to a Penalty not exceeding Forty Shillings for each such Offence.

Keepers of Lodging Houses to report Cases of Fever.

CLXX. That all Keepers of Lodging Houses shall, in the event of any Person in their respective Houses becoming ill of Fever or any other Disease, forthwith make Intimation thereof to one of the Magistrates of Police, or the Superintendent of Police, or the Officer of Health, in order that the Nature of the Complaint of such Person may be ascertained, and the proper medical Attendance and Treatment procured; and if any Lodger or other Person in any Lodging House shall have been confined to Bed for Twenty-four Hours by Illness, of whatever Kind, without the Keeper of such House making such Intimation, such Keeper shall for such Neglect be liable to a Penalty not exceeding Forty Shillings.

Commissioners may make Orders in Cases of infectious Disease in Lodging Houses.

CLXXI. That if at any Time the Officer of Health, or, if for the Time being there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hands to the Commissioners that any infectious or contagious Disease exists in any Lodging House, the Commissioners shall have Power to pronounce such Order as the Officer of Health, or, failing him, such Medical Persons, shall sanction with reference to the Health of the Patient and other Inmates and of the Public; and if such Keeper do not comply with such Order he shall be liable to a Penalty not exceeding Ten Shillings for every Day's Neglect thereof, and in such Case the Commissioners may cause such Lodging House to be cleansed and purified, and may recover the Expense thereof from such Keeper in the same Manner as Damages.

Slaughter-houses.

And with respect to the Police of Burghs, and to Slaughter-houses, be it enacted as follows:

May be licensed.

CLXXII. That the Commissioners may license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

No new Slaughter-houses in future to be erected without a Licence.

CLXXIII. That no Place shall be used or occupied as a Slaughter-house within the Burgh which was not in exclusive Use and Occupation as such at the Time of the Adoption by such Burgh of this Act, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof, as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh

Burgh not used exclusively as such at the Time of the Adoption by such Burgh of this Act, and so continued to be used ever since, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued. *Slaughter-houses.*

CLXXIV. That every Place within the Burgh which shall be used as a Slaughter-house shall, within Three Months after the Date of such Adoption of this Act, be registred by the Owner or Occupier thereof at the Office of the Commissioners, and on Application to the Commissioners for that Purpose the Commissioners shall cause every such Slaughter-house to be registered in a Book to be kept by them for that Purpose; and every Person who after the Expiration of the said Three Months, and after One Week's Notice of this Provision from the Commissioners, uses or suffers to be used any such Place as a Slaughter-house, without its being so registered, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a Penalty not exceeding Ten Shillings for every Day after the first Day during which such Place shall be used as a Slaughter-house without having been so registered. Existing Slaughter-houses to be registered.

CLXXV. And be it enacted, That it shall be lawful for the Commissioners, where they shall think proper, to put down any existing Slaughter-houses within the Burgh, on making Compensation, where any legal Claim for Compensation exists, to the Owners thereof in the Manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof. Commissioners may put down Slaughter-houses on making Compensation to Owners.

CLXXVI. That the Commissioners shall from Time to Time, by Bye Laws, to be made and confirmed in the Manner herein-after provided, make Regulations for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty therein, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Bye Laws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Nuisance the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the first Offence. Commissioners may make Bye Laws for Regulation of Slaughter-houses, &c.

CLXXVII. That the Sheriff or Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Bye Laws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act, or, in case such Person be the Owner or Proprietor of any registered Slaughter-house, may forbid for any Period not exceeding Two Months the slaughtering of Cattle therein; and such Sheriff or Magistrate, upon the Conviction of any Person for a second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked, or if such Person be the Owner or Proprietor of any registered Slaughter-house, may forbid absolutely the slaughtering of Cattle therein; and whenever the Licence of any such Person is revoked as aforesaid, or whenever the slaughtering of Cattle in any registered Slaughter-house is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked, or on account of whose Default the slaughtering of Cattle in any registered Slaughter-house has been forbidden. Licence of Slaughter-houses may be suspended, in addition to Penalty imposed.

CLXXVIII. That every Person who during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, and every Person who during the Period that the slaughtering of Cattle in any such registered Slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any Cattle in any such registered Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the first Offence. Penalty for slaughtering Cattle during Suspension of Licence, &c.

CLXXIX. Provided always, and be it enacted, That nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated or authorized by any Local Act of Parliament passed before the passing of this Act, or that may be passed during the present Session of Parliament, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Burgh, or Place. Saving Rights of Persons incorporated for maintaining Slaughter-houses.

CLXXX. That the Business of a Blood-boiler, Bone-boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Burgh, without the Consent of the Commissioners; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof. Offensive Trades newly established to be subject to Regulation of Commissioners.

And with respect to the Police of Burghs, and to the Sale or Exposure for Sale of unwholesome and adulterated Food, be it enacted as follows: *Unwholesome Food.*

CLXXXI. That in any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, no Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is intended for such Food, nor unless the same be ticketed in large and legible Provision against Sale of unwholesome Meat;

Unwholesome Food.

legible and conspicuous Characters as being unfit for such Food; and any Person who shall keep in any Shop, Building, Stall, or Place occupied or used by him as aforesaid any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man, otherwise than entirely separate and apart, and ticketed as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and the Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Commissioners for that Purpose, may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to any Magistrate, or to the Sheriff, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, and as to which such Magistrate or Sheriff shall be satisfied that it was intended for the Food of Man.

and against Sale of adulterated Food.

CLXXXII. That if any Person shall sell or expose for Sale any adulterated Butter, Meal, Bread, or other Article of Food, knowing the same to be adulterated, such Person so offending shall, upon Conviction before the Sheriff or Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, and such adulterated Article shall be forfeited, and disposed of as the Sheriff or any Magistrate shall direct; and it shall be lawful for the Sheriff or Magistrate, on the Application of the Superintendent of Police or Officer of Health, or other Officer acting under this Act, setting forth that he has received Information and has just Cause to believe that any adulterated Article of Food is in the Possession of any Person for the Purpose of being disposed of, to grant Warrant to enter upon the Premises of such Person, and to search for and seize such Article of Food, and to forfeit and dispose of the same as to him shall seem proper.

Regulations as to Gunpowder.

CLXXXIII. And with respect to the Police of Burghs and to Gunpowder, be it enacted, That no Gunpowder shall be sold within the Burgh by Gas or Candle or other artificial Light, under a Penalty not exceeding One Pound to be paid for each Offence by the Person so selling the same; and no Person shall keep at any Time in any Place more than Ten Pounds Weight of Gunpowder, under a Penalty for the First Offence of any Sum not exceeding One Pound, for the Second Offence not exceeding Three Pounds, and for the Third and any subsequent Offence not exceeding Five Pounds, besides Forfeiture of all the Gunpowder which shall be found in such Place exceeding the aforesaid Weight; and the aforesaid Quantity of Ten Pounds Weight of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound to be paid for each Offence by the Occupier of the Premises in which such Quantity of Gunpowder not so kept and secured as aforesaid shall be found: Provided always, that the Commanding Officer of any of Her Majesty's Military or Naval Forces, or of any Volunteer or Yeomanry Corps, may keep such a Quantity of Gunpowder as he may think necessary for Military Purposes.

Weighing Machines.

And with respect to the Police of Burghs, and to the weighing of Articles, and the Prevention of Frauds, be it enacted as follows:

Weighing Machines to be erected.

CLXXXIV. That it shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the different Streets or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Power to Purchaser of Coals to require them to be weighed.

CLXXXV. That it shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines; and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid; and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

Power to provide portable Machines for weighing Coals.

CLXXXVI. That it shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

CLXXXVII. That

Weighing Machines.

CLXXXVII. That for the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before the Sheriff or Magistrate, be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

Penalty on Driver refusing to weigh.

CLXXXVIII. That if any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall, upon Conviction before the Sheriff or Magistrate, for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

CLXXXIX. That if the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart, other than the proper Load therein, or shall alter the Tare or Weight or the Ticket denoting the Weight of any Cart or the Loading thereof, or shall make, use, or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed or stated or represented to be weighed at any such Machine as aforesaid, then and in every such Case every Person so offending shall, upon Conviction before the Sheriff or Magistrate, for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

CXC. That in order to prevent Fraud in the Weight of Hay and Straw, or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Sheriff or Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Brokers and Pawnbrokers.

And with respect to the Police of Burghs, and to Brokers and Pawnbrokers, be it enacted as follows:

Brokers to be licensed.

CXCI. That from and after the passing of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker, unless he shall have first obtained a Licence so to do from the Magistrates of Police, which Licence such Magistrates shall have a discretionary Power of granting or refusing, as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year, and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person to whom such Licence shall be given or renewed shall for each such Licence or Renewal thereof pay to the Clerk a Sum not exceeding Two Shillings and Sixpence, as the Expense of such Licence or Renewal, and of recording the same in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that no licensed Pawnbroker carrying on Business as such shall be entitled to carry on the Trade or Business of a Broker (but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act), and it shall not be lawful for the Magistrates to issue any such Broker's Licence to any Pawnbroker.

CXCII. That

Brokers to furnish a Description of their Premises, and keep Books.

CXCII. That every Person who shall apply to be licensed as a Broker shall at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the course of his Trade; and all Brokers shall enter in Books to be kept by them a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to make proper Entries in such Book he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on failing to make proper Entries.

Brokers to retain Articles for Seven Days after having received them.

CXCIII. That all Articles purchased or received by such Brokers shall be kept by them in their Shops, or other Places where their ordinary Business is carried on, for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of, or remove from his Premises as aforesaid, any such Articles, before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before the Sheriff or Magistrate, be liable to a Penalty not exceeding Five Pounds.

Penalty for Neglect.

Brokers to produce Articles, on Demand.

CXCIV. That every Broker shall at all reasonable Times exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required in the Police Court, or to the Superintendent of Police, or any Constable acting under him and having the Authority of the Sheriff or Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or, upon Proof of Ownership to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same are or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before the Sheriff or Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds; without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Pawnbroker to produce his Books, on Demand.

CXCV. That every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

CXCVI. That if any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall without unnecessary Delay give Information to the Magistrate or at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Sheriff or Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

CXCVII. That if any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

Brokers not to carry on Busi-

CXCVIII. That it shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of excisable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket

Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds. ness of Publicans, nor to purchase Tickets of Pawnbrokers.

CXCIX. That if any Broker shall receive or take any Goods or Articles in Pledge such Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds. Brokers not to take Articles in Pledge.

CC. That it shall not be lawful for a Pawnbroker and a Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Pawnbroker and Broker not to trade in the same Premises.

CCI. That it shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty on Brokers transacting Business with Persons under 14 Years.

CCII. That it shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each *Saturday* Night and Nine o'Clock in the Morning of the following *Monday;* and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty on Brokers transacting Business between certain Hours.

CCIII. That any Pawnbroker or Broker who shall, either by himself or his Servant, or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued as aforesaid, and legibly marked as or known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods. Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

CCIV. That every Person licensed as a Broker shall have his Name, with the Words "Licensed Broker," painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings. Brokers to have their Names painted over Shop Doors.

And with respect to the Police of Burghs, and to the Suppression of Vagrants and Beggars, be it enacted as follows: *Vagrants and Beggars.*

CCV. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood, within the Burgh, and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days; and if any Money be found upon their Persons, such Money may be applied towards their Maintenance while in Prison, and towards their Transmission thereafter to the Parish of their Settlement. Vagrants and Beggars to be apprehended, and, upon Conviction, imprisoned.

CCVI. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person, by Imprisonment for a Period not exceeding Thirty Days. Procedure as to Persons sending out Children to beg.

CCVII. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law. Beggars and Vagrants to be handed over to the Parochial Authorities.

CCVIII. That every Person letting Lodgings or giving Accommodation for the Night or Day to mendicant or vagrant Persons within the Burgh shall, if required by any Order of the Commissioners specially made and served upon such Person, be bound to report each and every Day at the Police Office, or to the Superintendent of Police or Constable of the District, every Person who has resorted to such House during the preceding Night or Day; and for that Purpose Schedules shall be furnished by the Commissioners to the Persons so ordered to report, which Schedules they shall be bound to fill up with the Information required, Keepers of Lodging Houses for Mendicants to report Persons resorting thereto.

Vagrants and Beggars.

required, and transmit to the Police Office, or to the Superintendent of Police or Constable of the District as aforesaid; and if any such Person shall fail to comply with any such Order he shall, upon Conviction before the Magistrate, for each Offence be liable to a Penalty not exceeding Five Shillings.

Penalty against Chain-droppers, Swindlers, &c.

CCIX. And with respect to the Police of Burghs, and to the Punishment of Chain-droppers and Swindlers, be it enacted, That all Chain-droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice, or who shall induce or entice, any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before the Sheriff or Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Thirty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding Thirty Days.

Paving.

And with respect to paving and maintaining Streets, be it enacted as follows:

Power to the Commissioners to improve and form public Streets.

CCX. That the Commissioners may from Time to Time cause all or any of the Streets within the Burgh, not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they may also form, with such Materials as they think fit, any Footways for the Use of Passengers in any such Street, and cause such Streets and Footways to be repaired from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour or other Fund by Law applicable to the Maintenance or Repair of such Streets.

Commissioners may place Fences to Footways.

CCXI. That the Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Foot Pavements.

CCXII. And be it enacted, That the Owners of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Buildings are not erected, which are adjoining to or fronting any Street, Square, or other public or principal Place within any Burgh, shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of the said Streets, Squares, or other public or principal Places, to be made, and to be well and sufficiently paved with flat, hewn, or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the Commissioners shall direct; and in case such Owners shall refuse or neglect or delay so to do, any Magistrate before whom such Complaint shall be brought may fine and amerce such Owners in a Penalty not exceeding double the Amount of the estimated Expense, and on Recovery shall thereout defray the Expense incurred in making such Footways.

Public Streets not heretofore paved, Commissioners may cause them to be paved at the Expense of the Occupiers of adjoining Lands.

CCXIII. That if any Street have not before the Adoption of this Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may cause such Street, or the Parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Occupiers of the Lands abutting on such Street, or such Parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, and such Expenses shall be recoverable from such Occupiers respectively as herein provided with respect to Private Improvement Expenses, and thereafter such Street shall be repaired by the Commissioners out of the Assessments levied under this Act.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

CCXIV. That every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Flags, or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered.

Lighting.

And with respect to the lighting of Burghs, be it enacted as follows:

Commissioners may contract for lighting Streets.

CCXV. That the Commissioners may contract for any Period not exceeding Three Years at any One Time with the Owners of any Gasworks, or with any other Person, for the Supply of such Gas or Oil or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Burgh.

Price to be paid for Gas to be ascertained in case of Dispute.

CCXVI. That if the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

Officers.

And with respect to the Improvement of Burghs, and to the Officers to be appointed by the Commissioners for the Purposes of Burgh Improvement, be it enacted as follows:

Commissioners may appoint a Surveyor.

CCXVII. That the Commissioners may appoint a Person, duly qualified, to act as a local Surveyor of the Paving, Drainage, and other Works authorized under the Provisions of this Act, and may fix the Salary

Officers.

Salary to be paid to such Surveyor, and pay such Salary out of the Assessments levied under this Act; and if any such Surveyor die, resign, or be removed, the Commissioners may appoint another Person, so duly qualified, in the Room of the Surveyor so dying, resigning, or removed; and the Commissioners may remove any such Surveyor.

Commissioners may appoint an Inspector of Nuisances.

CCXVIII. That the Commissioners may appoint some Person, by the Title of "Inspector of Nuisances," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Bye Laws, Rules, and Regulations of the Commissioners, and the Existence of any Nuisances within the Burgh; and the Commissioners shall duly publish the Name of any Inspector of Nuisances appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Bye Laws, Rules, and Regulations made by the Commissioners for the Preservation of due Order and Cleanliness or for the Suppression of Nuisances; and the Inspector of Nuisances shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Burgh or other Person interested; and it shall be the Duty of such Inspector of Nuisances, subject to the Direction of the Commissioners, to make Complaints before the Sheriff or a Magistrate to whom the same may competently be preferred, and take legal Proceedings for the Punishment of any Person who has committed any Offence under this Act, or under any Bye Laws made by virtue thereof.

Surveyor and Inspector one.

CCXIX. That the Commissioners may, if they think fit, appoint the same Person to be both Surveyor and Inspector of Nuisances.

Commissioners to provide Offices for Surveyor and Inspector.

CCXX. That the Commissioners shall provide Offices for the Use of the said Surveyor and Inspector in some convenient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given twice at the least in some Newspaper circulating within the Burgh.

Commissioners may appoint, subject to Approval of Secretary of State, an Officer of Health.

CCXXI. That the Commissioners may, if they think fit, appoint, subject to the Approval of One of Her Majesty's Principal Secretaries of State, a Person of competent Skill and Experience, who shall be styled "The Officer of Health," whose Duty it shall be to ascertain the Existence of Diseases within the Burgh, especially Epidemics and contagious Diseases, and to point out any Nuisances or other local Causes likely to cause and continue such Diseases, or otherwise injure the Health of the Inhabitants, and to point out the best Means for checking or preventing the Spread of such Diseases within the Burgh, and also the best Means for the Ventilation of Churches, Chapels, Schools, registered Lodging Houses, and other public Buildings within the same, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature which may be required of him; and the Commissioners, with the same Approval which is necessary for the Appointment of the Officer of Health, shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Assessments to be levied under this Act; and the Commissioners, with the like Approval, may discontinue such Office, or remove any such Officer of Health.

Surveys and Plans.

And with respect to the Improvement of Burghs, and Plans of the same, and of the Works to be executed under the Powers of this Act, be it enacted as follows:

Commissioners to cause a Map of the Burgh to be made, and to be open to Inspection.

CCXXII. That the Commissioners shall procure or cause to be made a Survey and Map of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands within the Burgh.

Officers of Ordnance may furnish Commissioners with Maps, or cause Surveys to be made.

CCXXIII. That the Principal Officers of Her Majesty's Ordnance may, if they think fit, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh, or any Part thereof, which shall have been made under the Direction of the said Ordnance Officers, or may cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

CCXXIV. That the Commissioners shall cause to be marked on the Map so procured or caused to be made by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear, upon due Inquiry, to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary,

Surveys and Plans.

and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corners of Streets, on Posts, Houses, or other prominent Objects within the Burgh.

Commissioners may cause Maps to be engraved, &c.

CCXXV. That the Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made under their Direction, and any Costs incurred by them in regard to any such Ordnance Map, out of the Assessments authorized to be levied under this Act.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

CCXXVI. That the Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of the Premises and Streets within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Premises and from the Surface of the Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for agricultural or other Purposes, and also to set forth any other Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

Before giving Notice of Construction of Works, Plans to be prepared and deposited in the Office of the Commissioners for Inspection.

CCXXVII. That, before giving Notice of their Intention to construct any Work of which by this Act they are required to give Notice, the Commissioners shall cause Plans of the intended Work to be made, under the Direction of their Surveyor, on a Scale not less for a horizontal Plan than One Inch to Eighty-eight Feet, and for a vertical Section not less than One Inch to Two Feet, and, in the Case of a Sewer, showing the Depth of such Sewer below the Surface of the Ground; and such Plans shall be deposited in the Office of the Commissioners, or some other convenient Place appointed for that Purpose, and shall be open at all reasonable Hours for the Inspection of all Persons interested therein during the Time for which such Notice is required to be given.

Sewers.

And with respect to the Improvement of Burghs, and to making and maintaining the public Sewers, be it enacted as follows:

Sewers, &c. vested in Commissioners.

CCXXVIII. That all Sewers and Drains within the Burgh, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers and Drains the private Property of any Person or Persons, or made and used as of private Right by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Land,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Power to purchase, &c. certain Sewers.

CCXXIX. That the Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Private Sewers or Watercourses, &c. not to be used without Consent.

CCXXX. That nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, Improvement, or Irrigation of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed, subject to the Approval of the Sheriff.

CCXXXI. That the Commissioners shall from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands and Buildings to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as aforesaid.

Power to Commissioners to

CCXXXII. That the Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given, and the Plans and Estimates to be prepared, cause to be made under the

the Streets such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and also all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any of the Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if for completing any of the aforesaid Works it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may also cause such Sewers to communicate with and empty themselves into the Sea or any public River, or they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection and Sale for agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that in making any such Main and other Sewers, or in repairing, re-constructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall not be diverted therefrom to the Prejudice of any actual existing legal Right.

construct Sewers where none exist, making Compensation to Owners of Property.

CCXXXIII. That the Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners may alter Sewers from Time to Time.

CCXXXIV. That if any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse or do not within Seven Days next after Notice in Writing served upon them begin and thereupon dilligently proceed to restore to its former effective State such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners not to destroy existing Sewers, &c. without providing others.

Penalty for Neglect.

CCXXXV. That before entering into any Contract for executing any such Work as aforesaid the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and each Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Commissioners to cause Estimates to be prepared before Execution of Works.

CCXXXVI. That the Expense of making any new Sewer shall be defrayed as herein provided by special Sewer Rates to be levied on the Occupiers of all Premises within the Drainage District in which such Sewer is situated: Provided always, that where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Occupiers thereof shall be entitled to have such Deduction made from the special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, and for such Time as the Commissioners shall deem to be just, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

Expense of new Sewers.

Where Premises were sufficiently drained before making new Sewer, Occupier to have a Reduction made in his Rates.

CCXXXVII. That the Expense of maintaining and cleansing all Sewers vested in the Commissioners, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the special Sewer Rates, shall be defrayed by General Sewer Rates to be levied as herein provided on the Occupiers of all Premises within the Drainage District in which such Sewers are severally situated.

As to the Expense of maintaining Sewers, &c.

CCXXXVIII. That every Person, not being employed for that Purpose by the Commissioners, who shall make any Drain into any of the Sewers or Drains so vested in the Commissioners, shall forfeit to the Commissioners a Sum not exceeding Five Pounds; and the Commissioners may cause such Branch Drain to be remade as they think fit, and all the Expense incurred thereby shall be paid by the Person making such Branch Drain, and shall be recoverable by the Commissioners as Damages.

Penalty for making unauthorized Drains.

CCXXXIX. That no Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners; and if after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar, and shall be recoverable as Damages.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

CCXL. That the Commissioners may stop any Street, and prevent the same from being used as a common Passage or Thoroughfare, for a reasonable Time during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain in or under such Street.

Streets may be stopped up during Repairs.

CCXLI. That

All Sewers, &c. to be covered with Traps.

CCXLI. That all Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench.

Sewers may be used by Owners and Occupiers of Land beyond Limits of Burgh.

CCXLII. That any Person being the Owner or Occupier of any Lands beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Property which may be lawfully made therefrom of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

Persons aggrieved may appeal to the Sheriff.

CCXLIII. Provided always, That as regards the making, altering, and maintaining Sewers and Drains, it shall be lawful for any Person whose Property may be taken or affected, or thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

House Drains.

And with respect to the Improvement of Burghs, and to the Drainage of Houses, be it enacted as follows:

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

CCXLIV. That if any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer, or with the Sea or some public River, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage, within One hundred Feet of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall, as they think necessary for the Drainage of such House or Building, its Areas, Water-closets, Privies, and Offices; provided that the Cost of executing such Work shall not, without the written Consent of the Owner, exceed One Year's Rack Rent of such House or Building; and the Expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the Owner or Occupier, shall be defrayed by the Drainage Rates herein authorized to be levied.

No House to be hereafter built without Drains being constructed.

CCXLV. That no House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners either then existing or marked out upon the Map herein-before directed to be made by them, or into the Sea, or some public River into which the Commissioners are empowered to empty their Sewers; and if there be such Means of Drainage existing within One hundred Feet of such intended House or Building, the Commissioners shall cause a Drain leading thereunto from the intended Site of such House to be made of such Materials, of such Size, at such Level, and with such Fall, as they think fit, or if there be no such Means of Drainage within One hundred Feet of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof, until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are rebuilt, the Level shall be sufficient to allow a Drain to be constructed.

CCXLVI. That whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

Notice of Buildings and Rebuildings to be given to the Commissioners.

CCXLVII. That before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by reference to some Level ascertained under the Direction of the Commissioners.

Commissioners may signify Disapproval within 14 Days.

CCXLVIII. That within Fourteen Days after receiving such Notice the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may within the said Fourteen Days fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Houses built without Notice, or contrary to this Act, if necessary, to be altered.

CCXLIX. That in default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen Days, or determined on Appeal as after mentioned, or in any other respect contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid, and shall be recoverable as Damages.

If Commissioners fail to signify their

CCL. Provided always, That if the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid, within Fourteen Days after receiving such Notice and

and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

Approval, &c. within 14 Days, Parties may proceed, &c.

CCLI. That the Commissioners may require the Owner of every House within the Burgh to which no sufficient Privy is attached to provide, where it appears to them that there is Room enough for the Purpose, such Privy, in such Situation, not disturbing any Building then already erected, as the Commissioners deem necessary for the Use of the Inmates and Occupiers thereof; and every such Privy shall be constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof: Provided always, that where a Privy is used in common by the Imates and Occupiers of Two or more such Houses, the Commissioners may, if they think fit, dispense with the providing of a Privy for each such House.

Power to Commissioners to require Owners of Houses to provide Privies for the same.

CCLII. That the Owner of any such House shall provide the same with a Privy as aforesaid, to the Satisfaction of the Commissioners, within One Month next after Notice in Writing for that Purpose given by the Commissioners to him or to the Occupier of such House, and in default thereof the Commissioners shall cause such Privy to be provided, so nevertheless that the Cost of executing such Work shall not, without the written Consent of the Owner, exceed One Year's Rack Rent of such House; and the Expense incurred thereby shall be defrayed by the Drainage Rates by this Act authorized to be levied.

Penalty for neglecting to provide Privies, &c.

CCLIII. That it shall be lawful for the Commissioners to make such Provision as they shall think fit for the due Removal of the Ashes and other Refuse of each House within the Burgh by the Occupier or Occupiers of such House.

Commissioners to cause Removal of Ashes.

CCLIV. That if at any Time it shall appear to the Commissioners, upon the Report of their Surveyor, that any House is used or intended to be used as a School, or Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Certain Water-closets to be constructed in Factories, &c.

CCLV. That all Branch Drains, as well within as without the Premises to which they belong, and all Privies, Ashpits, and Cesspools within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order, at the Costs and Charges of the Owners of the Premises to which the same belong or for the Use of which they are constructed or continued; and if the Owner and Occupier of any Premises to which any such Drain, Privy, Ashpit, or Cesspool belongs neglect, during Seven Days after Notice in Writing for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may cause such Drain, Privy, Ashpit, or Cesspool to be altered, repaired, covered, and put in good Order; and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Owners by whom the same ought to have been done, and shall be recoverable as Damages.

Drains, Privies, &c. to be kept in Order by Owners.

If Owners neglect, Commissioners may cause same to be done, and charge Owners with the Expense.

CCLVI. That the Surveyor of the Commissioners may inspect any Drain, Privy, Ashpit, or Cesspool within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain, Privy, Ashpit, or Cesspool is attached, may enter upon any Premises, with such Assistants and Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain, Privy, Ashpit, or Cesspool be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expenses of opening, closing, and making good such Drain, Privy, Ashpit, or Cesspool shall in that Case be defrayed by the Commissioners.

As to the Inspection of Drains, Privies, and Cesspools.

CCLVII. That if any such Drain, Privy, or Cesspool be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain, Privy, or Cesspool which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain, Privy, or Cesspool as they think fit; and the Expense attending any such Amendment or Alteration shall be paid by the Person by whom such Sewer was improperly constructed, rebuilt, or altered, and shall be recoverable from him as Damages.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

CCLVIII. Provided always, That as regards House Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Parties aggrieved may appeal to the Sheriff.

New Streets.

And with respect to the Improvement of Burghs, and to laying out new Streets in the same, be it enacted as follows:

CCLIX. That every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any Street has, previous to the First Day of *May* One thousand eight hundred and fifty, been in whole or in part the Subject of any Contract now existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Notice of Intention to lay out new Streets to be given to Commissioners.

CCLX. That

New Streets.

Levels to be fixed by the Commissioners.

CCLX. That the Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be kept thereafter by every Person raising any House or other Building in such Street.

If the Commissioners fail to fix the Level, the Party may proceed without.

CCLXI. That if the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out the Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration shall be defrayed by them.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

CCLXII. That every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of the said Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners, shall be liable to defray all the Expenses consequent upon any Change of the Level of that Part of the Street on which such House or Building abuts which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be altered at the Expense of the Commissioners.

CCLXIII. That for the Purposes of this Act, if the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks laid in any of the Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith, as soon as conveniently may be, any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and full Compensation for every Damage done thereby, shall be paid by the Commissioners, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect to make the Alteration, Commissioners may cause same to be done.

CCLXIV. That if the Person to whom any such Pipes or Works belong do not proceed forthwith, or as soon as conveniently may be after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

As to the Width of new Streets.

CCLXV. That it shall not be lawful to make or lay out any new Street unless and until the proposed Width thereof shall, with reference to the Height of the Houses and other Circumstances, be approved of by the Sheriff.

Parties aggrieved may appeal to the Sheriff.

CCLXVI. Provided always, That as regards the making and laying out any new Streets, and fixing the Levels thereof, it shall be lawful for any Person whose Property may be taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Naming Streets.

And with respect to the Improvement of Burghs, and to naming the Streets and numbering the Houses, be it enacted as follows:

Houses to be numbered and Streets named.

CCLXVII. That the Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets to be marked with Numbers as they think fit, and shall cause to be put up or painted on a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Numbers of Houses to be renewed by Owner.

CCLXVIII. That the Owners of Houses and other Buildings in the Streets shall mark their Houses with such Numbers as the Commissioners approve of, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number approved of by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require, and the Expense thereof shall be repaid to them by such Owner, and shall be recoverable as Damages.

Improving Streets.

And with respect to the Improvement of Burghs, and to improving the Line of the Streets, and removing Obstructions, be it enacted as follows:

Houses may be set forward for Improvements.

CCLXIX. That the Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward, for improving the Line of the Street in which such Building, or any Building adjacent thereto, is situated.

Power to purchase Land for

CCLXX. That the Commissioners may agree with the Owners of any Lands within the Burgh for the absolute Purchase thereof, for the Purpose of widening, enlarging, or otherwise improving any of the Streets,

Streets, and they shall resell any Parts of the Land so purchased which shall not be wanted for the Enlargement of the Street. additional Improvements.

CCLXXI. That when any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be rebuilt or altered, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains. Houses projecting beyond Line of Street, when taken down, to be set back.

CCLXXII. That the Commissioners may give Notice to the Occupier of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign-post, Sign-iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by the Occupier so making default, and shall be recoverable as Damages: Provided always, that, except in the Case in which such Obstructions or Projections were made or put up by the Occupier, such Occupier shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Owner of the House or Building. Future Projections of Houses, &c. to be removed, on Notice.

CCLXXIII. That if any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Occupier of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal has begun; and, if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration. Commissioners may cause existing Projections to be removed and Compensation to be made.

CCLXXIV. That all Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Occupier of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Occupier, and shall be recoverable from him as Damages, and he shall, in addition, be liable to a Penalty not exceeding Forty Shillings. Doors in future to be made to open inwards.

CCLXXV. That if any such Door, Gate, or Bar was before the Adoption of this Act hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way. Doors opening outwards may be altered.

CCLXXVI. That when any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if such Occupier do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Coverings for Cellar Doors to be made by Occupier. Penalty for Neglect.

CCLXXVII. That the Owner of every House or Building in, adjoining, or near to any Street shall, within Seven Days next after Service of an Order of the Commissioners for that Purpose, put up, and keep in good Condition, a Shoot or Trough of the whole Length of such House or Building, and shall connect the same either with a similar Shoot on the adjoining House or with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along the Street, or flow over the Footpath; and in default of Compliance with any such Order within the Period aforesaid such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default. Waterspouts to be affixed to Houses or Buildings.

CCLXXVIII. Provided always, That as regards the improving the Line of any Street and removing Obstructions it shall be lawful for any Person whose Property may be taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned. Parties aggrieved may appeal to the Sheriff.

Ruinous or dangerous Buildings.

And with respect to the Improvement of Burghs, and to ruinous or dangerous Buildings, be it enacted as follows:

CCLXXIX. That if any Building or Wall, or any Thing affixed thereon, within the Burgh be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers Ruinous or dangerous

Buildings to be taken down or secured by Owners, &c.

Occupiers of the neighbouring Buildings, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof, if any, requiring such Owner or Occupier forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff to order the Owner, or in his Default the Occupier (if any), of such Building, Wall, or other Thing, to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found on whom to serve such Order, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of putting up every such Fence, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

The Expenses to be levied on the Owner.

CCLXXX. That if such Owner can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand, and Neglect or Refusal, signed by Two of the Commissioners, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner in the Sheriff Small Debt Court, or otherwise as accords of Law.

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation.

CCLXXXI. That if such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building, or on the Land whereon such Building stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

CCLXXXII. That if any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Objections to Works.

And with respect to the Improvement of Burghs, and to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, and Appeal to the Sheriff from the Decision of the Commissioners, be it enacted as follows:

Commissioners to give Notice of new Levels or Sewers.

CCLXXXIII. That Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time when and Place where all Persons interested in such intended Work may be heard thereupon.

Meeting of Commissioners to hear Objections.

CCLXXXIV. That the Commissioners shall meet at the Time and Place mentioned in the said Notice, to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting, shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection or his Agent has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

CCLXXXV. That

Objections to Works.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

CCLXXXV. That any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff in his Discretion thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor on the Hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and Appeal to the Sheriff.

CCLXXXVI. And in respect to Appeal as to all other Matters and Things which the Commissioners are by this Act empowered to do or perform or to authorize to be done or performed, and the Cost attending which is by this Act directed to be provided for by way of Private or District Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office or delivered personally or at their Dwelling Houses to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

Decision of Sheriff final.

Prevention of Fire.

Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

CCLXXXVII. And with respect to the Improvement of Burghs, and to the Construction of Houses for Prevention of Fire, be it enacted, That the Party Walls of all Buildings erected after the Adoption of this Act by any Burgh shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Walls belong; and all such Party Walls, and the external Walls of all Buildings, erected after the Adoption of this Act, in or near any Street, or within the Curtilage of any House adjoining any Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building within the Burgh, having at the Date of the Adoption by such Burgh of this Act a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

Ventilation.

Regulating Construction of Buildings intended as Places for public Meetings.

No Person to begin to build until Plan has been approved by Commissioners.

And with respect to the Improvement of Burghs, and to supplying Buildings with fresh Air, be it enacted as follows:

CCLXXXVIII. That before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Fourteen Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air, to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, have been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners.

If Commissioners fail to signify their Approval of Plan within Seven Days,

CCLXXXIX. Provided always, That if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of such Building, with respect to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein

Party may proceed to build.

herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

Persons may appeal against Determination of Commissioners.

CCXC. Provided also, That if the Person so intending to build be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner, as herein-before provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

Cellars in Courts not to be occupied as Dwellings after letting prohibited.

CCXCI. That it shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar under any House in any Court within the Burgh, after the Commissioners have given Notice to the Owners thereof that the letting of Cellars as Dwelling Places in such Court is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Court within the Burgh.

No Cellars under the Height of Seven Feet from the Floor to the Ceiling to be let as Dwellings.

CCXCII. That it shall not be lawful, after Prohibition by the Commissioners, to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) built or rebuilt after the Adoption of this Act, or which shall not have been so let or occupied before the Adoption of this Act, and it shall not be lawful, after such Prohibition, to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) whatsoever, which Vault, Cellar, or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet and Six Inches wide from the Level of the Floor of such Vault, Cellar, or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Water-closet or Privy, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace, with a Chimney or Flue, or which Vault or Cellar, being an inner or back Vault or Cellar let or occupied along with a front Vault or Cellar as Part of the same Letting or Occupation, has not a ventilating Flue, (unless such inner or back Vault or Cellar shall be Part of a House built before the Adoption of this Act,) or which shall not be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room; but any Person considering himself aggrieved by any such Prohibition may within Ten Days after the same is made known to him appeal against the same to the Sheriff.

Penalty on letting such Cellars as Dwelling Places.

CCXCIII. That every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings, and a further Penalty not exceeding Five Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Water.

And with respect to the Improvement of Burghs, and to the Supply of Water, be it enacted as follows:

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

CCXCIV. That the Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct any Number of new Cisterns, Pumps, Conduits, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Water.

CCXCV. That the Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water in case of Dispute.

CCXCVI. That if the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Price to be paid for such Supply, then such Price (except where by the Act authorizing such Waterworks some other Mode of determining such Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

Commissioners to cause Fireplugs, &c. to be provided and maintained.

CCXCVII. That the Commissioners shall cause Fireplugs, and all necessary Works, Machinery, and Assistance for securing an efficient Supply of Water in Cases of Fire, to be provided and maintained, and for this Purpose they may enter into any Agreement with any Water Company or other Party, and they shall paint or mark on the Buildings and Walls in the Streets Words or Marks near to such Fireplugs to denote the Situation thereof, and do such other Things for the Purposes aforesaid as they may from Time to Time deem expedient.

Commissioners may provide

CCXCVIII. That the Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and

and for those Purposes, or any of them, the Commissioners may from Time to Time contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets from Time to Time, for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the Burgh: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff upon summary Application by either of the Parties.

Supplies of Water, and erect Waterworks, &c.

Water may be kept constantly under Pressure.

Commissioners, not to construct Waterworks, &c. if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

CCXCIX. And be it enacted, That where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter upon such House or Premises and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner in the same Manner as Damages.

Service Pipes to be laid by Owners.

CCC. And be it enacted, That no Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any Public Baths and Wash-houses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on; or in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Water to be used only for domestic and ordinary Purposes unless by Agreement with the Commissioners.

CCCI. That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Commissioners, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

CCCII. That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do any thing whatsoever whereby any Water belonging to the Commissioners or under their Management or Control shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or

Penalties on Persons for causing Water in Reservoirs to be fouled;

and on Proprietors of Gasworks, &c.

Water.

Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as Damages may be recoverable under this Act, or as any Debt may be recovered by the Law of *Scotland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the General Assessments levied under this Act, and be recoverable from them upon summary Application to the Sheriff, or otherwise as any Debt may be recovered by the Law of *Scotland.*

Commissioners may make Bye Laws.

CCCIII. And be it enacted, That it shall be lawful for the Commissioners to make Bye Laws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

Clocks.

Power to Commissioners to provide public Clocks.

CCCIV. And with respect to the Improvement of Burghs, and to Clocks, be it enacted, That the Commissioners may from Time to Time provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner and Occupier upon or against any private Building, the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

Execution of Works by Commissioners.

And with respect to Entry by the Commissioners or their Officers in execution of this Act, be it enacted as follows:

Commissioners empowered to enter upon Premises for the Purposes of this Act.

CCCV. That the Commissioners shall for the Purposes of this Act have Power, by themselves or their Officers, to enter, at all reasonable Hours in the Daytime, into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Twenty-four Hours Notice for that Purpose given to the Occupier.

Penalty on obstructing Commissioners in their Duty.

CCCVI. That every Person who shall at any Time obstruct the Commissioners, or any Person employed by them, in the Performance of anything which they are respectively empowered or required to do by this Act, shall be liable to a Penalty not exceeding Five Pounds.

Execution of Works by Owners.

And with respect to ensuring the Execution of the Works by this Act required to be done by Owners or Occupiers, be it enacted as follows:

As to Service of Notice on Owners and Occupiers.

CCCVII. That where under this Act any Notice is required to be given to the Owner or Occupier of any Premises, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises, and his Residence, are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by the Post addressed to the Residence of such Owner.

Commissioners, in default of Owner, may execute Works, and recover Expenses.

CCCVIII. That whenever, under the Provisions of this Act, any Work of any kind is required to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall, except in the Case in which such Expenses are herein directed to be defrayed by Drainage Rates, be repaid to them by the Person by whom such Work ought to have been executed.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent.

CCCIX. That whenever Default is made by the Owner of any Premises in the Execution of any Work by this Act required to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due from him to such Owner.

CCCX. That

CCCX. That if the Owner of any Premises made liable by this Act for the Repayment to the Commissioners of any Expenses incurred by them do not, as soon as the same become due and payable from him, repay all such Expenses to the Commissioners, the Commissioners may recover the same from such Owner in the same Manner as Damages may be recovered under this Act, or as any Debt may be recovered by the Law and Practice of *Scotland*. How Expenses are to be recovered from Owner.

CCCXI. That the Commissioners may, by way of additional Remedy, require the Payment of all or any Part of the Expenses payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as any Assessment or Rate may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Expenses. Power to levy Charges on Occupier, who may deduct the same from his Rent.

CCCXII. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Expenses charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Expenses are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect any special Contract made between any such Owner or Occupier respecting the Payment of the Expenses of any such Works as aforesaid. Occupier not to be liable for more than the Amount of Rent due.

CCCXIII. That where any such Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment of such Expenses, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; but all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof. Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

CCCXIV. That if the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Sheriff may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner during the Continuance of such Refusal shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works. Proceedings in case of Tenants opposing the Execution of this Act.

CCCXV. That nothing in this Act contained shall extend to avoid any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct. Respecting existing Contracts for building.

CCCXVI. That nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation. Respecting Contracts for Leases.

And with respect to Things to be done by the Commissioners by Special Order only, be it enacted as follows: *Special Order.*

CCCXVII. That where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by the Commissioners in some Meeting whereof special Notice has been given and has been As to certain Matters authorized to be done by the Com-

missioners by Special Order only.

been confirmed in a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Rate-payers remonstrate against the same.

CCCXVIII. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall in such Advertisement and Notice be made to some Place provided by the Commissioners where the Plan or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Rate-payers; and if before the Expiration of such Month a Remonstrance in Writing against carrying into effect such Resolution or any Part thereof, signed by a Majority of the Rate-payers having Votes in the Election of the Commissioners, be presented to the Commissioners, such Resolution, or such Part thereof as such Remonstance applies to, shall not be carried into effect; and where any such Remonstrance applies to Part only of any such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit.

Commissioners may provide Slaughter-houses;

CCCXIX. That the Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, purchase, rent, build, or otherwise provide such Slaughter-houses as they think proper for slaughtering Cattle within the Burgh.

Places for public Recreation;

CCCXX. That the Commissioners may by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh, or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

and Public Bathing Places and Drying Grounds.

CCCXXI. That the Commissioners may from Time to Time by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide, either within the Burgh or at a reasonable Distance therefrom, suitable and convenient Premises, to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants, at such reasonable Charges, and under and subject to such Regulations, as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

Proportion of Baths for Working Classes.

CCCXXII. Provided always, That the Number of Baths for the Use of the Working Classes in any Building provided by the Commissioners shall not be less than twice the Number of the other Baths of any higher Class.

Charges for the Use of Baths.

CCCXXIII. That the Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Recovery of Charges for the Use of Baths, &c.

CCCXXIV. That for the Recovery of the Charges at such Wash-houses and Drying Grounds the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects in or upon any such Wash-house or Drying Ground of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

Publication of Bye Laws.

CCCXXV. That a printed Copy or sufficient Abstract of the Bye Laws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath Room, Bathing Place, and Wash-house.

Sale of Baths, &c. on discontinuing them.

CCCXXVI. That whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

Application may be made to Parliament if additional Powers necessary.

CCCXXVII. That if it appear that any Works which the Commissioners deem necessary for promoting the Health or Convenience of the Inhabitants of the Burgh cannot lawfully be carried into effect by the Commissioners under the Powers vested in them by this Act, by reason either that the Monies authorized to be raised by them are insufficient for the Purpose, or that any Lands are required which the Commissioners are not by this Act authorized to take or use, or for any other Reason, the Commissioners may, by Special Order as herein defined, but not otherwise, cause Application to be made to Parliament for an Act to enable them to execute such Works, and may defray the Expenses of such Application out of the Assessments authorized to be levied by them under this Act.

Bye Laws.

And with respect to the Bye Laws to be made by virtue of this Act, be it enacted as follows:

Bye Laws.

CCCXXVIII. That the Commissioners may from Time to Time make such Bye Laws as they think fit for the several Purposes for which they are by this Act empowered to make Bye Laws, and from Time to Time repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Law of *Scotland* or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners, and if affecting other Persons than the Officers or Servants of the Company, be confirmed and published as herein provided.

Bye Laws may be enforced by Imposition of Penalties.

CCCXXIX. That the Commissioners, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Bye Laws: Provided always, that such Bye Laws be so framed as to allow the Sheriff or Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Bye Laws to be confirmed.

CCCXXX. That no Bye Law made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Bye Laws tendered to him for that Purpose, and to allow or disallow of the same as he may think meet.

Notice of Confirmation to be given.

CCCXXXI. That no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the Hearing of such Application; and any Person desiring to object to any such Bye Law, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Bye Laws to be open to Inspection.

CCCXXXII. That for One Month at least previous to any such Application for Confirmation of any Bye Law a Copy of the proposed Bye Laws shall be kept at the principal Office of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Bye Laws.

CCCXXXIII. That such Bye Laws, when confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same, without Charge, or at a Charge not exceeding One Halfpenny; and a Copy thereof shall be painted or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate; and such Boards with the Bye Laws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open to Inspection without Fee or Reward; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding.

CCCXXXIV. That such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

CCCXXXV. That the Production of a written or printed Copy of the Bye Laws requiring Confirmation by the Sheriff, authenticated by the Signature of the Sheriff who approved of the same, and a written or printed Copy of the Bye Laws not requiring such Confirmation, authenticated by the Signatures of Two Commissioners, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same, without adducing Proof of the Signature or Signatures of the Sheriff or Commissioners; and with respect to the Proof of the Publication thereof it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Bye Law under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

Penalty on pulling down Boards.

CCCXXXVI. That any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners on which any Bye Law of the Commissioners is painted or placed shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, be it enacted as follows:

Recovery of Damages and Penalties.

CCCXXXVII. That all such Damages and Penalties may be recovered by summary Proceedings upon Complaint in Writing made by the Superintendent of Police or by the Procurator Fiscal to a Magistrate of the Burgh or to the Sheriff of the County within which such Damages or Penalty shall arise or be incurred, or to the Sheriff of any County in which the Offender may be found, and on such Complaint being made such Magistrate or Sheriff shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereon the same has proceeded, and either upon the Appearance or on the Default to appear

Recovery of Damages and Penalties.

appear of the Party complained against it shall be lawful for such Magistrate or Sheriff to proceed to the Hearing of the Complaint, and upon Proof either by the Confession or Admission of the Party complained against, or upon the Oath of One credible Witness or more, and without any written Pleadings or Record of Evidence, to convict or give Judgment against the Party complained against, and thereupon to decree, adjudge, and sentence him to pay the Damages or Penalty which have arisen or been incurred, and the Expenses attending the Proceedings, and to grant a Warrant for imprisoning him until such Damages or Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Damages, or Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Damages or Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months; and such Damages and Penalties shall be paid to the Commissioners, or to their Treasurer or Collector, and be applied for the general Purposes of this Act within the Burgh; and the Decision of such Magistrate or Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review, or to be set aside on the Merits, or on any Ground of Want of Form or other Ground, or by Suspension, Reduction, Advocation, or Appeal to any Court whatever.

Limitation of summary Prosecutions.

CCCXXXVIII. That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Six Months after the Commission of the Offence or after the Cause of Action shall have occurred.

Penalty on Persons giving false Evidence.

CCCXXXIX. That every Person who, upon any Examination upon Oath under the Provisions of this or the special Act, shall wilfully give false Evidence, shall be liable to Punishment for Perjury.

Borrowing of Money.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted as follows:

Power to Commissioners to borrow Money for the Purposes of this Act.

CCCXL. That it shall be lawful for the Commissioners to borrow and take up for the Purpose of procuring a Police Office, erecting a Slaughter-house or Weigh-house, or for erecting Lamps, or for making and constructing Common Sewers, or for procuring or supplying Water or Gas, or for procuring Fire Engines, or for any of the other Purposes authorized by this Act, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act, it shall be lawful for the Commissioners, and they are hereby authorized and required, at their first annual Meeting for Assessment after such borrowing, to assess all Occupiers of Premises within the Burgh liable in Assessment under this Act, in such additional Assessment beyond the Sum necessary for the Purposes of this Act as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money borrowed, until the Debt shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment of Two Shillings and Sixpence *per* Pound Sterling, or One Shilling and Sixpence *per* Pound Sterling, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

CCCXLI. That no Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

As to Bonds to be granted.

CCCXLII. That all Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*,

'Number [*here state the Number*].

'By virtue of an Act made in the Year of the Reign of Her Majesty Queen Victoria, 'intituled "An Act [*specify this Act*]," I *A.B.* [*state whether Treasurer or Collector, or both,*] of the 'Commissioners of Police for the Burgh of [*insert the Name of the Burgh*], and by Authority of the 'said Commissioners, in consideration of the Sum of [*insert the Sum in Words*] instantly advanced 'and paid to me on account of the said Commissioners, and for the Purposes of the said Act, by *C.D.* of '*E.* do hereby bind and oblige the said Commissioners for the Time being, out of the first and readiest 'of the Monies to be raised under the annual Assessments by the said Act authorized to be imposed and 'levied, to pay at the Term of [*insert Term of Payment*] to the said *C.D.*, his Executors or Assignees, 'the said Sum of [*state the Sum*], and also the Interest thereof at the Rate of [*insert the Rate of Interest*] 'per Centum per Annum from the Date hereof, at the Terms of Whitsunday and Martinmas in each 'Year, till the said Sum is paid; and for the further Security of the said *C.D.* I do hereby assign to 'him, his Executors or Assignees, such Proportion of the said Monies to be raised under the said annual

'Assessment

'Assessment as shall be equivalent to the said Sum now paid to me, and the Interest thereon as aforesaid from the Date hereof to the Term of Payment; and I consent to the Registration hereof in the Books of Council and Session, or others competent, for Preservation, and that all competent Diligence may pass and be directed hereon, in Form as effeirs, and thereto constitute my Procurators. In witness whereof [*insert Testing Clause in common Form*]. *A.B.*' *Borrowing of Money.*

'*K.L.*, Commissioner.

'*M.N.*, Commissioner.'

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

CCCXLIII. That such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; *videlicet*, Bonds may be transferred by Indorsement.

'I *C.D.*, within designed, do transfer this Bond, with all Right, Title, or Interest which I have under the same, to *E.F.*, his [*or* her, *or* their, *as the Case may be*,] Executors and Assignees. In witness whereof [*insert Testing Clause in common Form*]. *C.D.*'

'*K.L.*, Witness.

'*M.N.*, Witness.'

CCCXLIV. That before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Treasurer of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer, and the said Bond, being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation. Bonds to be recorded, and Assignations to be registered.

And with respect to the Jurisdiction of Magistrates of Police under this Act, and the Forms of Procedure before such Magistrates, be it enacted as follows: *Jurisdiction of Police Courts.*

CCCXLV. That the Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction in all Matters arising in such Burgh under this Act, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in and for which he acts as such Magistrate or Dean of Guild. Jurisdiction of Magistrates of Police under this Act.

CCCXLVI. That it shall be lawful for the Magistrates of Police under this Act to appoint, from Time to Time, by Writing, and during Pleasure, a fit Person to be Procurator Fiscal of the Burgh in which they act as such Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal of a Royal Burgh in reference to such Royal Burgh. Magistrates of Police may appoint Procurator Fiscal.

CCCXLVII. That in the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other necessary Cause, it shall be lawful for the Magistrates of Police to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal. Interim Fiscal.

CCCXLVIII. That all Actions, Prosecutions, and Proceedings before the Magistrates of Police or any of them shall commence by a Complaint, written or printed or partly written and partly printed, at the Instance of the Procurator Fiscal or Superintendent of Police, to be appointed as herein authorized, or at the Instance of any Person duly authorized to act for them respectively, in which latter Case such Proceedings, though subscribed by such Person, shall be commenced and conducted throughout in Name of the Procurator Fiscal or Superintendent of Police respectively; and (with the Exception of Complaints against Chain-droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft, or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole other Procedure before such Magistrates or any of them shall be conducted summarily, *vivâ voce*, and without written Pleadings; and no other Record shall be kept of the Proceedings, except the Complaint, and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation or Informality in the Warrant or Execution. Forms of Procedure in Police Court.

CCCXLIX. That the Magistrates of Police and the Sheriff, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch the Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution. Forms of Procedure to be framed.

CCCL. That if it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Certain Crimes not competent to be taken cog-

nizance of in the Police Court.

his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet*,) Murder, Robbery, Rape, and Wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been Twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been Twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been Twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at Wilful Fire-raising, or of Culpable Homicide, or of Forgery, or of uttering Forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chain-droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Limitation of Police Prosecutions.

CCCLI. That no Complaint at the Instance of any private Party, or of the Procurator Fiscal or Superintendent of Police, for any Offence under this Act, shall be received or entertained unless the same be presented within Six Months after the Commission of the Offence.

Superintendent in certain Cases may accept of Bail or Deposit.

CCCLII. That upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful, in the Absence of the Magistrate, for the Superintendent of Police to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent of Police to any Claim for Damages, wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrate.

CCCLIII. That every Person taken into Custody, and who shall be detained in Custody, shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to Prison, when remanded for affording Time to find Bail or for further Examination, such further Examination always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

CCCLIV. That this Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Provisions of this Act, or of any Bye Law made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps (if no other Domicile can be found), or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith.

Offenders removing from the Bounds of Police, how to be proceeded against.

CCCLV. That Warrants granted by the Magistrate for apprehending or citing Persons charged under this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties, when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant to be dealt with according to Law, without the Necessity of such Warrants being backed or indorsed by any Magistrate other

other than the Sheriff of the County within which the same shall be so granted: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of this Act. *Jurisdiction of Police Courts.*

CCCLVI. That when any accused Person summoned to answer to any Complaint charging an Offence inferring merely the Payment of a pecuniary Penalty, and the finding of Caution as aforesaid, shall, from Indisposition or other good Cause, fail to attend at the Time and Place to which he shall have been cited, and for whom there shall appear a Procurator, Agent, or other Party duly authorized by such Person to act for him, it shall be lawful for the Magistrate, on such Procurator, Agent, or other Party admitting the Charge, or Part thereof, to pronounce Judgment, and fine such accused Person, and to ordain him to find Caution as aforesaid: Provided always, that in every such Case the Sentence shall bear that the Offence complained of, or such Part thereof as was admitted, was proved by the Confession of the Person charged in the Complaint. In certain Cases Offenders may appear by Agent or other Party.

CCCLVII. That where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecution are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded. Examination of Witnesses.

CCCLVIII. That if any Person who shall be summoned as a Witness to give Evidence before the Magistrate, either on the Part of the Prosecutor or the Person accused, shall fail to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Failure, the Magistrate may cause such Person to be apprehended and committed to Prison until he finds Security to appear and give Evidence; and if such Person shall not be apprehended until after the Case on which he had been summoned to give Evidence has been disposed of by the Magistrate, and it shall be made to appear that his Non-compliance arose from a Desire on his Part to defeat the Ends of Justice, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days: Provided always, that Proof on Oath shall be made that he had been duly summoned at least Twenty-four Hours before the Meeting of the Diet of Court. Penalty in case of Witnesses failing to appear.

CCCLIX. That if any Person summoned as a Witness to give Evidence before the Magistrate, and appearing, shall refuse to be sworn or examined upon Oath, or in case of a Quaker or other Person privileged by Law to be examined upon solemn Affirmation, or after having been sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, the Magistrate shall cause such Person to be committed to Prison for any Period not exceeding Thirty Days. Penalty in case of Witness refusing to give Evidence.

CCCLX. That if any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate, or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Thirty Days; and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Affirmation as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to transmit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law. Witnesses prevaricating may be punished summarily.

CCCLXI. That in case any pecuniary Penalty authorized by this Act shall not be immediately paid or consigned in manner after mentioned, it shall be lawful to sentence the Person found liable in the same to be imprisoned till such Penalty be paid; but in no Case shall the Period of Imprisonment exceed Thirty Days. In default of paying Fines Parties to be imprisoned.

CCCLXII. That it shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour, or for keeping the Peace, for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds; and in the event of such Person being detained for Want of such Caution, it shall be lawful to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed Thirty Days. Power to order Offenders to find Caution in lieu of Imprisonment or Fine;

CCCLXIII. That in every Case where an accused Party has been sentenced to Imprisonment, or to pay a Fine or pecuniary Penalty, in either of which Sentences the Period of Imprisonment specified does not extend to the Term of Thirty Days, it shall be lawful for the Magistrate in addition to such Sentence to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution should not then be found, it shall be lawful to sentence the Person ordained to find such Caution to be further detained in the said Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Thirty Days. or to find Caution in addition to Imprisonment or Fine.

CCCLXIV. That

Warrant of Commitment.

CCCLXIV. That in all Cases where Imprisonment takes place under the Powers of this Act a short Extract of the Charge and Sentence, certified by the Clerk or his Depute, shall be a sufficient Warrant of Commitment.

Juvenile Male Offenders may be chastised by whipping.

CCCLXV. That it shall be lawful for the Magistrate, in the Case of juvenile Male Offenders whose Age in the Opinion of the Magistrate shall not exceed Fourteen Years, instead of committing such Offenders to Prison, to adjudge them to be chastised by private Whipping, in such Manner and according to such Regulations as shall be made by the Magistrates and Sheriff.

Articles stolen, &c. may be restored.

CCCLXVI. That it shall be lawful for the Magistrate to order all Goods and Effects, of whatever Kind or Description, which may have been stolen, fraudulently obtained, or disposed of in breach of Trust, within the Burgh, and taken possession of by Officers acting in virtue of the Powers hereby conferred, and which it may be no longer necessary to detain for the Purpose of Evidence, to be restored to the proper Owners, upon *vivâ voce* Evidence being adduced, to the Satisfaction of the Magistrate that such Goods were so stolen, fraudulently obtained, or disposed of in breach of Trust, whether the Offenders have been secured and punished or not, and that without any other Form or Process of Law whatsoever.

Offenders may be punished summarily for Contempt of Court.

CCCLXVII. That in Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Police Court, it shall be competent for the Magistrate, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, to punish the Offender by a written Sentence, specifying the Offence, and inflicting a Fine not exceeding Three Pounds or Imprisonment for any Period not exceeding Twenty Days, or to direct the Offender to be prosecuted after the ordinary Form at the Instance of the Superintendent of Police, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in the Case of other Offences before the Magistrate: Provided always, that when the Magistrate proceeds to punish summarily he shall cause a Record to be kept containing a Statement of the Facts which may have led to such Punishment.

Police Officers may be dismissed by the Magistrate.

CCCLXVIII. That it shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Proceedings not to be void for Want of Form, and Judgments to be final.

CCCLXIX. That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension or Advocation or Appeal, or any other Form of Review, or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in Point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and which Suspension or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

No Stay of Execution to prevent Payment of Penalties.

CCCLXX. That no Suspension or Stay of Execution of any Sentence pronounced by the Magistrate, in so far as concerns any Penalty, shall be competent to the Effect of preventing immediate Payment to the Clerk, or Consignation of the Amount of the said Penalty; and the Person against whom such Sentence shall be pronounced, if in Custody at the Time, shall be so kept, and if not in Custody at the Time shall immediately be taken into Custody, and so kept till the said Penalty be paid, and if the same be not immediately paid or consigned such Person shall be committed to Prison till liberated in manner herein mentioned; reserving nevertheless to any Person having paid or consigned such Penalty, if he shall consider himself aggrieved, to seek Redress as is herein-before provided; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorise the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Assessment authorized to be levied for the General Purposes of this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal or Superintendent of Police shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in such Action by such Procurator Fiscal or Superintendent of Police subsequent to such General Meeting shall be defrayed out of the said Assessments.

Fines to be paid to the Clerk.

CCCLXXI. That all Forfeitures, Penalties, and Fines imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Application of Penalties.

CCCLXXII. That the whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid by the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Assessment authorized to be levied for the General Purposes of this Act; and if such Forfeitures,

Penalties,

Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall form Part of the Funds for the General Purposes of this Act.

Jurisdiction of Police Courts.

CCCLXXIII. That when any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour, or for keeping the Peace, as aforesaid, shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk, within Six Days after the Date of such Citation, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Detention shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by this Act directed to be applied.

For Recovery of forfeited Bail Bonds and Bonds of Caution.

CCCLXXIV. That any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Cautioners in Bonds.

Assessments in Burghs.

CCCLXXV. And be it enacted, That it shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively valued at Three Pounds or upwards of yearly Rent in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Assessments leviable under this Act for other Purposes are authorized to be imposed, levied, and recovered by the Commissioners.

Assessments in Burghs having no Revenues.

CCCLXXVI. And be it enacted, That no Burgh in which a Police is maintained by Assessment upon such Burgh under the Provisions of this Act shall be liable for any Assessment for the Police Purposes of the County in which such Burgh is situated, anything in any Act or Acts of Parliament to the contrary notwithstanding.

Burghs maintaining Police to be exempted from County Assessment.

CCCLXXVII. And be it enacted, That it shall and may be lawful for all Corporations, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any kind whatever, who are or shall be seised or possessed of or interested in any Lands or other Heritages, whether held in Fee Simple or under Entail, which may be necessary for the Purposes of this Act, to contract and agree with the Commissioners for the Sale of, and to sell and convey to the Commissioners, all or any of such Lands or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing, to the contrary notwithstanding; and all and every such Corporation, Trustee, Heir of Entail, Tutor or Curator, married Woman, and other Person, is, are, and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Incapacitated Persons authorized to sell.

CCCLXXVIII. And be it enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into a chartered or other Bank, and without Fee or Reward; and such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a summary Petition to be preferred by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or destined, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits

Application of Compensation Money amounting to 200*l.*

Assessments in Burghs.

Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when less than 200*l.* and not less than 20*l.*

CCCLXXIX. And be it enacted, That if any Money so agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

CCCLXXX. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, the Court may order Payments and Expenses.

CCCLXXXI. And be it enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the Commissioners, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful for the Commissioners, or any Two or more of them, to pay the Sum and Sums of Money so payable as aforesaid into one or other of the said Banks, as the Case may be, to the Credit of the Parties interested in the said Lands or Heritages, describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them, subject to the Order, Control, and Disposition of the Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by summary Petition, shall be and are hereby empowered to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of such Bank who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money.

CCCLXXXII. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expenses in certain Cases.

CCCLXXXIII. And be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Rights of Heritable Property how to be taken.

CCCLXXXIV. And be it enacted, That the Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office; and all Contracts, Agreements, Sales, and Conveyances, or other Deeds or Writings constituting such Right, may be made according to the following Form:

Form of Conveyance.

'I *A.B.* in consideration of to me paid [*or* in consideration of the annual Rent of to me to be hereafter paid by yearly or half-yearly Payments, as may be agreed on,] 'by the Commissioners of Police for the Burgh of do hereby grant, dispone, and convey 'to

'to as Clerk, to and for behoof of the said Commissioners, and his Successors in Office, all and 'whole [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to the same, to 'be holden by the said Commissioners and their Successors for ever, by virtue of an Act [*specify this 'Act*]. In witness whereof I have subscribed these Presents, written by this Day 'of in the Year of our Lord before these Witnesses [*here insert Witnesses Names 'and Designations*].' *Assessments in Burghs.*

Which said Conveyance, being registered in the Register of Sasines of the Burgh or of the County respectively in which the Premises conveyed shall be situated, and which the respective Keepers of the Registers are hereby authorized and required to register, shall receive the same Effect and be as valid and effectual to all Intents and Purposes as if a formal Disposition had been executed, and followed by Sasine recorded according to the Form of the Law of *Scotland*, any Law, Statute, or Practice to the contrary notwithstanding.

CCCLXXXV. And be it enacted, That wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature, upon any Ground or in any Manner of Way whatever. Act,&c.declared final, the same not reviewable.

CCCLXXXVI. And be it enacted, That any Burgh which has already adopted, in whole or in part, the Powers and Provisions of the said first-recited Act, may, notwithstanding, adopt this Act, in whole or in part, in the Manner hereby authorized; but from and after the Date of the Adoption of this Act, in whole or in part, by such Burgh, the said first-recited Act shall cease to apply thereto, and shall, as regards such Burgh, be thenceforward held as repealed, and it is hereby, from and after such Date, as regards such Burgh, repealed accordingly. Burghs which have adopted 3&4W.4.c.46. may adopt this Act, and said Act shall cease to apply.

CCCLXXXVII. And be it enacted, That any Burgh or Place possessed of any Local Act or Acts of Parliament for the Purpose of regulating the Police thereof, or for paving, draining, cleansing, lighting, or improving the same, may, notwithstanding, adopt this Act, in whole or in part, in the Manner hereby authorized; and from and after the Date of the Adoption of this Act, in whole or in part, by such Burgh or Place, such Local Act or Acts shall cease to apply to or be in operation in such Burgh or Place, and shall as regards such Burgh or Place be held as repealed; and all such Local Acts are hereby, from and after such Date, as regards such Burgh or Place, repealed accordingly, in so far only as regards the Subject Matter adopted in such Burgh under this Act. Burghs having Local Acts may adopt this Act, and thereupon Local Acts to be repealed.

CCCLXXXVIII. Provided always, and be it enacted, That when this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said first-recited Act, or in any Burgh or Place which had previously possessed a Local Act or Acts as aforesaid, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and by virtue of such first-recited Act, or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such first recited Act, or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such first-recited Act and of such Local Act or Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act. Contracts under former Act to be saved.

CCCLXXXIX. And be it enacted, That no Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Court of Guild, where the Case shall, in the first instance, have been brought before or taken up by such Court of Guild. Jurisdiction of Courts of Guild to be preserved.

CCCXC. And be it enacted, That any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates. Act may be incorporated, either in whole or in part, with any future Act.

CCCXCI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Occupiers of Premises in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act,* within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff,*] of the real yearly Rent or Value of £10 or upwards, are hereby required to meet upon the Day of next, at of the Clock,

within whole or in part. when the said Act shall be laid before the Meeting, with the view of adopting it in

Dated at the Day of 18 .

(Signed)
E.F., Chief or Senior Magistrate,
or Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Signatures of Voters.

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
1.	2.		

CAP. XXXIV.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [15th *July* 1850.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-one, or, if Parliament be then sitting, until the End of the then Session of Parliament.

12 & 13 Vict. c. 47.

Acts for making, &c. Turnpike Roads in Ireland which will expire on 31st July 1850, &c. further continued.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to an Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Dublin, *by* Ashbourne, *to* Slane *and* Drogheda, or to an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Lisburn *in the County of* Antrim *to the Town of* Monaghan, or to an Act of the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for repairing the Road from the Town of* Athy *in the County of* Kildare, *through the Town of* Castlecomer *in the County of* Kilkenny, *to the City of* Kilkenny, *and from the Town of* Castlecomer *to the Town of* Leighlin Bridge *in the County of* Carlow, *and from the Town of* Carlow *to the said Town of* Castlecomer.

Nothing in this Act to extend to Acts 7 & 8 G. 4. c. lxvi.; 9 G. 4. c. lxxx.; or 1 & 2 G. 4. c. xxxviii.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP.

CAP. XXXV.

An Act to diminish the Delay and Expense of Proceedings in the High Court of Chancery in *England*. [15th *July* 1850.]

'WHEREAS Proceedings in the High Court of Chancery in *England* are attended with great Delay and Expense, which it is expedient to diminish:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Persons interested or claiming to be interested in any Question cognizable in the said Court as to the Construction of any Act of Parliament, Will, Deed, or other Instrument in Writing, or any Article, Clause, Matter, or Thing therein contained, or as to the Title or Evidence of Title to any Real or Personal Estate contracted to be sold or otherwise dealt with, or as to the Parties to or the Form of any Deed or Instrument for carrying any such Contract into effect, or as to any other Matter falling within the original Jurisdiction of the said Court as a Court of Equity, or made subject to the Jurisdiction or Authority of the said Court by any Statute not being One of the Statutes relating to Bankrupts, and including among such Persons all Lunatics, married Women, and Infants, in the Manner and under the Restrictions herein-after contained, to concur in stating such Question in the Form of a Special Case for the Opinion of the said Court, and it shall also be lawful for all Executors, Administrators, and Trustees to concur in such Case. Power to Persons interested in Questions cognizable in Court of Chancery to state Special Cases for the Opinion of the Court.

II. And be it enacted, That the Committee of the Estate of any Lunatic interested or claiming to be interested in any such Question as aforesaid may, after having been authorized in that Behalf by the Lord Chancellor, concur in such Case in his own Name and in the Name and on the Behalf of the Lunatic. How Lunatic may concur.

III. And be it enacted, That a Husband interested or claiming to be interested in right of his Wife in any such Question as aforesaid may concur in such Case in his own Name and in the Name of his Wife where the Wife has no Claim to any Interest distinct from her Husband, and that a married Woman having or claiming any Interest in any such Question as aforesaid distinct from her Husband may in her own Right concur in such Case, provided that her Husband also concurs therein. How married Women may concur.

IV. And be it enacted, That the Guardian of any Infant interested or claiming to be interested in any such Question as aforesaid may concur in such Case in the Name and on the Behalf of the Infant, unless such Guardian has an Interest in such Question adverse to the Interest of the Infant therein. How Infants may concur.

V. And be it enacted, That it shall be lawful for the said Court, by Order to be made in the Matter of any Lunatic not found such by Inquisition, or, in the Matter of any Infant, upon the Application of any Person on the Behalf of such Lunatic, or upon the Application of such Infant, by Motion or Petition, to appoint any Person shown by Affidavit to be a fit Person, and to have no Interest adverse to the Interest of the Lunatic or Infant, to be the special Guardian of such Lunatic or Infant for the Purpose of concurring in such Case in the Name and on behalf of the Lunatic or Infant, and any such Person so appointed may lawfully so concur: Provided always, that it shall be lawful for the said Court to require Notice of such Application to be given to such Person, if any, as the Court shall think fit. How special Guardian to be appointed for a Lunatic not found such by Commission, and for Infant.

VI. And be it enacted, That in any Case in which any such Order as aforesaid shall have been made by the said Court in the Matter of any Infant without Notice to the Guardian of the Infant, it shall be lawful for the said Court, if it shall think fit so to do, to discharge such Order, upon the Application of such Guardian, by Motion or Petition; and the said Court, if it shall think fit, may thereupon appoint some other fit Person to be the special Guardian of such Infant for the Purpose of such Special Case, and may also give such Directions as may be necessary for substituting in such Special Case either the Name of the Guardian so applying, or of the special Guardian so appointed in lieu of the Name of the special Guardian so displaced: Provided always, that the Discharge of any Order appointing a special Guardian shall not invalidate anything which shall in the meantime have been done by such special Guardian, unless the Court shall, upon Notice to all Parties, specially so direct. Order to appoint special Guardian of an Infant may be discharged by Court if made without Notice.

VII. And be it enacted, That every such Special Case shall be entitled as a Cause between some or one of the Parties interested or claiming to be interested as Plaintiffs or Plaintiff, and the others or other of them as Defendants or Defendant; and that in the Title to such Cases Lunatics and Infants shall be described as such, and their Committees, Guardians, or special Guardians named; and that where in any such Case a married Woman is named as a Plaintiff and her Husband as a Defendant thereto, a next Friend of such married Woman shall be named in the Title to such Case. How such Special Cases to be entitled.

VIII. And be it enacted, That every such Special Case shall concisely state such Facts and Documents as may be necessary to enable the Court to decide the Question raised thereby; and that upon the Hearing of such Case the Court and the Parties shall be at liberty to refer to the whole Contents of such Documents; and the Court shall be at liberty to draw from the Facts and Documents stated in any such Special Case any Inference which the Court might have drawn therefrom if proved in a Cause. Form of Special Case.

IX. And be it enacted, That every such Special Case to which an Infant or Lunatic is a Party by his Guardian or special Guardian shall also state how such Guardian or special Guardian was constituted; and that where any married Woman having or claiming any Interest distinct from her Husband is a Party to such Case, it shall be stated therein that she concurs in such Case in her own Right. To state how Guardian constituted, and Concurrence of married Women.

X. And be it enacted, That every such special Case shall be signed by Counsel for all Parties, and shall be filed in the same Manner as Bills are filed, and that the Defendants may appear thereto in the same Manner To be signed by Counsel, and filed, and Ap-

pearances to be entered by Defendants.

Manner as Defendants appear to Bills; and that no Defendant shall be required to take an Office Copy of a Special Case, but an Office Copy thereof shall be taken by the Plaintiff.

After a Special Case filed, Parties to be bound by Statements after Defendants have appeared, except married Women, &c.

XI. And be it enacted, That after a Special Case shall have been filed, and the Defendants shall have appeared thereto, all the Parties to such Special Case shall be subject to the Jurisdiction of the Court in the same Manner as if the Plaintiff in the Special Case had filed a Bill against the Parties named as Defendants thereto, and such Defendants had appeared to such Bill; and upon the Special Case being filed, and Appearances entered thereto as aforesaid, all Parties to such Special Case, other than married Women, Infants, and Lunatics, shall, for the Purposes of such Special Case, be bound by the Statements therein; and that married Women, Infants, and Lunatics made Parties to a Special Case shall, for the Purposes of such Special Case, be bound by the Statements therein, when, and not before, Leave shall have been given by the Court to set down such Special Case in manner herein-after provided.

How Case to be set down for Hearing.

XII. And be it enacted, That so soon as all the Defendants shall have appeared to the Special Case the same may, subject to the Provisions herein-after contained, be set down for Hearing, and Subpœnas to hear Judgment issued and served according to the Practice of the said Court.

When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down.

XIII. And be it enacted, That when any married Woman, Infant, or Lunatic is Party to a Special Case, Application may be made to the Court by Motion for Leave to set down the same, of which Motion Notice shall be given to every Party to such Case in whom, as Executor, Administrator, or Trustee, any Property in question therein is or is alleged to be vested in trust for or for the Benefit of such married Woman, Infant, or Lunatic, and also, if such Application be not made by or on behalf of such married Woman, Infant, or Lunatic, to such married Woman and her Husband, or to such Infant, or to such Lunatic and his Committee, if any, as the Case may be; and that upon the Hearing of such Motion the said Court may give Leave to set down such Case, if it shall be of opinion that it is proper that the Question raised therein shall be determined thereon, and shall be satisfied by Affidavit or other sufficient Evidence that the Statements contained therein, so far as the same affect the Interest of such married Woman, Infant, or Lunatic, are true, but otherwise may refuse such Application: Provided always, that in case the said Court, upon the Hearing of such Application, shall be of opinion that it is proper that the Question raised in such Case shall be determined thereon, but shall not be satisfied that the Statements contained therein, so far as they affect the Interest of such married Woman, Infant, or Lunatic, are true, it shall be lawful for the said Court to refer it to One of the Masters thereof to make such Inquiries as to the Court shall seem proper, and upon further Application being made, by Motion as aforesaid, upon the said Master's Report, to give or refuse Leave to set down such Case as to the said Court shall seem fit.

Upon Hearing, Court to determine Question, and make Declaration.

XIV. And be it enacted, That it shall be lawful for the said Court, upon the Hearing of any such Special Case as aforesaid, to determine the Questions raised therein or any of them, and by Decree to declare its Opinion thereon, and so far as the Case shall admit of the same, upon the Right involved therein, without proceeding to administer any Relief consequent upon such Declaration; and that every such Declaration of the said Court contained in any such Decree shall have the same Force and Effect as such Declaration would have had, and shall be binding to the same Extent as such Declaration would have been, if contained in a Decree made in a Suit between the same Parties instituted by Bill: Provided always, that it shall be lawful for the said Court, if it shall see fit so to do, before proceeding to make such Decree as aforesaid, to send any Case or Cases for the Opinion of any of Her Majesty's Courts of Common Law, reserving the Consideration of all further Directions and of the Costs, and to make such Decree as aforesaid upon such further Directions; provided also, that if upon the Hearing of such Special Case as aforesaid the Court shall be of opinion that the Questions raised thereby or any of them cannot properly be decided upon such Case, the said Court may refuse to decide the same.

Proviso that a Case may be sent to a Common Law Court.

Court of Chancery may refuse to decide.

Protection to be afforded to Trustees by Declaration.

XV. And be it enacted, That every Executor, Administrator, Trustee, or other Person making any Payment or doing any Act in conformity with the Declaration contained in any Decree made upon a Special Case shall in all respects be as fully and effectually protected and indemnified by such Declaration as if such Payment had been made or Act done under or in pursuance of the express Order of the said Court made in a Suit between the same Parties instituted by Bill, save only as to any Rights or Claims of any Person in respect of Matters not determined by such Declaration.

The Court may suspend the acting upon Declaration.

XVI. And be it enacted, That where any Person shall be desirous to have a Special Case re-heard, or to appeal from the Decision thereon, it shall be lawful for the said Court, upon Application for that Purpose, either at the Time of the Decree upon such Special Case being made or at any Time afterwards, and upon such Conditions, if any, as the Court shall think fit, to order that the Declaration contained in such Decree shall not be acted upon for such Time as the said Court shall think just.

Special Case to be a Lis pendens, and may be registered.

2 & 3 Vict. c. 11.

XVII. And be it enacted, That the filing of a Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, shall be taken to be a Lis pendens, and may be registered under the Provisions of an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, in like Manner as any other Lis pendens in a Court of Equity may now be so registered, and unless and until so registered, shall not bind a Purchaser or Mortgagee without express Notice thereof.

Mode of identifying Documents, and Court may

XVIII. And be it enacted, That any Documents referred to in a Special Case, and any Copies thereof or Extracts therefrom, identified by the Signature of the Solicitors for all Parties or of the *London* Agents of such Solicitors, may be produced and read at the Hearing of such Case, without further Proof; and that it shall be lawful for the said Court, at any Time after the filing of the Special Case, and the entering

entering of Appearances thereto by the Persons named as Defendants therein, to order any Document which may be admitted thereby to be in the Possession of any Party to such Case to be deposited and produced in such Manner and for such Purposes as the Court shall think fit. order Production.

XIX. 'And whereas it is expedient to provide Means for enabling Executors or Administrators of 'deceased Persons to ascertain whether there are any outstanding Debts or Liabilities affecting the Per-'sonal Estates of such Persons, without the Delay and Expense of Suits to administer such Estates:' Be it therefore enacted, That it shall be lawful for the said Court, upon the Application of the Executors or Administrators of any deceased Person, by Order to be made upon Motion or Petition of course, and to be in the Form or to the Effect set forth in the Schedule hereto, with such Variations as Circumstances may require, to refer it to One of the Masters of the said Court to take an Account of the Debts and Liabilities affecting the Personal Estate of such deceased Person, and to report thereon: Provided always, that no such Order shall be made until the Expiration of One Year next after the Death of such deceased Person, or pending any Proceedings to administer the Estate of such Person, and that in case at any Time after the making of such Order any Decree or Order for administering the Estate of such deceased Person shall be made, it shall be lawful for the said Court by such Decree or Order to stay or suspend the Proceedings under such Order of course on such Terms and Conditions, if any, as to the said Court shall seem just. Court, on Application of Executors or Administrators, may by Order of course direct it to be referred to a Master to take an Account of Debts and Liabilities.

XX. And be it enacted, That it shall be lawful for any Person who may have come in before the Master under any such Order, and claimed to be a Creditor upon the Estate of the deceased Person, or to have any Demand upon such Estate by reason of any Liability, and whose Debt or Claim may not have been wholly allowed by the said Master, to apply to the said Court by Motion, of which Notice shall be given within Fourteen Days after the filing of the Master's Report, to have such Claim allowed by the Court, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any Creditor of the deceased Person who may be authorized by special Leave of the said Court so to do, to apply to the said Court by Motion, of which Notice shall be given within the Time aforesaid, to have any Debt or Claim allowed by the said Master disallowed by the Court, either wholly or partially; and at the Expiration of Fourteen Days after the filing of the said Report the same shall, except as to any Debt or Claim as to which any such Notice as aforesaid may have been given, be absolute, as if the same had been confirmed by Order of the Court. Master's Report may be objected to by Motion to the Court, of which Notice shall be given.

XXI. And be it enacted, That upon the Hearing of any such Motion as aforesaid the said Court may either dismiss such Motion, or may order the Debt or Claim to which such Motion relates to be allowed or disallowed, as the Case may be, and either wholly or partially, or may direct further Inquiry or further Proceedings, by way of Action or otherwise, touching such Debt or Claim, and after such Inquiry or Proceedings may, upon further Motion, deal with such Debt or Claim as to the said Court shall seem just: Provided always, that no new Evidence shall be received by the said Court upon the Hearing of any such Motion without special Leave of the said Court. Proceeding of the Court on such Motion.

XXII. And be it enacted, That in case any Debt or any certain Liability shall have been allowed as aforesaid, and shall not within Fourteen Days after the Report has become absolute as to such Debt or Liability, or after the same shall have been allowed by the said Court, be paid or provided for by Appropriation to the Satisfaction of the Person who has established such Liability, it shall be lawful for the said Court, by Order, to be made, in case of any Debt remaining due, upon the Application by Motion or Petition of the Person to whom the Debt remains due, and on Notice to the Executors or Administrators, and in case of any certain Liability remaining unprovided for by Appropriation, upon the Application by Motion or Petition of the Person by whom such Liability has been established, or of the Executors or Administrators, and on Notice by the Party applying to the other of them, to order Payment of the Debts which may have been allowed and remain unpaid, and to provide for the certain Liabilities which may have been allowed and remain unprovided for, in like Manner as the same could or might have been paid or provided for in a Suit for that Purpose instituted by Bill, or to refer it to the Master to take an Account of the Debts and certain Liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual Accounts of the Personal Estate of the deceased Person, with all usual and proper Directions; and every such Order shall have the same Force and Effect and shall be prosecuted and carried on in like Manner as a Decree in a Creditor's Suit instituted by Bill. If Debts or certain Liabilities allowed, and not paid or provided for, Order may be made for Payment or Accounts.

XXIII. And be it enacted, That in case any contingent Liability shall be allowed by the said Report or by the said Court, it shall be lawful for the said Court, by Order, to be made upon the Application of the Executors or Administrators, by Motion or Petition, on Notice to the Person who may have established such contingent Liability, to order such Sum of Money, Part of the Estate of the deceased Person, as to the said Court shall seem just, to be set apart and appropriated for answering such contingent Liability, and to give such Directions as the said Court shall think fit touching the Payment of such Sum of Money into Court, and the Investment thereof, and the Payment, Application, or Accumulation of the Interest or Dividends thereof in the meantime and until the same shall be required to answer such Liability, and when such Liability shall be ascertained or determined to give such Directions as to the Payment of such Sum out of Court as the said Court shall deem right: Provided always, that no Order to be made as aforesaid shall in any Manner bind the Assets so appropriated as against the Persons entitled to the Estate of the Deceased subject to the contingent Liability; and any Person interested in such appropriated Assets may apply to the Court touching the same as he may be advised. Court on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability.

XXIV. And be it enacted, That after the filing of such Report as aforesaid it shall be lawful for the said Court, upon the Application of the Executors or Administrators of the Deceased, by Order, to be made Court may restrain Proceedings against

Executors and Administrators.

made on Motion, to restrain by Injunction any Proceedings at Law against them by any Person having or claiming to have any Demand upon the Estate of the Deceased by reason of any Debt or Liability, other than the Persons who may have established contingent Liabilities under the said Order for which no Appropriation may have been made.

Protection to be afforded to Executors and Administrators.

XXV. And be it enacted, That in case no Debt or Liability, or no Debt or Liability other than a contingent Liability, shall have been allowed as aforesaid, or in case any Debt or Liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by Appropriation as aforesaid, all Payments made by the Executors or Administrators, or any of them, on account of the Estate of the deceased Person, and all Dispositions of such Assets made by them or any of them, on account of such Estate, shall, as against all Persons having or claiming to have any Demand upon such Estate by reason of any Debt or Liability, other than Persons who may have established under the said Order any contingent Liability for which no such Appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a Decree of the said Court: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Rights of any Creditor or other Person having any Demand or Claim upon the Estate of the Deceased against any Assets so paid or disposed of, or against the Persons to whom such Payment or Disposition may have been made, or against any Assets appropriated under the Provisions of this Act, and the Appropriation of which, if made under a Decree of the said Court in a Suit to which he was not a Party, would not have been binding upon him.

Notwithstanding Provisions of 3 & 4 W. 4. c. 94., Judges of the Court may hear and determine Applications mentioned in Act, if they think fit.

XXVI. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late 'Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Prac-* '*tice of certain Offices of the High Court of Chancery in* England, it is enacted, "that the Masters in '"Ordinary of the High Court of Chancery shall hear and determine all Applications for Time to plead, '"answer, or demur, and for Leave to amend Bills, and for enlarging Publication, and all such other '"Matters relating to the Conduct of Suits in the said Court as the Lord Chancellor, with the '"Advice and Assistance of the Master of the Rolls and Vice Chancellor, or One of them, shall by '"any General Order or Orders direct, in such Manner and under such Rules and Regulations as '"by any General Order or Orders, to be also issued by the Lord Chancellor, with the Advice and '"Assistance aforesaid, shall be directed, and that it shall be lawful for either Party to appeal by '"Motion from the Order made on such Application to the Lord Chancellor, Master of the Rolls, or Vice '"Chancellor, and that the Order made on such Appeal shall be final and conclusive;" and it is enacted, '"that no such Application as above mentioned shall in future be heard by any of the Judges of the '"said Court of Chancery, except on Appeal as herein-before provided:" And whereas the last-mentioned 'Enactment has been found to be inconvenient:' Be it therefore enacted, That notwithstanding the Provisions of the said Act, it shall be lawful for any of the Judges of the said Court to hear and determine any such Application as mentioned in the said Act in the first instance, if under special Circumstances he shall think fit so to do.

Exceptions for Scandal, &c. to be heard by the Court.

XXVII. And be it enacted, That all Exceptions for Scandal, Impertinence, and Insufficiency, which according to the existing Practice of the said Court are referred to the Masters of the said Court, shall not any longer be so referred, but shall be heard and determined by the said Court in the first instance.

Power for Court, notwithstanding any Rule, &c. to the contrary, to receive Proof by Affidavit.

XXVIII. And be it enacted, That, notwithstanding any Rule or Practice of the said Court to the contrary, it shall be lawful for the said Court, at the Hearing of any Cause or of any further Directions therein, to receive Proof by Affidavit of all proper Parties being before the Court, and of all such Matters as are necessary to be proved for enabling the said Court to order Payment of any Monies belonging to any married Woman, and of all such other Matters not directly in issue in the Cause as in the Opinion of the said Court may safely and properly be so proved.

Certain Provisions of 53 G. 3. c. 24. and 5 Vict. c. 5. repealed in part.

XXIX. And be it enacted, That so much of an Act made and passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, as provides that the Vice Chancellor appointed under that Act shall have no Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, unless authorized by the Lord Chancellor, Lord Keeper or Lords Commissioners for the Time being so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls, and so much of an Act made and passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to make further Provisions for the Administration of Justice*, as provides that no Vice Chancellor appointed under the Authority of that Act shall have Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any other Vice Chancellor to be appointed under that Act, not being a Predecessor in Office of such Vice Chancellor, nor any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, unless authorized by the Lord Chancellor so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls or the Vice Chancellor for the Time being appointed in pursuance of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, shall be and the same are respectively hereby repealed so far as the same respectively apply to Orders on Motion or Petition of course made by the Lord Chancellor, Master of the Rolls, or any of the Vice Chancellors; and that it shall be lawful for the Master of the Rolls and the Vice Chancellors respectively to discharge, reverse, or alter any Order made on Motion or Petition of course by any other of them, or by the Lord Chancellor.

XXX. And

XXX. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and any One or more of the Vice Chancellors, from Time to Time to make, rescind, and alter General Rules and Orders for better enabling the Opinion of the said Court to be obtained on Special Cases, and for effectuating the Purposes of this Act as to the Debts and Liabilities of deceased Persons, and for making any Provisions which may be or be deemed necessary or proper as to Amendment, Revivor, and supplemental Matter or Relief, and as to Costs of any Proceedings under or in pursuance of this Act, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and every of them, and so far as may be found expedient for altering the Course of Proceeding herein-before prescribed in respect to such Matters or any of them. Power to Lord Chancellor, &c. to make General Rules and Orders from Time to Time.

XXXI. And be it enacted, That all such General Rules and Orders shall be laid before both Houses of Parliament, if Parliament shall be then sitting, immediately upon the making and issuing the same, or, if Parliament shall not be then sitting, then within Five Days after the next Meeting thereof; and that every such Rule or Order shall from and after the Time in that Behalf to be appointed by the Lord Chancellor, with such Advice and Consent as aforesaid, and if no Time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed at any Time before such House of Parliament shall have actually sat Thirty-six Days after such Rules, Orders, and Regulations shall have been laid before such House of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding and obligatory on the said Court; provided also, that no such Rule or Order as aforesaid shall by virtue of this Act be of the like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament, unless the same shall be expressed to be made in pursuance of this Act; and that every such Rule or Order so expressed to be made in pursuance of this Act which shall not be laid before both Houses of Parliament within the Time by this Act limited for that Purpose shall from and after the Expiration of such Time be absolutely void and of no Effect. Rules and Orders to be laid before Parliament, and to be binding from the Time appointed, or from the making, unless objected to by Vote of either House of Parliament. Rules not laid before Parliament within Time to be void.

XXXII. And be it enacted, That in the meantime and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the Proceedings under this Act shall be governed and regulated by the Provisions herein contained so far as the same extend, and in so far as the same do not extend shall, as well with respect to the Persons who ought to be made Parties to Special Cases as in every other respect, be governed and regulated by the Rules, Orders, and Practice of the said Court in Suits instituted by Bill, so far as the same can be applied thereto, and, subject to such General Rules and Orders as aforesaid, the Costs of all Proceedings under this Act shall be in the Discretion of the said Court. Until Rules, &c. made, and if not applicable when made, Practice to be according to this Act and Practice of the Court.

XXXIII. And be it enacted, That all Decrees and Orders made under the Provisions of this Act shall be subject to Re-hearing, Appeal, and Review, and may be discharged and varied, in the same and the like Manner as Decrees and Orders of the said Court made in Suits instituted by Bill. Decrees and Orders to be subject to Appeal, &c.

XXXIV. And be it enacted, That the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or in the Context repugnant to such Construction: Interpretation of Terms.

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and Lords Commissioners of the Great Seal of the United Kingdom for the Time being:

The Word "Master" shall mean Master in Ordinary of the High Court of Chancery in *England*:

The Word "Lunatic" shall include Idiots and Persons of unsound Mind, and whether found such by Inquisition or not:

The Word "Guardian" shall mean Father or testamentary Guardian, or Guardian appointed by the Court of Chancery (not being a special Guardian appointed under the Provisions of this Act).

XXXV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and fifty. Commencement of Act.

XXXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE referred to by the foregoing Act.

[*Date.*]

In the Matter of *A.B.* late of in the County of Banker [*or as the Case may be*], deceased.

Upon Motion this Day made unto this Court by Mr. of Counsel for *C.D.* of the Executor [*or* Administrator] of the above-named *A.B.* [*or* upon the humble Petition of *C.D.* of the Executor (*or* Administrator) of the said *A.B.*, this Day preferred unto the Right Honourable the Master of the Rolls for the Reasons therein contained], it is ordered, That it be referred to the Master of this Court in rotation to take an Account of the Debts and Liabilities affecting the Personal

Personal Estate of the said *A.B.*, and to compute Interest on such of the said Debts and Liabilities as carry Interest after the Rate of Interest the same respectively carry; and the said Master is to cause an Advertisement to be published in the London Gazette and such other public Papers as he shall think fit for the Persons claiming in respect of any such Debts or Liabilities to come in before the said Master, and prove their Debts and Claims, and he is to fix a peremptory Day for that Purpose; and such of the said Creditors as shall not come in and prove their Debts and Claims by the Time so to be limited are to be excluded the Benefit of this Order: And it is ordered, that the said Master do distinguish Debts from Liabilities, and Liabilities certain from Liabilities contingent: And it is ordered, that the Personal Estate of the said *A.B.* be applied in Payment and Satisfaction of such Debts and Liabilities of the said *A.B.* in a due Course of Administration; and for the better taking the said Accounts and Discovery of the Matters aforesaid the Parties are to produce before the said Master, upon Oath, all Deeds, Books, Papers, and Writings in their Custody or Power relating thereto, and are to be examined upon Interrogatories as the said Master shall direct; and any of the Parties are to be at liberty to apply to the Court as there shall be Occasion.

CAP. XXXVI.

An Act to facilitate Procedure in the Court of Session in *Scotland*. [29th *July* 1850.]

'WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice in that Part of the United Kingdom called* Scotland, *by the extending Trial by Jury to Civil Causes;* and another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled 'An Act to facilitate the 'Administration of Justice in that Part of the United Kingdom called* Scotland, *by the extending Trial 'by Jury to Civil Causes;'* and another Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better regulating of the Forms of Process in the Courts of Law in* Scotland; and another Act was passed in the Session of Parliament holden in the Eleventh Year of the Reign of His Majesty King *George* the Fourth and in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Cases with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of* Scotland; and another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in* Scotland, *and to reduce the Fees payable in those Courts:* And whereas it is expedient that the Provisions and Enactments of the said recited Acts should be in some respects altered and amended, and further Regulations established for expediting the Business of the Court of Session in *Scotland:*' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Pursuer of any Summons before the Court of Session shall set forth in such Summons, in such Way and Manner as the Court, having regard to the Forms set forth in Schedule (A.) hereunto annexed, may from Time to Time prescribe by Act of Sederunt as applicable to the various Forms of Action now in use, the Name and Designation of such Pursuer, and the Name and Designation of the Defender, and the Conclusions of the Action, without any Statement whatever of the Grounds of Action; but the Allegations in Fact which form the Grounds of Action shall be set forth in an Articulate Condescendence, together with a Note of the Pursuer's Pleas in Law, which Condescendence and Pleas in Law shall be annexed to such Summons, and shall be held to constitute Part thereof; and the Defences to such Summons shall be in the Form of Articulate Answers to such Condescendence, and, where necessary, appended thereto a Statement of the Allegations in Fact on which the Defender founds in Defence, and also a Note of the Defender's Pleas in Law.

55 G. 3. c. 42.
59 G. 3. c. 35.
6 G. 4. c. 120.
11 G. 4. & 1 W. 4. c. 69.
1 & 2 Vict. c. 118.

New Form of Summons and Defences.

Record, how to be made up.

II. And be it enacted, That where Defences are lodged, and unless the Record shall be closed upon the Summons and Defences, the Record shall be made by Revisal by the Pursuer of the Condescendence annexed to his Summons, and Revisal by the Defender of his Defences; and upon the Expiration of the original or prorogated Period, as the Case may be, for lodging a revised Condescendence, if no revised Condescendence shall be lodged, and upon the Expiration of the original or prorogated Period, as the Case may be, for lodging revised Defences, if a revised Condescendence shall be lodged, or sooner if the Parties shall consent thereto, the Clerk to the Process shall transmit the same to the Lord Ordinary, and the Lord Ordinary shall appoint a Time, being within Six Days from the Date of the Process being so transmitted to him, for Parties attending him at Chambers, by their Counsel, with a view to the Adjustment and closing of the Record; and the Lord Ordinary may at such Meeting, or at any adjourned Meeting which he may appoint, allow or require such Alterations and Amendments to be made on the Record as to him may seem proper, and may close the Record, or appoint a Day on or before which the Record shall be closed; and if the Record shall not be closed on or before the Day fixed by such Appointment or subsequent Prorogation, the Lord Ordinary shall pronounce an Interlocutor declaring it closed accordingly.

Where Pursuer willing, Record

III. Provided always, and be it enacted, That where the Pursuer is willing to close the Record upon the Summons and Defences without any Revisal, a Consent to that Effect may be endorsed on the Defences,

Defences, and signed by Counsel; and it shall then be the Duty of the Clerk to the Process to transmit the Process forthwith to the Lord Ordinary, with a view to the Adjustment and closing of the Record as aforesaid; and the Case shall thenceforward be proceeded with in the same Way and Manner, and the same Regulations and Provisions shall thereupon apply, as in the other Cases of Transmission to the Lord Ordinary, with a view to the Adjustment and closing of the Record, herein-before mentioned: Provided always, that it shall in such Case be competent to the Lord Ordinary, upon the Motion of the Defender, and by an Interlocutor to be pronounced by the Lord Ordinary, either in Court or at Chambers, to make such Order for or with a view to Revisal as he may deem fit.

may be closed on Summons and Defences.

IV. And be it enacted, That the Periods appointed for lodging any Paper, or for transmitting any Process to a Lord Ordinary, or for closing a Record, may always be prorogated by written Consent of Parties; and the Periods appointed for lodging any Paper, or for closing a Record, may always be once prorogated by the Lord Ordinary, without such Consent, on special Cause shown; and such Prorogations may be granted, of Consent as aforesaid, either before or after the Lapse of such Periods; and in every Interlocutor of a Lord Ordinary prorogating, on special Cause shown, the Time for lodging any Paper or for closing a Record, the Nature of such Cause shall be set forth, and a definite Time shall be therein fixed within which the Paper is to be lodged, or the Record closed; and it shall not be competent to the Lord Ordinary to grant such Prorogation, even upon Cause shown, oftener than once, unless such Cause shall have been allowed by the Inner House on the Report of the Lord Ordinary.

Prorogations, how to be granted.

V. And be it enacted, That it shall not be necessary, in order to the closing of a Record in any Process before the Court of Session, that the Record be authenticated by Counsel as adjusted or closed, whether by Minute of Assent or otherwise, but such Record shall be closed by Interlocutor of the Lord Ordinary before whom the Process depends; and such Interlocutor shall be subject to Review of the Inner House; and the Interlocutor of the Inner House to be pronounced on such Review shall not in any Case be subject to Appeal as an Interlocutory Judgment.

Record to be closed by Interlocutor, and no Authentication by Counsel to be necessary.

VI. And be it enacted, That it shall not be necessary to print any Part of the Process before the closing of the Record; but when the Record is closed, if it shall appear to the Lord Ordinary to be expedient that the same should be printed while the Cause is in dependence in the Outer House, the Lord Ordinary may appoint such Number of Copies thereof as he may deem proper to be printed by the Pursuer at the mutual Expense of the Parties; and on such Appointment being made the Pursuer shall print such Copies accordingly, and upon Payment by the Defender of One Half of the whole Expense of such Printing, shall furnish to him One Half of such Copies.

Lord Ordinary may appoint closed Record to be printed.

VII. And be it enacted, That where in a Process of Reduction the Defender is to object to the Title of the Pursuer, or to plead on an exclusive Title, or to state any other Objection against satisfying the Production, he shall in the first instance lodge Defences confined to these Points, and the Form of such Defences, and the Procedure thereon, shall be the same as in the Case of peremptory Defences in an ordinary Action; and if the Defences so lodged shall be repelled, the Defender, after the Production has been satisfied, shall give in Defences applicable to the Grounds of Reduction and upon the Merits of the Reduction, and a Record may be made up thereafter as in any ordinary Action.

Dilatory Defences in Reductions, how to be disposed of.

VIII. And be it enacted, That in a Process of Reduction the Production may be satisfied either during Session or on any Box Day in Vacation or Recess.

Production may be satisfied on Box Day.

IX. And be it enacted, That where Answers are lodged by a Respondent in any Process of Suspension or Advocation, the Record shall thereafter be made up therein in the same Way and Manner in all respects as is directed by this Act in regard to any ordinary Action in which Defences have been lodged; and the Pursuer of such Process of Advocation or Suspension and the Respondent therein shall have severally the same Rights and Privileges as the Pursuer and Defender in such ordinary Action respectively; and the whole Provisions and Enactments of this Act in regard to the making up of the Record in such ordinary Actions shall apply, as far as may be, to such Processes of Advocation and Suspension.

Record to be made up in Advocations and Suspensions, after Answers are lodged, similarly to other Actions;

X. And be it enacted, That the Procedure with respect to the making up of the Record in Processes of Competition, or other Processes to which the Provisions of this Act with respect to the making up of the Record may not be applicable, shall be conducted as at present, until regulated by the Court of Session; but the Procedure in such Actions shall be regulated by the said Court by Act of Sederunt, as soon as conveniently may be after the Date at which this Act shall take effect, in such Way and Manner as to assimilate in so far as convenient the Procedure in such Actions with respect to the making up of the Record to the Procedure by this Act provided.

and in Processes of Competition, &c. as may be fixed by the Court of Session by Act of Sederunt.

XI. And be it enacted, That it shall not be competent to reclaim against any Interlocutor of the Lord Ordinary, at any Time after the Expiration of Ten Days from the Date of signing such Interlocutor, with the Exception only of Reclaiming Notes against Interlocutors disposing in whole or in part of the Merits of the Cause, and against Decrees in Absence, which Reclaiming Notes shall continue to be competent in like Manner as at the passing of this Act.

Reclaiming Days limited to Ten, except for Judgments on Merits, and Decrees in Absence.

XII. And be it enacted, That it shall not be competent to reclaim against any Interlocutor of a Lord Ordinary, not being an Interlocutor disposing of a dilatory Defence, or an Interlocutor sisting Process, or an Interlocutor disposing in whole or in part of the Merits of the Cause, pronounced before the closing of the Record: Provided always, that any Interlocutor pronounced before the closing of the Record may be reclaimed against, with the Leave of the Lord Ordinary, at any Time within Ten Days from the Date of pronouncing the same, or without the Leave of the Lord Ordinary, at any Time within Ten Days from the Date of signing the Interlocutor closing the Record.

Reclaiming Notes during the making up of the Record prohibited, except with Leave of the Lord Ordinary.

XIII. And

Process may proceed, notwithstanding Reclaiming Note or Appeal.

XIII. And be it enacted, That no Reclaiming Note to the Inner House, and no Petition of Appeal to the House of Lords, in any Process before the Court of Session, shall be held to remove such Process from before the Lord Ordinary or the Court, as the Case may be, as regards any Point or Points not necessarily dependent on the Interlocutor so submitted to Review, but such Process shall, for all Purposes, and to all Effects not necessarily dependent on such Interlocutor, remain before the Lord Ordinary or the Court, as the Case may be, and shall be proceeded in by the Lord Ordinary or the Court notwithstanding such Reclaiming Note or Appeal, if it appear to the Lord Ordinary or the Court to be expedient and proper.

Lords Ordinary not to order written Argument.

XIV. And be it enacted, That it shall not be competent to the Lord Ordinary to direct Cases or Minutes of Debate or other written Argument to be prepared by the Parties, whether for the Use of himself or of the Inner House; but it shall be competent for the Lord Ordinary at any Time after hearing Parties on a closed Record to take such Cause to report to the Inner House without Cases or Minutes of Debate.

Summonses may be signed by a Writer to the Signet.

XV. And be it enacted, That all Summonses in Consistorial or other Causes which are at the passing of this Act required to be signed by a Clerk of the Court of Session may be signed either by such Clerk or by a Writer to Her Majesty's Signet; and the Signature of such Writer to Her Majesty's Signet shall be in all respects equivalent to the Signature of such Clerk.

Actions of Adherence, &c. to be instituted in the Court of Session.

XVI. And be it enacted and declared, That all the Provisions of the said recited Act passed in the Session of Parliament holden in the Eleventh Year of the Reign of His Majesty King *George* the Fourth and the First Year of the Reign of His Majesty King *William* the Fourth, and of this Act, applicable to Actions of Declarator of Marriage and of Nullity of Marriage, and to Actions of Declarator of Legitimacy and of Bastardy, and to Actions of Divorce, and to Actions of Separation *à mensâ et thoro*, are and shall be applicable to Actions of Adherence, and all other Consistorial Actions, though not specially mentioned in the said recited Act.

Members of College of Justice as such not to institute Actions.

XVII. And be it enacted, That no Member of the College of Justice shall, in respect of any Privilege as such, be entitled to institute any Action or Proceeding, either original or by way of Review, before the Court of Session which could not have been instituted by him before such Court if he had not been a Member of the College of Justice.

Summonses not to proceed on Bills, &c.

XVIII. And be it enacted, That it shall not be necessary that any Summons before the Court of Session shall proceed upon a Bill; and no Summons passing the Signet shall bear any Date but the Date of signeting, which shall be held to be the Date of the Summons.

Regulations as to Multiplepoindings.

XIX. And be enacted, That in Summonses of Multiplepoinding it shall be the Duty of the Party raising such Action to state specifically in the Body of the Summons who is the real Raiser of the Action; and it shall be competent for any Number of Parties whose Claims in such Action depend upon the same Ground to state such Claims in the same Paper.

Short Forms of Execution provided.

XX. And be it enacted, That every Execution of a Summons, and every Execution of Intimation of a Note of Suspension, or of Suspension and Interdict, or of Suspension and Liberation, or of Advocation, shall be written at the End of the Summons itself, or at the End of the usual certified Copy of such Note of Suspension, or of Suspension and Interdict, or of Suspension and Liberation, or of Advocation, and where necessary, on continuous Sheets, but not on a separate Paper; and such Execution shall be in the Form, or as nearly as may be in the Form, of Schedule (B.) hereunto annexed, which Form shall be equally valid and effectual in all respects as the longer Form of Execution at present in use.

Induciæ of Summonses and other Writs passing the Signet shortened.

XXI. And be it enacted, That all Summonses before the Court of Session may proceed on Fourteen Days Warning where the Defender is within *Scotland*, unless in *Orkney* or *Shetland*, and Twenty-one Days Warning where he is in *Orkney* or *Shetland* or furth of *Scotland*, in place of the longer Induciæ required by the present Practice; and such shorter Induciæ shall also be competent and sufficient in respect to all other Letters passing Her Majesty's Signet bearing a Citation, Charge, Publication, or Service against Persons within or furth of *Scotland* respectively, and in respect to all Edictal Charges upon Decrees and registered Protests: Provided always, that in all Cases where any shorter Induciæ than the Induciæ above mentioned are at present sufficient, such shorter Induciæ shall continue to be sufficient after the passing of this Act.

Edictal Citations regulated.

XXII. And be enacted, That the subsisting Forms of Edictal Citation, Charge, Publication, Citation, and Service at the Market Cross of *Edinburgh*, and Pier and Shore of *Leith*, in Processes of Ranking and Sale, and in all other Processes and Proceedings whatsoever, and also the subsisting Forms of Edictal Citations of the Minor's next of Kin at the Market Cross of the County Town or Head Burgh of the Shire where the Minor has his Lands and Goods, and of Citation of the Tutors and Curators of Minors at the Market Cross of the County Town or Head Burgh of the Shire of the Minor's Residence, shall cease and be discontinued; and in lieu thereof all such Edictal Citations, Charges, Publications, Citations, and Services shall be done and performed by Delivery of a Copy thereof at the Office of the Keeper of Edictal Citations according to the Mode established by the said recited Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth in regard to Persons furth of *Scotland*, and by an Act of Sederunt of the Court of Session dated the Twenty-fourth Day of *December* One thousand eight hundred and thirty-eight.

Protestations for not calling and enrolling regulated.

XXIII. And be it enacted, That where Protestation shall be put up in the Minute Book of the Court of Session in reference to any Summons, Suspension, or Advocation, and Warrant is issued for Extract thereof, if it be a Protestation for not calling, such Extract shall contain a Decerniture for Three Pounds Three Shillings of Protestation Money, as Expenses, in lieu of such Sum of Protestation Money as would in that Case be inserted in the Extract according to the present Practice; and if the Protestation be

be for not enrolling, but after the Calling and Return of the Summons or other initial Writ, with or without Defences or Answers, as the Case may require, the Defender or Respondent shall be entitled to his just Expenses as between Party and Party; and the Auditor of Court shall tax the Account of these Expenses accordingly, as in the Case of a Decree in Absence, on Production to him of the Protestation as given out for Extract, or of a Certificate by the Keeper of the Minute Book that the same has been given out for Extract; and the Account so taxed shall be a sufficient Warrant to the Extractor to insert the taxed Amount as the just Expenses, together with the Expense of Extract, in the Extract Protestation, in lieu of the Sum at present inserted at Expenses in such Extract: Provided always, that a Pursuer may be reponed against a Protestation for not calling at any Time not later than Ten Days after the same has been given out for Extract, whether Extract shall have issued or not, by lodging with the Clerk, in order to calling, his Summons or other Writ, with the relative Documents, accompanied by the Receipt of the Agent for the Defender for the said Sum of Three Pounds Three Shillings of Protestation Money, or consigning the Money itself in the Hands of the Clerk, for the Use of the Agent for the Defender, and payable to him on Demand; and that a Pursuer may also be reponed, within the like Period, against a Protestation for not enrolling and insisting, by enrolling his Summons or other Writ in the Outer House Roll, and forthwith lodging that Writ, with the Enrolling Clerk's Certificate of Enrolment annexed, in the Hands of the Clerk, as thenceforward a depending Process, accompanied by the Receipt of the Agent for the Defender for the taxed Amount of the Protestation Money and Expense of Extract, or, in lieu thereof, consigning the Money itself in the Hands of the Clerk for the Use of such Agent, and payable to him on Demand; Provided also, that whenever a Summons or other Writ shall have been duly enrolled by the Pursuer in the Outer House Roll, whether Protestation shall have been put up or not, the same shall thenceforth become to all Intents and Purposes a depending Process, under Control of the Lord Ordinary and of the Court, until finally disposed of by Interlocutor.

Judicial Bonds in Maritime Causes abolished.

XXIV. And be it enacted, That the granting of Bonds De damnis et impensis by the Pursuer, and of Bonds De judicio sisti et judicatum solvi by the Defender, in Maritime Causes, before the Court of Session, shall be and the same is hereby abolished, reserving the Operation and Effect of all such Bonds bearing Date prior to the Date at which this Act shall take effect.

Copy of an Interlocutor granting Commission, &c. equivalent to a formal Extract.

XXV. And be it enacted, That it shall not be necessary to obtain a formal Extract of any Commission or Diligence granted or to be granted by a Lord Ordinary or the Court in any Process or Proceeding before the Court of Session, but a Copy of the Interlocutor granting such Commission and Diligence, or one or other of them, certified by the Clerk to such Process or Proceeding, or by his Assistant, shall have the same Force, Operation, and Effect as such formal Extract according to the present Practice.

In Consistorial Causes abroad Witnesses may be examined by Commission.

XXVI. And be it enacted, That where in Consistorial Causes either Party desires to examine Witnesses furth of the Kingdom, the Depositions of such Witnesses may be taken under a Commission to be issued by the Lord Ordinary or the Court to any Commissioner whom they may appoint, in the same Manner as in any Proof upon Commission in an ordinary Action.

Diligences in Vacation, &c.

XXVII. And be it enacted, That in all Cases it shall be competent to appoint a Diligence to be reported on any Box Day in Vacation or Recess.

Interim Decrees to be extractible without special Allowance.

XXVIII. And be it enacted, That every Act and Warrant and Decree granted or to be granted during the Dependence of a Process before the Court of Session, and which according to the present Practice might be extracted *ad interim*, if special Allowance to that Effect were granted by the Lord Ordinary or the Court, shall be extractible *ad interim* without the Necessity of such special Allowance, unless the Lord Ordinary or the Court shall otherwise direct.

Decree for Expenses, &c.

XXIX. And be it enacted, That every Decree for Expenses pronounced after the passing of this Act shall be held to include a Decree for the Expense of extracting the same.

Actions may be wakened without a Summons.

XXX. And be it enacted, That where according to present Practice a Cause would require to be wakened in order to its being proceeded with, it shall be competent for either of the Parties to enrol such Cause before the Lord Ordinary in common Form in order to an Interlocutor of Wakening, and the Lord Ordinary may thereupon direct Ten Days Intimation of such Motion to be made to the known Agent of the other Party in the Cause, or to such Party himself, and also in the Minute Book of the Court of Session; and on the Expiration of Ten Days from the Date of such Intimations being made respectively, and on a Certificate being lodged in Process under the Hand of the Agent of the Party applying for such Wakening, certifying that he has duly intimated such Interlocutor in Terms thereof to the opposite Party or to his known Agent, either by Delivery to such Party or his Agent personally, or by Transmission through the Post to the known Address of such Party or Agent, of a full Copy of such Interlocutor, it shall be competent to the Lord Ordinary to hold the Cause as wakened, and the same may thereafter be proceeded with as wakened accordingly.

Transference to include Wakening.

XXXI. And be it enacted, That where any Action shall be transferred against any Party or Parties, such Transference shall include a Wakening against such Party or Parties.

In Advocations and Suspensions, if Record closed and Proof concluded in Inferior Court, Case may be taken to Inner House.

XXXII. And be it enacted, That in all Cases of Advocation or Suspension which shall come to depend before the Court of Session, where a Record has been made up and closed and a Proof led and concluded before the Inferior Judge, the Lord Ordinary before whom such Advocation or Suspension is enrolled shall at the first Calling of the Cause, if a Motion to that Effect be made by either of the Parties, appoint such Record and Proof, with any other Papers which may be deemed to be necessary, to be printed and boxed for the Judges of the Inner House, and shall report the Cause to the Inner House, who shall thereupon proceed to dispose of it in the same Way and Manner as if it had been reported by the Lord Ordinary upon

upon a closed Record prepared in the Court of Session; and the Party by whom such Motion is made shall defray in the first instance the Expense of such Printing.

Who to fix Lord Ordinary and Division in Advocations and Suspensions.

XXXIII. And be it enacted, That in every Process of Suspension of any Charge or threatened Charge, and in every Process of Suspension of a Decree, and in every Process of Interdict where Interdict has been granted in the Bill Chamber and is unrecalled, it shall be lawful for the Respondent in such Process, so soon as the Note of Suspension, or Note of Suspension and Interdict, is passed, and at any Time not later than the Twelfth Day from the Date of the Interlocutor passing the same, or in the Case of a Suspension of a Decree not later than the Twelfth Day from the Date of the Service of the Note of Suspension and Interlocutor passing the same upon the Respondent, to fix the Lord Ordinary and Division of the Court of Session to which such Process shall belong, and that by Indorsation of the Names of such Lord Ordinary and Division on such passed Note of Suspension, or of Suspension and Interdict, signed by such Respondent, or his Counsel or Agent in such Process, unless where such Note of Suspension, or Note of Suspension and Interdict, has been passed on Review by or on advising with either Division of the Court, in which Case the Process shall be fixed throughout with that Division of the Court as at present; and in every Process of Advocation it shall be lawful for the Pursuer or Petitioner in the Inferior Court (except in the Case of counter conjoined Processes, or of Competitions or Advocations of Brieves) at any Time not later than the Twelfth Day from the Date of the Intimation of the Note of Advocation, and Notice of its Receipt by a Clerk of the Court of Session, to the Respondent, or not later than the Twelfth Day from the Date of the passing of the Note of Advocation, to fix the Lord Ordinary and Division of the Court to which such Process shall belong, and that by Indorsation on such Note of Advocation as aforesaid; and such passed Notes of Suspension, and of Suspension and Interdict, and of Advocation, shall, during the Period above mentioned, be always in the Custody of the Clerks of the Bills, or of the Clerk to the Process, who shall not be entitled to lend up the same to the Parties or either of them, or to part with the Custody thereof, until such Period has elapsed: Provided always, that, except in the Cases hereinbefore specially provided for, the Right to fix the Lord Ordinary and Division of the Court to which any Process of Suspension, or Suspension and Interdict, or Advocation, shall belong, shall remain as at the Date of the passing of this Act.

Advocations on Juratory Caution not to be proceeded with where there is no probabilis Causa.

XXXIV. And be it enacted, That where any Note of Advocation shall be presented on Juratory Caution it shall be incumbent on the Advocator to make immediate Application to the Lawyers for the Poor, for a Report that he has a *probabilis Causa litigandi*, and if the Advocator shall fail to make such Application, or if the Lawyers for the Poor shall upon such Application report their Opinion that no *probabilis Causa* has been established, the Advocation shall be dismissed with Expenses, unless full Caution be forthwith offered and found in common Form.

Provision as to one Division of the Court consulting the other.

XXXV. And be it enacted, That it shall be competent to the Judges of either Division of the Court in any Cause in which they shall be equally divided in Opinion to direct such Cause to be judged by the Inner House Judges of both Divisions, and to appoint such Cause to be heard by such Inner House Judges, either on any Sederunt Day during Session, or at any Time during the Sittings of the Lords Ordinary, either before or after the Sittings of the Two Divisions of the Court for the Winter Session; and such Cause shall thereupon be so heard and judged by the Judges of the Division of the Court before which the same depends, with the Addition of Three Judges of the other Division of the Court; and the Judgment shall in all Causes be pronounced according to the Opinion of the Majority of the Judges present, and the Interlocutor shall bear to be the Judgment of the Division before which the Cause depends, after consulting with the other Division of the Court; but the Lord Justice General shall always be the presiding Judge whenever his Lordship sits as a Member of the Court.

Procedure in Jury Causes to be same, so far as applicable, as in other Session Causes.

XXXVI. And be it enacted, That in all Causes appropriated for Trial by Jury, or in the Course of Preparation for Trial by Jury, before the Court of Session, the Procedure, both before and after the closing of the Record, shall be in all respects the same, so far as applicable, as in other Court of Session Causes for the Time being, except in so far as it may be otherwise provided by this Act, or by any Act of Sederunt to be passed by the said Court under the Powers by this Act conferred.

Offices of Issue Clerk and Jury Clerk abolished.

XXXVII. And be it enacted, That the Offices of Issue Clerk and Jury Clerk be and the same are hereby abolished; and in future all the Duties hitherto performed by an Issue Clerk or Jury Clerk, or by any Person acting as an Issue Clerk or Jury Clerk, and still remaining to be performed, after the Date at which this Act shall take effect may be performed by any Clerk of Session, either in the Inner or Outer House; and each Clerk of Session shall, so far as relates to all the Causes appropriated or in the Course of Preparation for Trial by Jury in or connected with his own Office, or depending before the Lord Ordinary or Division of the Court to which he is attached, be charged with all the Duties hitherto performed by an Issue Clerk or Jury Clerk, or by any Person acting as an Issue Clerk or Jury Clerk, and remaining to be performed as aforesaid.

Procedure for the Adjustment of Issues.

XXXVIII. And be it enacted, That where in the course of any Cause before the Court of Session Matter of Fact is to be determined, and an Issue is to be adjusted with reference thereto, it shall be the Duty of the Pursuer to prepare and lodge in Process the Issue he proposes, and it shall be the Duty of the Defender to prepare and lodge in Process any counter Issue required by the Nature of his Defence; and the Lord Ordinary before whom such Cause depends, after causing Issues to be prepared and lodged as aforesaid, shall forthwith appoint Parties to attend him at Chambers, or shall order the Case to the Roll, for the Adjustment of an Issue or Issues for the Trial of such Cause, or of such Matter of Fact arising therein as is to be determined by Jury Trial; and if such Issue or Issues be not adjusted and settled with the Consent of Parties at the Meeting or Enrolment so fixed, or at a second such Meeting or Enrolment for the same Purpose, if such second Meeting or Enrolment shall be appointed by the Lord Ordinary,

Ordinary, the Lord Ordinary shall immediately report the Matter to the Inner House, by whom such Issue or Issues shall, upon such Report, be adjusted and settled.

Engrossment of Issues abolished.

XXXIX. And be it enacted, That it shall not be necessary to engross any Issue or Issues with a view to Trial by Jury, but such Issue or Issues, when adjusted and settled as aforesaid by the Lord Ordinary or the Court, shall at the same Time be approved by Interlocutor to that Effect, and shall be signed and authenticated by the Judge as relative thereto, which Proceeding shall be equivalent to Engrossment as at present practised.

On Issues being approved of, Time and Place of Trial to be fixed.

XL. And be it enacted, That where an Issue or Issues is or are approved as aforesaid it shall be competent to the Lord Ordinary in the Cause, on the Motion of either of the Parties, to appoint a Time and Place for the Trial of such Issue or Issues, such Time being as soon after the Date of such Approval as with reference to the proper Trial of such Issue or Issues conveniently may be, and, except upon special Cause shown, not later than Three Weeks from the Date of such Motion; and such Trial shall proceed at the Time and Place so appointed, unless at the Time of such Appointment one or other of the Parties shall intimate to the Lord Ordinary that he objects thereto, in which Case the Lord Ordinary shall report the Matter to the Court, by whom it shall be fixed when and where the Trial shall proceed.

Lord Ordinary to preside during Session.

XLI. And be it enacted, That, unless where some different Arrangement shall be made by the Court, upon Motion to that Effect, the Lord Ordinary before whom the Cause depends shall preside at the Trial of such Issue or Issues in all Cases where such Trial shall take place during the Sitting of the Court.

Lord Ordinary, &c. to have Power to summon Jury, and appoint Cause to be tried by Special Jury.

XLII. And be it enacted, That all the Powers and Duties in regard to the summoning of Juries for the Trial of Issues in Civil Causes at present exercised or performed by the Court of Session, or by any Division of the said Court, or by any Clerk or Clerks in Jury Causes, may be competently exercised and performed by any Lord Ordinary, or by any Clerk of Session officiating either in the Outer or Inner House; and it shall be lawful for any Lord Ordinary, in any Cause depending before the Court of Session, on the Application of either of the Parties, to appoint any Issue or Issues in such Cause to be tried by a Special Jury.

Copy of Interlocutor to be Warrant for citing Witnesses.

XLIII. And be it enacted, That a Copy of the Interlocutor fixing the Trial, certified by the Clerk to the Process or by his Assistant, shall be a sufficient Warrant to any Messenger at Arms to cite Witnesses and Havers to the said Trial, either for the Pursuer or Defender.

Counsel for each Party to be heard after Evidence closed.

XLIV. And be it enacted, That in every Trial of Issues in a Cause before the Court of Session, and subject to such Regulations in regard to opening the Case on the Part of the Pursuer and Defender as the Court may establish, One Counsel for the Pursuer and One Counsel for the Defender shall be heard, in their Order, after the whole Evidence in the Cause is closed.

Restriction of Bills of Exceptions.

XLV. And be it enacted, That a Bill of Exceptions shall not be allowed in any Cause before the Court of Session, upon the Ground of the undue Admission of Evidence, if in the Opinion of the Court the Exclusion of such Evidence could not have led to a different Verdict than that actually pronounced; and it shall not be imperative on the Court to sustain a Bill of Exceptions, on the Ground of the undue Rejection of documentary Evidence, when it shall appear from the Documents themselves that they ought not to have affected the Result at which the Jury by their Verdict have arrived.

Lord Ordinary may try Issues of Consent without a Jury.

XLVI. And be it enacted, That if the Parties in any Cause before the Court of Session in which an Issue has been adjusted shall consent to the Lord Ordinary before whom such Cause depends trying such Issue without a Jury, such Lord Ordinary shall, unless the Court, on the Report of such Lord Ordinary, shall deem it inexpedient and improper, try such Issue without a Jury accordingly; and whenever any Issue shall be tried by a Lord Ordinary without a Jury, such Lord Ordinary shall take Notes of the Evidence, and shall hear Counsel thereon, and otherwise the Proceedings shall be conducted continuously and as nearly as may be as in an ordinary Jury Trial; and within Eight Days after the Proceedings at the Trial are concluded such Lord Ordinary shall pronounce an Interlocutor, in which he shall state specifically what he finds in Point of Fact; and it shall be competent to either Party, by written Note, within Eight Days from its Date, to bring such Interlocutor of the Lord Ordinary under Review of the Lord Ordinary upon his own Notes of Evidence, who shall forthwith hear Parties thereon; and it shall be competent to the Lord Ordinary, upon such Review, and within Eight Days after hearing Parties, either to correct his Interlocutor as regards such Findings in Fact, or to order a new Trial, as he may think fit: Provided always, that if either of such Periods of Eight Days extends into Vacation or Recess, such Period shall not be held to elapse till the Fourth Day after the next Meeting of the Lords Ordinary or the Court thereafter.

Lord Ordinary's Findings in Fact shall be final unless reclaimed against.

XLVII. And be it enacted, That unless it shall appear that such Findings in Point of Fact by such Lord Ordinary proceeded on some erroneous View of the Law, as to Competency of Evidence or otherwise, such Findings in Fact shall be final; but it shall be competent to either of the Parties to raise, on a Reclaiming Note to the Inner House, any Question of Law which may be relevantly raised upon the Evidence as appearing in the Notes of such Lord Ordinary taken as aforesaid; and no Objection to any Finding in Point of Law by such Lord Ordinary during the Proceedings at the Trial shall be competent unless such Objection was stated, and noted by the Lord Ordinary at the Time of such Finding; and the Notes of the Lord Ordinary shall be referred to for no other Purpose than to decide such Questions of Law: Provided always, that any Appeal which may be entered to the House of Lords against any Interlocutor which may be pronounced by the Inner House on any such Question of Law shall be subject to the same Regulations and entitled to the same Privileges in all respects as Appeals against Interlocutors or Judgments upon Bills of Exceptions are at present subject and entitled to.

Proviso as to Appeals on Questions of Law.

XLVIII. 'And

Lord Ordinary may try special Facts without a Jury.

XLVIII. ' And whereas Cases may arise in which it is desirable that Questions of Fact should be ' investigated without Trial by Jury or Proof on Commission :' Be it enacted, That in any Cause before the Court of Session it shall be competent to the Lord Ordinary before whom such Cause depends, without adjusting an Issue or Issues, to pronounce an Interlocutor, stating distinctly any such Question or Questions to which the Parties are to address their Proof, and appointing such Question or Questions for Trial by himself, without a Jury; and the Proof to be adduced by the Parties shall in such Case be limited to the Points so stated, and shall proceed at such Time and Place as shall be appointed, unless on Review of such Interlocutor it shall appear to the Court that such Course of Procedure is not in the Circumstances of the Case expedient, or the Interlocutor be otherwise altered by the Court; and the Lord Ordinary shall find on each such Question separately, and his Findings on such Questions shall be final, subject always to such Review, Correction, and Objections as would have been competent thereagainst under this Act if the Cause had been tried by such Lord Ordinary on Issues.

Lord Ordinary may take the Evidence by Commission, except in the enumerated Causes.

XLIX. And be it enacted, That in any Cause before the Court of Session, not falling within the Causes specially enumerated in the said recited Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth as appropriate to be tried by Jury, it shall be competent to the Lord Ordinary before whom such Cause depends, with the Consent of both Parties or upon the Motion of One Party, with the Leave of the Inner House obtained upon the Report of the Lord Ordinary, or to the Court when the Cause comes in to the Inner House, to appoint the Evidence in such Case, or any Portion of such Evidence, to be taken by Commission: Provided always, that it shall be competent for the Court to allow Proof on Commission in any of such enumerated Causes where the Action is not an Action for Libel or for Nuisance, or properly and in Substance an Action of Damages.

Parties may choose their own Jury.

L. And whereas it is expedient to extend the Benefits of Arbitration: Be it enacted, That if the Parties in any Cause before the Court of Session in which an Issue is to be tried shall consent to refer the same to any One Arbiter, or to any Three, Five, or Seven Arbiters, it shall be lawful for the Court or the Lord Ordinary, and the Court or Lord Ordinary is hereby required, to allow such Arbiter or Arbiters to be sworn and to sit as a Jury to try such Issue; and such Arbiter or Arbiters, or the major Part of their Number in the event of Difference of Opinion, shall have all the Powers of a unanimous Jury; and the Proceedings of such Trial shall be conducted, as far as may be, as in any ordinary Case of Trial by Jury, either Party being entitled to take Exceptions, and to move for new Trial, as in any ordinary Case: Provided always, that it shall not be competent to either Party to object to the Verdict, or to move for new Trial, in respect of the Verdict being against Evidence, or on any other Ground implying Miscarriage on the Part of the Jury alone: Provided also, that the Court, in the event of granting a new Trial, shall direct the new Trial to proceed before the same Arbiter or Arbiters, if able to try the Cause, and the new Trial shall in that Case proceed before the same Arbiter or Arbiters accordingly.

Reports by Lords Ordinary to be verbal.

LI. And be it enacted, That where by the Provisions of this Act anything may be done upon Report of a Lord Ordinary to one or other of the Divisions of the Court, the same may be done summarily by a simple verbal Report, to be made by such Lord Ordinary to such Division.

Compensation.

LII. And be it enacted, That it shall be lawful for any Clerk or Officer of the Court of Session or other Court, entitled to Compensation for Loss to be suffered through the Operation or Effect of this Act, to make Application to the Commissioners of Her Majesty's Treasury for Compensation, giving at the same Time Notice of such Application to Her Majesty's Advocate for *Scotland*; and it shall be lawful for the said Commissioners of the Treasury to investigate such Claim, and call for such Evidence in relation thereto as they may think necessary; and upon such Claim being established to their Satisfaction the said Commissioners are hereby authorized and empowered, out of such Monies as Parliament shall hereafter provide, to award to such Person such Compensation as they shall, under all the Circumstances of the Case, and having reference to the Nature of the Appointment and the Duration of the Service, think him entitled to, either by the Payment of a gross Sum or by way of Annuity, as they shall think proper: Provided always, that a Copy of every such Award for Compensation shall be laid before both Houses of Parliament within Thirty Days from the Day on which the same shall be granted, if Parliament shall be then sitting, and if not, then within Thirty Days after the then next Sitting of Parliament; and no such Award shall be final and conclusive until Two Calendar Months after the same shall have been so laid before Parliament: Provided also, that it shall be a Condition of every such Grant that the Compensation so granted, in the event of the Appointment thereafter of any of the said Persons to any Office of Profit or Emolument under the Crown, shall abate or wholly cease during the Period in which such Person shall hold such Office, so as that the Compensation and Emolument thereof, taken together, shall not exceed the Emoluments of the Office in respect of which the Compensation has been granted.

Interpretation of Terms.

LIII. And be it enacted, That in construing this Act the Expression " Clerk of Session " shall include Principal Clerk of Session, Depute Clerk of Session, and Assistant Clerk of Session, both in the Inner and Outer House; the Word " Pursuer " shall include Complainer, and the Word " Defender " shall include Respondent.

Court of Session may make Regulations by Acts of Sederunt.

LIV. And be it enacted, That the Court of Session shall be and the said Court is hereby empowered, from Time to Time, from and after the passing of this Act, to make such Regulations, by Act or Acts of Sederunt, as the said Court may deem meet for carrying into effect the Purposes of this Act, and also to make Regulations substituting such Services or Notices as the Court may deem meet in lieu of Actions

of

of Transference as at present in use, and also to make Regulations for allowing Summonses and Notes of Advocation and of Suspension, and of Suspension and Interdict, and of Suspension and Liberation, to be called at any Box Day in Vacation or Recess, and making Defences returnable at such Box Days, or on the Meeting of the Lords Ordinary, or of the Court after Vacation or Recess; and the said Court may meet for the above Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Commencement of Act.

LV. And be it enacted, That, excepting in so far as regards the Power herein-before given to the Court of Session to pass Acts of Sederunt, this Act shall take effect from and after the First Day of *November* One thousand eight hundred and fifty: Provided always, that it shall be competent to the said Court, from and after the passing of this Act, to make any Order in any existing Cause, to take effect at and from the said First Day of *November* One thousand eight hundred and fifty.

Recited Acts, &c. repealed in certain Cases.

LVI. And be it enacted, That the said recited Acts, and all Laws, Statutes, Acts of Sederunt, and Usages, shall be and the same are hereby repealed, in so far only as they may be in any respect inconsistent or at variance with the Provisions of this Act.

Act may be amended, &c.

LVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

No. 1.

FORM of an ordinary PETITORY SUMMONS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constituted, Greeting: Whereas it is humbly meant and shown to Us by Our Lovite *A.* [*insert Name and Designation*], Pursuer, against *B.* [*insert Name and Designation*], Defender, in Terms of the Condescendence and Note of Pleas in Law hereunto annexed: Therefore the Defender ought and should be decerned and ordained, by Decree of the Lords of Our Council and Session, to make Payment to the Pursuer of the Sum of Sterling, [*where any liquid Document of Debt is libelled on, whether Bond, Bill, or other Document, as the Case may be, set it forth here, as shortly as possible, describing it merely by its Date, and the Names of the Parties by and to whom granted,*] with the legal Interest thereof from the Day of until Payment, together with the Sum of Sterling, or such other Sum as Our said Lords shall modify as the Expenses of the Process to follow hereon, conform to the Laws and daily Practice of Scotland used and observed in the like Cases, as is alleged: Our Will is Herefore, *&c.* [*insert the Will in common Form, down to the Words,* "Given under Our Signet at Edinburgh," *inclusive.*]

[*To be signed on each Page by a Writer to the Signet, and signeted in common Form.*]

CONDESCENDENCE.

[*State articulately the Allegations in Fact which form the Ground of Action.*]

NOTE OF PLEAS IN LAW.

[*State them articulately.*]

In respect whereof, *&c.*

[*To be signed on each Page by the same Writer to the Signet who signs the above.*]

No. 2.

FORM of a SUMMONS of COUNT and RECKONING and PAYMENT.

VICTORIA, *&c.* [*as before*]: Whereas, *&c.* [*as before*]: Therefore the Defender ought and should be decerned and ordained, by Decree of the Lords of Our Council and Session, to exhibit and produce before Our said Lords a full and particular Account of his whole Intromissions as Factor for the Pursuer, [*or otherwise, as the Case may be,*] whereby the true Balance due by him to the Pursuer may appear and be ascertained by Our said Lords: And the Defender ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling, or of such other Sum as shall appear and be ascertained by Our said Lords to be due by the Defender as the Balance of his said Intromissions, with the legal Interest thereof from the Day of until Payment; or, in the event of the Defender failing to produce an Account as aforesaid, he ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling, which shall in that Case be held to be the Balance of his said Intromissions, with the legal Interest thereof from the said Day of until Payment; and, whether

whether the said Account is produced or not, the Defender ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling, *&c.* [*insert Conclusion for Expenses, as before*]: Our Will is Herefore, *&c.* [*insert the Will in common Form, as before.*]

[*To be signed and signeted as before.*]

No. 3.

FORM of a SUMMONS of DECLARATOR of TRUST.

VICTORIA, *&c.* [*as before*]: Whereas, *&c.* [*as before*]: Therefore it ought and should be found and declared, by Decree of the Lords of Our Council and Session, that a Disposition dated whereby, for the Causes therein specified, the Pursuer sold, alienated, and disponed to the Defender and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole the Lands of was a Trust in the Person of the Defender, for the Use and Behoof of the Pursuer, and his Heirs or Assignees: And the Defender ought and should be decerned and ordained, by Decree foresaid, to denude of the said Lands, and to convey the same, with the Writs and Evidents thereof, to the Pursuer, and his Heirs and Assignees, with Warrandice from the Defender's own Facts and Deeds [*insert Conclusion for Expenses and Will, as before.*]

[*To be signed and signeted as before.*]

No. 4.

FORM of a SUMMONS of REDUCTION.

VICTORIA, by the Graee of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To

Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constituted, Greeting: Our Will is, *&c.* [*take in Will of Summons in common Form, down to the Statement of the Reasons; then say*] for the Reasons and Causes set forth in the Condescendence and Note of Pleas hereunto annexed: Therefore, and for other Reasons to be proposed at discussing hereof, the said last Will and Testament [*or other Document sought to be reduced, as the Case may be*], with all that has followed or may follow on the same, ought and should be reduced, retreated, rescinded, cassed, annulled, decerned, and declared, by Decree of Our said Lords, to have been from the Beginning, to be now and in all Time coming, null and void, and of no Avail, Force, Strength, or Effect, in Judgment or outwith the same in Time coming, and the Pursuer reponed and restored thereagainst in integrum: And the Defender ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling [*insert Conclusion for Expenses, as before*], or else to allege a reasonable Cause in the contrary: With Certification to the Defender, if he fail, Our said Lords will proceed in the said Matter, and reduce, decern, and declare in manner foresaid: According to Justice, *&c.* [*According to usual Form, as before.*]

[*To be signed and signeted as before.*]

No. 5.

FORM of a SUMMONS of MULTIPLEPOINDING.

VICTORIA, *&c.* [*as before*]: Whereas it is humbly meant and shown to us by Our Lovite *A.* [*insert Name and Designation*], Pursuer, against *B.* [*insert Name and Designation*], common Debtor, and *C.*, *D.*, and *E.* [*insert Names and Designations of each in order, and state who is the real Raiser*], Creditors or pretended Creditors of the said *B.*, all Defenders, in Terms of the Condescendence and Note of Pleas in Law hereunto annexed: Therefore it ought and should be found and declared, by Decree of the Lords of Our Council and Session, that the Pursuer is only liable in once and single Payment of the Principal Sum of Sterling contained in a Bond dated granted by him to the said *B.*, his Heirs, Executors, or Assignees, and Interest thereon from the Day of until Payment, or until Consignation in this Process, and that to the Person or Persons who may have just Right thereto; for determining which the said several Persons, Creditors or pretended Creditors foresaid, and the said *B.*, common Debtor, for his Interest, and all others pretending Right thereto, ought to produce their respective Grounds of Debt and Diligences thereon or other Interest in the said Sum, and dispute their Preferences thereto: And the Pursuer should be found entitled to retain the Expenses of this Process as the same shall be ascertained in the course thereof, and decerned and ordained to make Payment of what Sum shall remain in his Hands after such Retention to such of the Defenders or others as may be found to have best Right thereto: And the Defenders who shall be found to have no Right to the Sums in medio, and all others, ought and should be decerned and ordained, by Decree foresaid, to desist and cease from further troubling the Pursuer with respect to the Premisses in Time coming, conform to the Laws and daily Practice of Scotland used and observed in the like Cases, as is alleged. Our Will is Herefore, *&c.* [*insert the Will in common Form, as before.*]

[*To be signed and signeted as before.*]

SCHE-

SCHEDULE (B.)

THIS Summons [*or* Note of Suspension, *or* Note of Suspension and Interdict, *or* Note of Suspension and Liberation, *or* Note of Advocation,] executed [*or* intimated] by me [*insert Name*], Messenger at Arms, against [*or* to] [*insert Name or Names*], Defender [*or* Defenders, *or* Respondent *or* Respondents] [*state whether personally or otherwise*], in Presence of [*insert Name and Designation of Witness*], this Day of Eighteen hundred and Years.

[*Signature of Messenger.*]

C.D., Witness.

CAP. XXXVII.

An Act for the further Extension of Summary Jurisdiction in Cases of Larceny.

[29th *July* 1850.]

'WHEREAS by an Act passed in the Eleventh Year of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders*, it is enacted, that every Person who should subsequently to the passing of that Act be charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence which then was or thereafter should or might be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence should not, in the Opinion of the Justices before whom he or she should be brought or appear as therein-after mentioned, exceed the Age of Fourteen Years, should, upon Conviction thereof upon his own Confession or upon Proof before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place, in Petty Sessions assembled at the usual Place and in open Court, be punished as therein mentioned: And whereas by an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland, it is enacted that every Person who should subsequently to the passing of that Act be charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procuror in the Commission of any Offence in *Ireland* which then was or thereafter should or might be by Law deemed or declared to be Simple Larceny or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence should not, in the Opinion of the Justices before whom he or she should be brought or appear as therein-after mentioned, exceed the Age of Fourteen Years, should, upon Conviction thereof upon his own Confession or upon Proof before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place, in Petty Sessions assembled at the usual Place and in open Court, be punished as therein mentioned: And whereas the Expense and Delay sustained in the Prosecution of Persons guilty of petty Thefts tend to the Increase of such Offences; and it is expedient that the Provisions of the said Acts should be extended as herein-after provided:' Be it enacted therefore by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and the Jurisdiction thereby given, and all the Provisions therein contained, shall extend and be applicable to all Cases in which any Person shall subsequently to the passing of this Act be charged with any such Offence as in the said Acts mentioned, and the Age of the Person so charged at the Period of the Commission or attempted Commission of the Offence shall not, in the Opinion of the Justices before whom he or she shall be brought or appear as therein mentioned, exceed the Age of Sixteen Years; and that the Provisions of the said recited Acts for Summons, Warrant to summon and apprehend, and all other the Provisions applicable to the Cases where any Person whose Age is alleged not to exceed Fourteen Years shall be charged with any such Offence as in the said Acts mentioned, shall extend and be applicable to all Cases in which any Person whose Age shall not exceed Sixteen Years shall be charged with any such Offence as aforesaid: Provided always, that nothing herein contained shall authorize or empower any Justice or Justices to order the Punishment of Whipping to be inflicted upon any Offender whose Age shall exceed the Age of Fourteen Years.

10 & 11 Vict. c. 82.

11 & 12 Vict. c. 59.

Recited Acts extended to all Cases in which the Age of the Person charged does not exceed Sixteen Years.

Offenders above 14 Years old not to be whipped.

II. And be it enacted, That One of the Justices before whom any Person shall be charged and proceeded against under this Act or the herein-before mentioned Acts, before such Person shall be asked whether he or she has any Cause to show why he or she should not be convicted, shall say to the Person so charged these Words, or Words to the like Effect: "We shall have to hear what you wish to say in "answer to the Charge against you; but if you wish the Charge to be tried by a Jury, you must object now "to our deciding upon it at once;" and if such Person, or a Parent of such Person, shall then object, the Justices shall proceed with the Charge as if the said Acts had not been passed.

Justice to ask whether Accused wishes the Charge to be tried by a Jury.

III. And be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Act not to extend to Scotland.

CAP. XXXVIII.

An Act to render valid certain Marriages solemnized in the new Church at *Upton cum Chalvey* in the County of *Buckingham* and Diocese of *Oxford*. [29th *July* 1850.]

'WHEREAS a new Church intended as and for the Parish Church of the Parish of *Upton cum Chalvey* in the County of *Buckingham* and Diocese of *Oxford* was erected and built some Time in or about the Year One thousand eight hundred and thirty-seven, and was duly consecrated for the

'Performance

'Performance of the Divine Service therein: And whereas before the Period at which the said new 'Church was legally constituted the Parish Church divers Marriages have been solemnized in the said 'new Church by the Vicar or officiating Minister for the Time being of the Parish of *Upton cum* '*Chalvey*, and by other Clergymen, under the erroneous Opinion that according to the Terms of the 'Sentence of Consecration of the said new Church or otherwise Marriages might be lawfully solemnized 'therein, and Entries of the several Marriages so solemnized as aforesaid have been from Time to Time 'made in the Register Book of the said Parish, in compliance with the Provisions of the Act of Parliament 'respecting the Registry of Marriages: And whereas Doubts are entertained whether such Marriages so as 'aforesaid solemnized in such Church before the same was legally constituted the Parish Church are 'strictly legal, and it is expedient to remove such Doubts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages so as aforesaid solemnized in the said new Church of *Upton cum Chalvey* shall be as good and valid in the Law to all Intents and Purposes whatsoever as if the same had been solemnized in the Parish Church of *Upton cum Chalvey* aforesaid.

All Marriages already solemnized in the new Church of Upton cum Chalvey declared to be valid.

II. And be it enacted, That the Minister or Ministers who solemnized such Marriages respectively as aforesaid shall not be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his or their having so as aforesaid solemnized the same respectively.

Ministers not to be liable to Penalties.

III. And be it enacted, That the Registers of the Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as the same would have been receivable in Evidence in case the said Marriages respectively had been solemnized in the Parish Church of *Upton cum Chalvey* aforesaid.

Registers of Marriages so solemnized to be Evidence.

CAP. XXXIX.

An Act for the better Government of Convict Prisons. [29th *July* 1850.]

'WHEREAS under the Provisions of an Act passed in the Second Year of Her Majesty, intituled '*An Act for establishing a Prison for young Offenders*, Visitors of *Parkhurst* Prison, with such 'Duties and Powers as therein mentioned, are appointed by Her Majesty with the Advice of Her Privy 'Council: And whereas under the Provisions of an Act passed in the Fifth Year of Her Majesty, intituled '*An Act for establishing a Prison at* Pentonville, Commissioners for governing the said Prison at '*Pentonville* are appointed by Her Majesty with the Advice of the Privy Council, and such Commissioners 'are incorporated by the Name of "The Commissioners for the Government of *Pentonville* Prison," with 'such Powers and Duties as therein mentioned: And whereas by an Act passed in the Seventh Year of 'Her Majesty, intituled *An Act for regulating the Prison at* Millbank, it was enacted, that such of the 'Inspectors of Prisons as should be appointed for that Purpose by One of Her Majesty's Principal Secretaries of State should have the same Duties and Powers with respect to the said Prison which the Visiting 'Justice of any other Prison had with respect to their Prison; and the said Inspectors were incorporated 'by the Name of "The Inspectors of the *Millbank* Prison:" And whereas under an Act passed in the 'Twelfth Year of Her Majesty, intituled *An Act for amending the Act for regulating the Prison at* 'Millbank, One of Her Majesty's Principal Secretaries of State was authorized to appoint Visitors of the 'the said Prison; and all the Powers, Duties, and Functions vested in and to be performed by "The 'Inspectors of the *Millbank* Prison" under the said Act of the Seventh Year of Her Majesty were transferred to such Visitors, who were incorporated by the Style of "The Visitors of the *Millbank* Prison:" 'And whereas by an Act passed in the Fifth Year of King *George* the Fourth, intituled *An Act for the* '*Transportation of Offenders from* Great Britain, Provision was made for the Appointment by His 'Majesty of a Superintendent of the Places to be appointed under such Act in the River *Thames* or some 'other River, or within the Limits of some Port or Harbour of *England* or *Wales*, for the Confinement 'of Male Offenders under Sentence or Order of Transportation, and also for the Appointment of an 'Assistant or Deputy to such Superintendent at One or more of the said Places of Confinement, and to 'be constantly resident at or near the Place or Places to which he should be appointed, and also of an 'Overseer of each such Place of Confinement: And whereas by an Act passed in the Tenth Year of Her 'Majesty, intituled *An Act for abolishing the Office of Superintendent of Convicts under Sentence of* '*Transportation*, it was enacted, that upon the next Vacancy in the Office of Superintendent of Convicts in *England* under Sentence or Order of Transportation so much of the said Act of the Fifth Year 'of King *George* the Fourth as provides for the Appointment of such Superintendent by Her Majesty, or 'any Overseer, or any Assistant or Deputy to such Superintendent, should be repealed, and that all Male 'Offenders in *England* under Sentence or Order of Transportation should be thenceforth in the Custody 'and Management of such Person or Persons as should be for that Purpose appointed by One of Her 'Majesty's Principal Secretaries of State, and the Provisions of the said Act of the Fifth Year of King '*George* the Fourth, not altered by the Act now in recital, with respect to the Superintendent and Overseer having Custody of any Offenders under the said Act, should apply to the Persons severally having 'the Custody and Management of such Offenders under the Act now in recital: And whereas it is expedient that all the Powers which by the said recited Acts are vested in the Visitors of *Parkhurst* Prison, 'the Commissioners for the Government of *Pentonville* Prison, and the Visitors of the *Millbank* Prison, 'respectively, and such Powers heretofore vested in the said Superintendent of Convicts as by the said

1 & 2 Vict. c. 82.

5 & 6 Vict. c. 29.

6 & 7 Vict. c. 26.

11 & 12 Vict. c. 104.

5 G. 4. c. 84.

9 & 10 Vict. c. 26.

'Act

'Act of the Tenth Year of Her Majesty were transferred to the Persons having the Custody and 'Management of Male Offenders in *England* under Sentence or Order of Transportation under that Act, 'should be vested in Directors to be appointed as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint not less than Three fit Persons to be Directors of all the said Prisons of *Parkhurst*, *Pentonville*, and *Millbank*, and of the Places for the Confinement of Male Offenders in *England* under Sentence or Order of Transportation, and to appoint One of such Persons to be the Chairman of such Directors, and from Time to Time to remove any of such Persons so to be appointed, and to appoint another or others in his or their Stead; and the Persons so appointed, or any Two of them, shall, during their Appointment, have and perform all the Powers and Duties which under the said recited Acts are vested in or to be performed by the Visitors of *Parkhurst* Prison, the Commissioners for the Government of *Pentonville* Prison, and the Visitors of the *Millbank* Prison, respectively, with respect to such respective Prisons, and shall also have and perform all such of the Powers and Duties heretofore vested in and to be performed by the said Superintendent of Convicts as by the said Act of the Tenth Year of Her Majesty were transferred to the Person or Persons having the Custody and Management of such Offenders as aforesaid under that Act; and all Powers and Duties which under the said recited Acts might be exercised and performed by One of the Visitors of *Parkhurst* or the *Millbank* Prisons respectively, or by One of the Commissioners for the Government of *Pentonville* Prison, may be exercised and performed by One of the Directors to be appointed under this Act; and all or any of the Powers and Duties of the said Surperintendent of Convicts hereby transferred to such Directors may be exercised and performed by any One of such Directors; and all the Provisions of the said recited Acts in relation to the Visitors of *Parkhurst* Prison, the Commissioners for the Government of *Pentonville* Prison, and the Visitors of the *Millbank* Prison, shall be applicable to the Directors to be appointed under this Act; and all the Provisions of the said Act of the Fifth Year of King *George* the Fourth with respect to the said Superintendent of Convicts, so far as the same have relation to the Powers and Duties of such Superintendent intended to be by this Act transferred to such Directors shall from and after the Appointment of such Directors be applicable to such Directors, and under this Act be exercised and performed by any One of such Directors.

Power to Secretary of State to appoint Directors of Parkhurst, Pentonville, and Millbank Prisons, and of all Places for Confinement of Male Offenders in England under Sentence of Transportation.

II. And be it enacted, That the said Directors to be appointed under this Act, and their Successors, shall be a Body Corporate, by the Name of "The Directors of Convict Prisons," and by that Name shall have perpetual Succession and a Common Seal, and may sue and be sued in all Courts and before all Justices and others.

Directors incorporated as "The Directors of Convict Prisons."

III. And be it enacted, That from and immediately after the first Appointment of Directors under this Act the Powers and Duties of the Visitors appointed under the first-recited Act, of the Commissioners for the Government of *Pentonville* Prison, of the Visitors of the *Millbank* Prison, and such of the Powers and Duties of the said Superintendent of Convicts as by the said Act of the Tenth Year of Her Majesty were transferred to the Person or Persons having the Custody and Management of Male Offenders in *England* under Sentence or Order of Transportation under that Act, shall cease and determine.

After Appointment of Directors, Powers of present Visitors, &c. to cease.

IV. 'And whereas in and by the Act secondly above recited, passed in the Fifth Year of the Reign of 'Her Majesty, intituled *An Act for establishing a Prison at* Pentonville, it was amongst other things 'enacted, "that every Officer or Servant of the *Pentonville* Prison who should bring or carry out, or '"endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such '"Convict, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles whatsoever not '"allowed by the Rules of the Prison, should be liable to be punished as therein-after mentioned:" And 'whereas it is expedient to make the said Enactment applicable to all the Prisons and Places of Confine-'ment mentioned in this Act:' Be it enacted, That from and after the passing of this Act so much of the said Act for establishing a Prison at *Pentonville* as is above set forth and referred to shall be and the same is extended to the Prisons of *Parkhurst*, *Millbank*, and to all the said Places for the Confinement of Male Offenders in *England* under Sentence or Order of Transportation, and to the Officers and Servants employed therein; and all the Powers given thereby to the Commissioners of *Pentonville* in that Behalf shall be exercised by the Directors appointed under this Act in the said Prisons of *Pentonville*, *Millbank*, and *Parkhurst*, and the said Places for the Confinement of Offenders under Sentence or Order of Transportation.

Provisions of the Pentonville Prison Act as to Introduction of Spirits, Tobacco, &c. extended to all Prisons, &c. mentioned in this Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XL.

An Act to regulate the Disposition of the Naval Prize Balance. [29th *July* 1850.]

'WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the 'Fourth, intituled *An Act for transferring the Management of* Greenwich *Out-Pensions and* 'certain *Duties in Matters of Prize to the Treasurer of the Navy*, it is enacted, that all forfeited and 'unclaimed Shares and Balances of Prize Money, and a Per-centage of Five Pounds in every One hun-'dred Pounds out of the Proceeds of all Prizes, and out of all Grants to the Royal Navy and Marines, 'and out of all Bounty Monies, and out of all Seizures made under the Revenue, Colonial, Navigation, 'and Slave Abolition Laws, and out of all Droits of Admiralty, and out of all Monies arising from

10 G. 4. c. 26.

 'Derelicts,

'Derelicts, should continue to be paid and should be paid and payable to the Treasurer of His Majesty's 'Navy for the Time being, by such Persons, and at such Times, and subject to such Penalties for Default, 'Delay, or Refusal, as the same had theretofore been or were then paid or payable to the Treasurer of 'Greenwich Hospital or his Deputy, by virtue of any Act or Acts then in force relating to the said 'forfeited and unclaimed Shares and Per-centage; which several Payments and Deductions might be by 'the said Treasurer of the Navy applied, under the Authority and Direction of the Lord High Admiral 'or Commissioners for executing the Office of Lord High Admiral, in aid of the Sums granted for 'Greenwich Out-Pensions; and in the event of there remaining any Surplus thereof after defraying the 'Greenwich Out-Pensions, then the said Treasurer of the Navy should cause such Surplus to be from 'Time to Time invested (under the Authority and by the Direction of the Lord High Admiral or Com-'missioners for executing the Office of Lord High Admiral) in some of the Public Government Stocks, 'Funds, or Securities, in the Name of the Treasurer of the Navy for the Time being, and should receive 'and apply the Dividends arising therefrom in aid of the Greenwich Out-Pensions; and the said Stocks, 'Funds, and Securities might be from Time to Time by the said Treasurer of the Navy sold, under the 'like Authority and Direction, and the Produce thereof applied in further Aid of future Greenwich Out-'Pensions: And whereas the Payment of Greenwich Out-Pensions being otherwise fully provided for, it 'is expedient to alter the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth as enacts that the said several Payments and Deductions may be by the said Treasurer of the Navy applied, under the Authority and Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral, in aid of the Sums granted for *Greenwich* Out-Pensions, and so much of the same Act as provides for the Investment of any Surplus thereof after defraying the *Greenwich* Out-Pensions, and the Application of the Dividends arising therefrom, shall be and the same is hereby repealed.

So much of 10 G. 4. c. 26. as relates to Payments and Deductions, and as provides for Investment of Surplus, &c., repealed.

II. And be it enacted, That from and after the passing of this Act so much of the said several Payments and Deductions which now form the Naval Prize Cash Balance, and also so much of such future Payments and Deductions as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral may at any Time and from Time to Time deem expedient, shall, by Her Majesty's Paymaster General, under the Authority and Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral, be paid and transferred to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Naval Prize Cash Balance may be carried to Consolidated Fund.

III. And be it enacted, That in case any Claims in respect of Prize or Bounty Money shall hereafter be made which the Naval Prize Cash Balance for the Time being shall not be sufficient to pay, in that Case, and whenever the same may so happen, there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* a sufficient Sum to meet and defray such Claims.

Deficiency of Naval Prize Cash Balance to be made good out of Consolidated Fund.

IV. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XLI.

An Act to authorize the Division of the Parish of *Manchester* into several Parishes, and for the Application of the Revenues of the Collegiate and Parish Church, and for other Purposes. [29th *July* 1850.]

'WHEREAS the Warden and Fellows of the College of *Christ* in *Manchester* in the County Palatine 'of *Lancaster*, and their Predecessors, by Letters Patent under the Great Seal of *England*, bearing 'Date the Second Day of *October* in the Eleventh Year of the Reign of King *Charles* the First, were 'incorporated by the Name of the Warden and Fellows of the College of *Christ* in *Manchester* founded 'by King *Charles*, and the Bishop of *Chester* and his Successors were made Visitors of the said College: 'And whereas at the Time of the passing of the Act of Parliament next herein-after mentioned the said 'Warden and the Fellows of the said College (such Fellows being Four in Number) constituted, under 'the Provisions of the said Letters Patent, the Chapter of the said College: And whereas by an Act 'passed in the Parliament held in the Third and Fourth Years of the Reign of Her Majesty Queen 'Victoria, for carrying into effect, with certain Modifications, the Fourth Report of the Commissioners 'of Ecclesiastical Duties and Revenues, it was among other things enacted, that thenceforth all the 'Members of Chapter, except the Dean, in every Cathedral and Collegiate Church in *England*, should 'be styled Canons, and that the said Warden of the said Collegiate Church of *Manchester* should be 'styled Dean; and that in the said Collegiate Church of *Manchester*, as soon as the See of *Manchester* 'should have been founded, and every Person who should be a Member of the said Chapter at the 'passing of that Act should have ceased to be such Member, the Canonries should be in the direct 'Patronage of the Bishop of *Manchester* for the Time being, who might, upon the Vacancy of any 'Canonry, collate thereto a Spiritual Person, who should thereupon be entitled to Installation as a Canon 'of the same Church; and that such fixed annual Sum should be determined on to be paid, and should 'accordingly be paid, to the Ecclesiastical Commissioners of *England* by the said Dean and Canons of 'the said Collegiate Church of *Manchester*, as after due Inquiry, and a Calculation of the then present

Letters Patent, dated 2d Oct. 11 Car. 1.

3 & 4 Vict. c. 113.

'average

'average annual Revenues of the Chapter of such Church, should leave to the Dean thereof an average 'annual Income of Two thousand Pounds, and to the Canons thereof respectively the average annual 'Income of One thousand Pounds; and that the Monies and Revenues to be paid to the said Ecclesiastical Commissioners for *England* by and under the Authority of that Act, together with all Accumulations of Interest arising therefrom, should be from Time to Time carried over by the said Commissioners 'to a Common Fund, to be applied as therein mentioned to make additional Provision for the Cure of 'Souls in Parishes where such Assistance is most required: And whereas an Act was passed in the 'Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the 'Fourth, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties 'and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage;* and another Act 'was passed in the Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, 'intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners 'for* England; and another Act was passed in the Parliament held in the Tenth and Eleventh Years 'of the Reign of Her present Majesty, "for establishing the Bishoprick of *Manchester*, and amending 'certain Acts relating to the Ecclesiastical Commissioners of *England*:" And whereas, under or by 'virtue of the said Four several Acts of Parliament, and the Powers thereby conferred, the Bishoprick 'of *Manchester* has been duly founded and endowed, and the said Collegiate Church has been duly made 'and is now the Cathedral Church of the said Diocese of *Manchester;* and the Bishop of *Manchester* for 'the Time being has been duly constituted the Visitor of the said Cathedral; but Doubts have been 'entertained whether he has thereby become Visitor of the said College: And whereas the said Dean 'and Canons are seised of the Rectory of the Parish of *Manchester* aforesaid, and of certain Tithes, 'Glebe Lands, Hereditaments, and Tenements belonging thereto, which at present produce a considerable 'Revenue, and will probably produce hereafter a much larger yearly Income: And whereas the Queen's 'most Excellent Majesty is Patron of the said Deanery or Wardenship of the said College, and as such 'entitled to nominate the said Dean thereof: And whereas the said Bishop of *Manchester* is Ordinary 'of the said Parish of *Manchester:* And whereas the said Parish of *Manchester* is of very great Extent, 'and contains a very large Population: And whereas, in addition to the said Cathedral Church, many 'new Churches or Chapels have at various Times been erected within the said Parish of *Manchester*, 'and other Churches or Chapels are now being or may hereafter be erected in the same Parish, and 'certain Districts of the said Parish have been assigned to certain of such Churches or Chapels, and 'certain of such Churches or Chapels have been respectively endowed to a small Extent, but wholly 'insufficient for properly providing for the Cure of Souls in such Districts: And whereas, under or by 'virtue of "The *Manchester and Leeds* Railway Act, 1836," "The *Manchester and Leeds* Railway Act, '1837," "The *Manchester and Leeds* Railway Act, 1839," "The *Manchester and Leeds* Railway Act, '1841," "The *Manchester and Leeds* Railway Act, 1844," "The *Manchester and Leeds* Railway Act '(No. 1.), 1845." "The *Manchester and Leeds* Railway Act (No. 2,), 1845," "The *Manchester and Leeds* 'Railway Act, 1846," and an Act passed in the Parliament held in the Seventh and Eighth Years of the 'Reign of Her Majesty Queen *Victoria*, "for the Improvement of the Town of *Manchester*," or some of 'such Acts, certain Land known by the Name of "*Walker's Croft*," and formerly belonging to the said 'Dean and Canons and the Churchwardens for the Time being of the said Parish of *Manchester*, and 'which for a long Time was used as a Parish Burial Ground, has been sold to the *Manchester and Leeds* 'Railway Company, now styled the *Lancashire and Yorkshire* Railway Company, for Sums of Money 'amounting in the whole to Twelve thousand nine hundred and ninety-nine Pounds One Shilling and 'Sixpence, or thereabouts, which said Sum is, under the Provisions of the said several Railway Acts or 'some of them, and of the said Act for the Improvement of the Town of *Manchester*, to be laid out and 'invested, as therein mentioned, in the Purchase of other Lands, to be used as and for the Purposes of a 'Parish Burial Ground; and it is expedient that further Provision should be made with reference to 'the Application of such Sums of Money: And whereas by an Act passed in the Parliament held in the 'Sixth and Seventh Years of the Reign of Queen *Victoria*, intituled *An Act to make better Provision for 'the Spiritual Care of populous Parishes*, the Ecclesiastical Commissioners for *England* are empowered, 'in the Case of Parishes, Chapelries, and Districts of great Extent and containing a large Population, 'wherein or in Parts whereof the Provision for Public Worship and for Pastoral Superintendence is 'insufficient for the Spiritual Wants of the Inhabitants thereof, to constitute any Part or Parts thereof a 'separate District for Spiritual Purposes, such District not at the Time of constituting the same containing 'within its Limits any consecrated Church or Chapel: And whereas it is proper that further and better 'Provision should be made for the Cure of Souls within the said Parish, and it would tend greatly to 'promote the Spiritual Interests of the Inhabitants of the said Parish of *Manchester* if such Division 'thereof into separate Parishes for Spiritual Purposes were made as herein-after provided, and if the 'Parishioners were ultimately relieved from the Payment of all double and increased Fees and Duties, 'and if all Ecclesiastical Dues, Fees, and Offerings arising in each such Parish were hereafter payable 'to the Rector thereof, and if Provision were made for the Monies and Revenues arising in the said 'Parish, and payable or to become payable to the said Ecclesiastical Commissioners under the Authority 'aforesaid, or under the Authority of this Act, being applied for the Spiritual Benefit of the said Parish 'in the Manner herein mentioned, and if Provision were also made for certain of the Pews and Sittings 'in the Churches of such several Parishes being free for the Use of the Parishioners, subject to the Order 'and Disposal of the Ordinary; and it is also desirable that better Provision should be made for securing

Acts as to Ecclesiastical Commissioners: 6 & 7 W. 4. c. 77.

4 & 5 Vict. c. 39.

10 & 11 Vict. c. 108.

6 & 7 Vict. c. 37.

'the Residence of the Rectors and Ministers of such Parishes and Districts, by the Erection of suitable 'Houses of Residence where the same are or shall be required, and that Powers should be given for varying 'the said Districts now existing or hereafter to be made within the said Parish, or under the Authority 'of this Act, and for annexing Parts of the said Parish of *Manchester* to adjoining Parishes, and Portions 'of adjoining Parishes to any of the proposed Parishes or Districts for Spiritual Purposes only, and for 'selling or exchanging any House or Houses of Residence unfit or unsuitable for Residence, or which 'shall not be situate within the Parish to which the same shall belong, and also for vesting the Patronage 'of certain of the Churches and Chapels aforesaid the Patronage whereof is not now exclusively vested in 'the said Dean and Canons in the Bishop of the Diocese: And whereas the Objects aforesaid cannot be 'effectually attained without the Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

A new District may be assigned to any Church or Chapel in Manchester by the Ecclesiastical Commissioners for England by any Scheme prepared by them, and ratified by the Queen in Council, with certain Consents.

by the Authority of the same, That it shall be lawful for Her Majesty's Commissioners for building new Churches, by a Scheme or Schemes to be prepared by them, and for Her Majesty in Council, by an Order or Orders ratifying the same, at such Time or Times and from Time to Time as they may deem expedient, but in each and every Case with the Consent of the Bishop of the Diocese, to sever and disannex from the said Parish of *Manchester*, and also from any Parish or Parishes to be created under the Provisions of this Act, such Parts or Portions of the said Parish or Parishes as to them may seem fit, and to annex and assign the same respectively to the several Churches and Chapels (not being the Cathedral or Collegiate Church of *Manchester*) which have been already duly consecrated, or which may be hereafter duly consecrated, otherwise than under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, within the present Limits of the said Parish of *Manchester*, and to set out, declare, and constitute for such Churches and Chapels respectively, and to annex thereto, a District or Districts for Spiritual Purposes, within such Boundaries as they may consider to be most suitable and convenient, and for that Purpose to vary the Boundaries of any District now subsisting, or of any District or Parish which may at any Time be constituted under the Provisions of this Act or of any other Act of Parliament: Provided always, that any Scheme or Order under this Act for setting out, declaring, constituting, or annexing any such District for or to any Church or Chapel already consecrated at the passing of this Act shall not, without the Consent of the Incumbent thereof (if any) then in possession, take effect until after the next Avoidance of such Church or Chapel: Provided also, that the Draft of any Scheme to be proposed to be laid before Her Majesty in Council by the said Commissioners shall be delivered or transmitted to the Rector or Incumbent and to the Patron or Patrons of the Church or Chapel of any Parish, Chapelry, or District out of which it is recommended that any such District or any Part thereof should be taken, in order that such Rector, Incumbent, Patron, or Patrons may have an Opportunity of offering or making to the said Commissioners or to such Bishop any Observations or Objections upon or to the constituting of such District, and that such Scheme shall not be laid before Her Majesty in Council until after the Expiration of One Calendar Month next after such Copy shall have been so delivered or transmitted, unless such Rector, Incumbent, and Patron or Patrons shall in the meantime, by Writing under their Hands respectively, consent to the same: Provided also, that nothing in this Act contained shall be so construed as to abridge, alter, or limit any Powers now possessed by the Ecclesiastical Commissioners of submitting any Scheme to Her Majesty in Council for the Constitution of any new Parish, or any Power now vested in Her Majesty's Commissioners for building new Churches, or in the Bishop of the Diocese, of or relating to the constituting any new Parish, District, or Chapelry, Parishes, Districts, or Chapelries, or altering the Boundaries thereof respectively.

Each District when constituted to become a Parish for Ecclesiastical Purposes;

II. And be it enacted, That every District constituted under the Provisions of this Act, and also every District within the present Limits of the said Parish of *Manchester* becoming a new Parish upon the Consecration of a Church therein, under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, shall, subject to the Provisions herein-after contained, be a Parish for all Spiritual and Ecclesiastical Purposes, and be thereupon invested with all the Rights and Incidents belonging or attaching to a Parish by the Common Law, but so as not to authorize the making, levying, or applying Church or Chapel Rates for the Maintenance or Repair of the Church or Chapel within such Parish, and subject to the Provisions herein contained, and shall be called and known by the Name by which the Church thereof shall have been consecrated, or if such Name shall not be known, then by such other Name as shall be fixed by the Authority aforesaid, notwithstanding that in the Case of any District or Parish constituted under the Provisions of the last-mentioned Act any other Name shall

and the Church of every such Parish shall be a Church and Rectory.

have been previously fixed for such District or Parish; and the Church or Chapel of each and every such Parish shall be a Church and Rectory, and the Rectors thereof for the Time being shall be a Body Politic and Corporate, and have a perpetual Succession, and the Incumbent or Minister of such Church or Chapel shall thereupon, without any further Process or Form in Law, become and be such Rector, and such Rectory and Parish shall be and be deemed to be a Benefice with sole and exclusive Cure of Souls, to all Intents and Purposes; and, subject to the Provisions herein-after contained, all Acts of Parliament, Laws, Canons, and Customs relating to the publishing of Banns of Matrimony, and to Marriages, Baptisms, Churchings, and Burials, and the registering thereof, and to Ecclesiastical Fees, Oblations, or Offerings, shall apply to such Rectory and Parish, and to the Church and Rectory thereof; and the Patron or Patrons and Rector of every such Rectory, Parish, and Benefice shall be subject to all the Laws, Provisions, and Regulations in force for the Time being as to Presentation, Institution, Collation, Induction, Residence, and Lapse, and to all such Jurisdiction of the Bishop and Archdeacon and other Jurisdiction, and as to

holding

holding Ecclesiastical Preferment, as shall by Law be applicable to Benefices with Cure of Souls; and the Right of Presentation to every such Benefice so to be created as aforesaid may be recovered, and the Incumbency thereof shall cease and be determined, in such Manner and by such Methods as the Presentation to or Incumbency in any other Rectories may now be respectively recovered or cease and be determined; and the Soil and Freehold of the Church of every such newly constituted Parish, and the Churchyard, Burial Ground, Vaults, and Catacombs (if any) belonging thereto, subject to such Rights, Claims, and Interests as shall be subsisting therein, and the House of Residence, with the Appurtenances belonging thereto or provided for the same, and all the Lands, Tenements, Hereditaments, and other Endowments of the Church of such Parish, and all the Lands, Tenements, Hereditaments, and other Endowments held by or vested in any Person or Persons or Body Corporate, in trust exclusively for or for the exclusive Benefit of the Incumbent, Minister, or Curate of such Church, shall become and be vested in the Rector thereof and his Successors for ever, and be held and enjoyed by him and them, in right of such Church and Rectory.

Parts of contiguous Parishes, &c. may be included in the District.

III. And be it enacted, That in constituting any District under the Provisions of this Act it shall be lawful, by the Authority aforesaid, to annex thereto any Part or Parts of any Parish, Chapelry, or District surrounding or contiguous to the said Parish of *Manchester*, and also to annex any Part or Parts of the said Parish of *Manchester*, or of any Parish, Chapelry, or District therein, to any such surrounding or contiguous Parish, Chapelry, or District, for Spiritual and Ecclesiastical Purposes only: Provided always, that the Scheme for any such Annexation shall not be laid before Her Majesty in Council until Notice of the Intention of the said Commissioners to lay before Her Majesty in Council a Scheme for such Annexation shall have been delivered or transmitted to the Incumbent and Patron or Patrons of every Parish, Chapelry, or District affected thereby, in order that such Incumbent and Patron or Patrons may respectively have an Opportunity of submitting to the said Commissioners any Observations upon or Objections to any such intended Annexation, and the said Commissioners shall not lay before Her Majesty in Council a Scheme for any such Annexation until after the Expiration of One Calendar Month next after such Notice shall have been so delivered or transmitted, unless such Incumbent or Patron or Patrons shall in the meantime by Writing under their Hands respectively consent to the same: Provided further, that if the Consent of such Incumbent be not obtained to such Annexation, then such Annexation shall not take effect until after the Incumbency of such Incumbent shall have ceased.

Residue of the Parish after the Districts are severed to be the Rectory and Parish of Manchester for all Ecclesiastical Purposes.

IV. And be it enacted, That such Part or Residue of the said Parish of *Manchester* as shall remain after Severance therefrom of any Parts or Portions thereof as aforesaid shall be and be deemed to be for all Ecclesiastical Purposes the Parish of *Manchester*, and the Dean of *Manchester* for the Time being shall, upon Institution and Installation into his Deanery, have the Cure of Souls therein, and shall be assisted in such Cure by the Chaplains or Minor Canons of the said Cathedral or Collegiate Church to be hereafter appointed, who in all Matters connected with the Spiritual Duties of the said Parish shall be subject to and act under his Directions, and the said Dean shall have all Rights and Powers in reference to the Performance of the Services of the said Church, as the Parish Church of *Manchester*, as fully and effectually as if he were Rector of the same, subject nevertheless to any Rights belonging to or Duties imposed on the Canons and Minor Canons or Chaplains of the said Cathedral or Collegiate Church in respect of the Performance of the Services thereof prescribed by the said recited Letters Patent.

The Chaplains to be appointed by the Dean, and their Duties restricted to the Cathedral and Parish annexed thereto.

V. And be it enacted, That from and after the Severance from the said Parish of *Manchester* of any Portion or Portions thereof, under any Scheme or Schemes to be prepared and approved as aforesaid, the Duties to be performed by the said Chaplains or Minor Canons of the said Cathedral or Collegiate Church to be hereafter appointed shall be restricted to the said Church, and the Parish which shall remain annexed thereto after such Severance as aforesaid, and the said Chaplains shall, notwithstanding any of the Provisions of this Act, be and remain Minor Canons of the said Cathedral Church, and shall have such Precedence and Dignity as other Minor Canons have or are entitled to in other Cathedral Churches.

Reserving the Rights of the Chaplains and Clerks of the Collegiate Church.

VI. And in order that the setting out and declaring, or setting out, constituting, and annexing, any District or Parish, under the Provisions of this Act, to any Church or Chapel already consecrated or to be hereafter consecrated, may not prejudice the Revenues of the Chaplains or Minor Canons or of the Clerks now holding Office in the Cathedral and Parish Church of *Manchester*, be it enacted, That there shall be paid to the Rectors of such Districts or Parishes respectively, and their Successors for the Time being, for the Performance of Marriages, Churchings, and Burials, during the Continuance in Office of the said Chaplains or Minor Canons and Clerks, or any of them, the Fees which are usually and of Right ought to be paid for every such Marriage and Burial, and such Offerings as are usually and of Right made for every such Churching at the said Cathedral and Parish Church of *Manchester*; and that the said Rectors and their respective Successors shall from Time to Time receive such Fees and Offerings, and pay to the said Chaplains or Minor Canons such Proportion of the same, as Incumbents of Chapelries and Districts within the Parish of *Manchester* have hitherto paid of Fees and Offerings respectively received by them in respect of Marriages, Churchings, and Burials in their several Churches and Chapels, to be by the said Chaplains or Minor Canons paid to the Person or Persons for the Time being entitled thereto, and in such Shares and Proportions as the Fees and Offerings respectively now payable at the said last-mentioned Church are divided, and that the said Fees and Offerings shall be paid by half-yearly Payments on the Feast of the Nativity of our Saviour *Christ* and of *St. John the Baptist* in every Year: Provided always, that on the Death of any One or more of the present Chaplains or Minor Canons and Clerks, or on the ceasing of any One or more of them to hold his or their Office or Offices respectively, or being compensated in manner herein-after provided, such Proportion of the Fees and Offerings to be paid

paid to the said Chaplains or Minor Canons and Clerks as would have belonged to the Person or Persons so dying or ceasing to hold Office, or being compensated as aforesaid, shall cease and determine; and from and after the Death or Vacation of Office of all the said present Chaplains or Minor Canons and Clerks such Fees only shall be payable at any such Church or Chapel as aforesaid as shall be fixed by the Bishop of the Diocese under the Provisions herein-after contained: Provided also, that nothing in this Act contained shall interfere with the Right of performing Marriages within the Parish of *Manchester* (as now existing) already enjoyed by the Incumbents of the Churches of *Saint Mary* and *Saint John* in *Manchester*, until the next Avoidances of the said Churches respectively, when the same shall cease and determine, except as to the Districts or Parishes then severally annexed or to be annexed to the said Churches.

Laws, Canons, and Customs relating to Marriages, &c. to remain in force during Incumbency of Chaplains, &c.

VII. And be it enacted, That during the Tenure of Office of any of the present Chaplains or Minor Canons and Clerks of the Cathedral and Parish Church of *Manchester*, or until Compensation shall be made to them, or the Survivors or Survivor of them, as by this Act provided, all Laws, Canons, and Customs relating to the publishing of Banns of Matrimony, to Marriages, Churchings, and Burials in the said Cathedral and Parish Church, and the registering thereof, and to Ecclesiastical Fees, Oblations, or Offerings, shall continue in full force and virtue, and that all the Privileges of the Inhabitants of the said Parish of *Manchester* respecting the said Rites and Services may be enjoyed in such Manner as if this Act had not passed.

Mode of ascertaining Compensation to Chaplains, &c.

VIII. And be it enacted, That in case Compensation shall be made to the said Chaplains or Minor Canons and Clerks of the said Cathedral and Parish Church of *Manchester*, pursuant to the Provisions herein contained, the Amount thereof shall be ascertained and settled upon an Average of Five Years Income next preceding the Time of computing such Compensation.

Act not to affect Laws relating to the Poor, &c.

IX. And be it enacted, That nothing herein contained shall affect the Laws relating to the Relief, Settlement, or Management of the Poor, nor any Municipal or Parliamentary Laws or Regulations, nor prejudice or affect any Rights, Trusts, or Privileges incident or relating to any Almshouses, Hospital, or Charity, nor any Rights of Sepulture in any existing Churchyard, Burial Grounds, Vaults, and Catacombs within the Limits of the said Parish of *Manchester*, nor (except as herein otherwise provided) any Offices, Trusts, Rights, Privileges, or Capacities whatsoever which the Parishioners for the Time being of the same Parish are, in respect of their being such Parishioners, eligible or entitled to, or capable of exercising or enjoying.

Provisions of 6 & 7 Vict. c. 37. as to Churchwardens, extended to this Act.

X. And be it enacted, That all the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty which relate to Churchwardens for the Parishes to be constituted thereunder shall extend and apply to every Parish constituted or declared to be a Parish under the Provisions of this Act.

Customs, &c. as to Appointment of Churchwardens, as far as regards newly constituted Parishes, to cease.

XI. Provided always, and be it enacted, That from and immediately after the first Appointment of Churchwardens for any such Parish within the Limits aforesaid constituted under the Provisions of this Act or of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, all Laws, Customs, and Usages for or relating to the Appointment and Duties of Churchwardens and Chapelwardens within and for the said Parish of *Manchester* shall, so far as regards such newly-constituted Parish and the Church thereof, cease and determine, and the Churchwardens appointed for any such newly-constituted Parish shall possess and may exercise, in addition to their Powers and Duties as such Churchwardens, all the Powers and be liable to perform all the Duties possessed by or imposed upon the Churchwardens or Chapelwardens respectively of the Church of such Parish previously to its becoming such Parish Church, so far as such Powers and Duties are not affected by this Act.

Nothing in Act to affect Church Rates.

XII. Provided also, and be it enacted, That nothing herein contained shall alter or affect any Law, Statute, or Custom relating to the making, levying, or applying Church or Chapel Rates within the Limits aforesaid, or to the Duties of Churchwardens or Chapelwardens for the Parish of *Manchester*, or for any Church or Chapel within the existing Limits thereof, so far as relates to such making, levying, or applying, nor increase or diminish any Liability of any Inhabitant of the said existing Parish of *Manchester* in respect of any Church or Chapel Rates, but from and after the Severance of any Portion of the said Parish of *Manchester* from the said Cathedral or Collegiate Church under any Scheme to be prepared and approved as aforesaid it shall not be competent, save as herein mentioned, to or for any Person, not being a Parishioner of the Parish which shall remain annexed to the said Cathedral or Collegiate Church, to claim any Rights or Privileges as such in respect of the Rites or Services of such Church as a Parish Church.

Monies payable to Ecclesiastical Commissioners by the Dean and Canons to be applied in providing for the Cure of Souls in the Parish of Manchester.

XIII. And be it enacted, That, subject to the Provisions of this Act, all Monies and Revenues which now are or hereafter shall be payable to the said Ecclesiastical Commissioners from the said Dean and Canons, under the Authority of any of the recited Acts or this Act, together with all Accumulation of Interest arising therefrom, shall be from Time to Time applied, by the Authority in the said first-recited Act provided, towards making better Provision for the Cure of Souls within the said Parish of *Manchester*, and also from Time to Time, if by the like Authority it shall be deemed expedient, towards providing for Payment to the Incumbents or Ministers of all or any of the Churches or Districts in the said Parish of *Manchester* of any annual Sums or Sum which, by any Order or Orders of Her Majesty in Council, now are or hereafter shall be charged on the Common Fund under the Control of the said Commissioners, so as to release the said Fund from all or any Part of its Liability in respect thereof, and for such other Purposes as are herein-after mentioned.

XIV. And

XIV. And be it enacted, That from and after the next Avoidance of the said Deanery, and after the Severance from the said Parish of *Manchester* of any Portion or Portions thereof under any Scheme or Schemes to be so prepared and approved as aforesaid, there shall be paid to the Dean of *Manchester* for the Time being, as such Dean, out of the annual Revenues of the Chapter of the said Cathedral or Collegiate Church, the annual Income of One thousand Pounds, and no more, and the further annual Sum of Five hundred Pounds, and no more, in consideration of his being charged with the Cure of Souls in the said Parish, and that there shall be paid out of the said Revenues to each Canon of the said Cathedral or Collegiate Church to be hereafter appointed the annual Income of Six hundred Pounds, and no more, and that there shall be paid to each Chaplain to be hereafter appointed the annual Sum of Two hundred and fifty Pounds, and no more, and that the Dean and Canons of the said Cathedral or Collegiate Church for the Time being shall pay the clear Residue of the said Revenues to the said Ecclesiastical Commissioners, after reserving thereout such Sum or Sums of Money as shall have been expended, with the Approbation of the Bishop of the Diocese, in the necessary Repairs of such Part or Parts of the said Cathedral or Collegiate Church, and of *Saint Mary*'s Church in *Manchester*, as they are or may be liable to keep in repair out of the Revenues of the said Chapter, and also all such other necessary and proper Expenditure as may lawfully devolve upon the said Dean and Canons.

After the next Avoidance, the Dean to be paid 1,000*l.* per Annum, and each Canon 600*l.* per Annum.

XV. And be it enacted, That to each of the Canonries in the said Cathedral or Collegiate Church there shall be annexed One of the Four following Rectories and Parishes to be so constituted as aforesaid; that is to say, the Rectory and Parish of *St. Philip Salford*, the Rectory and Parish of *St. George Hulme*, the Rectory and Parish of *St. Andrew Manchester*, and the Rectory and Parish of *St. Matthew Manchester*; and that such Annexation shall take effect as follows; that is to say, after the First Avoidance of a Canonry after the passing of this Act the First of the said Rectories which shall become vacant shall be deemed to be and shall be annexed thereto; and that after the Second Avoidance of a Canonry as aforesaid such One of the Three remaining Rectories as shall first become vacant shall be deemed to be and shall be annexed thereto; and after the Third Avoidance of a Canonry as aforesaid such One of the Two remaining Rectories as shall first become vacant shall be deemed to be and shall be annexed thereto; and that after the Fourth Avoidance of a Canonry as aforesaid the last remaining of the said Rectories, on becoming vacant, shall be deemed to be and shall be annexed thereto; and that each Canon to whose Canonry such Annexation shall have been made, and his Successors, shall, after he or they shall have been admitted or collated and installed into such Canonry, on being instituted by the Bishop into the said Rectory, become and be Rector of the said Rectory and Parish to all Intents and Purposes, and shall thenceforth not be in any Manner liable for or charged with any Spiritual Duties in any other Parish or Place, except within the said Cathedral or Collegiate Church, and the Limits of the Parish so annexed to such Canonry as aforesaid.

To each of the Canonries in the Cathedral One Rectory to be annexed.

XVI. And be it enacted, That, subject to the Provisions herein-before contained respecting the Rectories to be annexed to the Canonries in the said Cathedral and Collegiate Church, the Person or Persons now entitled to nominate or present to the several Churches or Chapels now existing, and to which Districts shall be annexed, and which shall be constituted Rectories and Parishes by virtue of this Act, shall thenceforth continue and be the Patron or Patrons respectively of the said Rectories and Parishes respectively; save and except that in every Case where the Patronage of a Church is now vested in the Dean and Canons jointly with any other Person or Persons the Bishop of the Diocese for the Time being shall, from and after the passing of this Act, be Patron of such Church jointly with such other Person or Persons, in the Stead of the said Dean and Canons: Provided also, that where the said Bishop is already One of the Patrons of any such Church, he shall enjoy all Rights and Privileges to accrue to him by virtue of this Act, in addition to such as are already vested in him, and that in case any further and additional Rectory or Parish shall be hereafter constituted and endowed, under the Powers or Provisions of this Act, from the Monies and Revenues under the Direction and Control of the said Ecclesiastical Commissioners, the Patronage thereof shall, from and immediately after the Constitution and Endowment thereof, be vested in the said Bishop of *Manchester* and his Successors.

Patronage of the new Rectories, &c.

XVII. And be it enacted, That the Parish Clerks and Sextons and Officers (other than the Churchwardens) of the several Rectories and Parishes to be constituted under the Authority of this Act shall, save as herein-after specially excepted, be nominated and appointed annually by the respective Rectors for the Time being of such Rectories and Parishes respectively: Provided always, that nothing herein contained shall be construed to alter or affect the Right to appoint a Clerk in Orders of the said Cathedral or Collegiate Church now held by and vested in the said Dean and Canons of *Manchester*, but such Clerk in Orders may be nominated and appointed as heretofore.

Parish Clerks, Sextons, and Officers.

XVIII. 'And whereas Sir *Thomas Joseph De Trafford* of *Trafford Park* in the County of *Lancaster*, Baronet, is or claims to be entitled, to him and his Heirs, to the Patronage and Right of Nomination and Appointment of One of the Two Parish Clerks of the Parish of *Manchester* and of the said Cathedral or Collegiate and Parish Church (the other of such Clerks being nominated and appointed by the said Dean and Canons, and commonly called the Clerk in Orders):' Be it enacted, That nothing herein contained shall prejudice or affect the Right (if any) of the said Sir *Thomas Joseph De Trafford*, his Heirs or Assigns, to appoint as heretofore One of the said Two Parish Clerks of the said Cathedral or Collegiate and Parish Church of *Manchester* and of the Parish of *Manchester*, or of such Part of the said Parish as shall at any Time hereafter remain to the said Church, or of the District or Parish which may at any Time hereafter remain or be annexed or attached to the said last-mentioned Church or held therewith, as the Case may be, and that such Right shall from henceforth be and remain vested in the said Sir

Saving Rights of Sir Thomas Joseph De Trafford.

Sir *Thomas Joseph De Trafford* and his Heirs and Assigns: Provided always, that nothing herein contained shall prejudice or affect any Claim of the said Sir *Thomas Joseph De Trafford*, his Heirs or Assigns, to any Compensation to which, under the Provisions of this Act, he or they may be entitled in respect of such Right (if any) so vested in or claimed by him, save in so far as the Value of the Patronage hereby reserved may be considered in ascertaining the Amount of such Compensation.

The Commissioners, with Consent of Bishop, &c. may assign Patronage to Persons who may make an Endowment.

XIX. And be it enacted, That it shall be lawful for the said Ecclesiastical Commissioners, with the Consent of the said Bishop of *Manchester* and of the Patron or Patrons of any Rectory or Parish within the present Limits of the said Parish of *Manchester*, or constituted under the Powers of this Act, to assign the Patronage of any such Rectory or Parish to any Person or Persons, or his, her, or their Nominee or Nominees, not being more than Five in Number, in consideration of such Endowment or Augmentation as shall in the Judgment of the said Ecclesiastical Commissioners and of the said Bishop make or complete a proper and adequate Endowment for the Cure of Souls therein.

Power to Commissioners to sell Residence Houses held in trust, and apply Purchase Monies in procuring fit Residences, &c.

XX. And be it enacted, That the said Ecclesiastical Commissioners may and they are hereby empowered, at any Time or Times and from Time to Time, to sell and dispose of every or any House of Residence now or hereafter belonging to or held in trust for the said Dean and Canons, or any or either of them, or the Incumbent or Minister of any Church or Chapel within the present Limits of the said Parish of *Manchester*, with the Land and Appurtenances thereto belonging or therewith held, or any Part thereof, in such Manner and subject to such Conditions and Regulations as by the said Commissioners shall be deemed proper, but with the Consent of the Dean, Canon, Minister, or Incumbent who at the Time of the passing of this Act shall be beneficially entitled as such, in possession or expectancy, to such Premises, and with the Consent of any future Dean, Canon, Minister, or Incumbent entitled to such Premises, provided he shall be *bonâ fide* using the same for his Residence, and otherwise without such Consent; and the Monies arising from every such Sale, as well as the Monies which may have arisen from the Sale of any House of Residence already effected, or the Funds or Securities in or upon which the same may be now invested, shall be paid or transferred to the Treasurer for the Time being of the said Commissioners, and his Receipt shall be a sufficient Discharge to the Person or Persons paying or transferring the same from all and every Responsibility respecting the same or the Application thereof; and such Monies, after the Payment thereout of the Costs and Expenses of and attending such Sales or Transfers respectively, shall be applied by the said Commissioners in or towards procuring a fit House or Residence for the Dean, Canon, Minister, or Incumbent, who, in case such Sale had not taken place, would have been entitled to the Premises so sold, or otherwise for the Increase of the Income of such Dean, Canon, Minister, or Incumbent, or for both such Purposes, as to the said Commissioners shall seem best.

Houses of Residence to be provided for the Dean and Canons and Incumbents.

XXI. And be it enacted, That it shall be lawful for the said Commissioners to provide a suitable House of Residence for the said Dean and the said Canons respectively, and for the Incumbent of the Church of any and every other of the Parishes to be constituted as aforesaid, in lieu of the House of Residence belonging to such Deanery, Canonry, or Parish respectively (if any) which shall be considered unfit or inconvenient for Residence, or which shall not be within the Limits of such newly-constituted Parish, together with Offices, Outbuildings, and Land, not exceeding in the whole Five Acres, such Houses respectively to be situate within the Limits of the Districts so respectively to be set out and declared, or set out and constituted as such Parish, and as near as Circumstances will admit to the Church belonging thereto, and for the said last-mentioned Purpose to exchange any Land or Buildings belonging to such Church, and to receive and give Discharges for or to pay any Sum of Money by way of Equality of Exchange, and to apply any Part of the Proceeds arising by such Sale or Exchange for, in, or towards the Purchase or Erection of any such House of Residence, Offices, Outbuildings, and Land; and every such House of Residence, with the Offices, Outbuildings, and Land (if any) belonging thereto, which shall be so taken in exchange or purchased as aforesaid, shall be conveyed and assured unto the said Dean, Canon, or Incumbent respectively, as the Case may be, and his Successors for ever.

Incumbent to reside within his Rectory or Parish.

XXII. And be it enacted, That every Canon who shall be Rector of any Rectory or Parish within the Limits aforesaid, and shall reside within such his Rectory or Parish during such Time as is by Law required in respect of such Rectory, and who shall also reside within his said Rectory or Parish during the Time by Law required in respect of his Canonry, and who shall duly perform during such Time all the Services required to be performed by him at the said Cathedral, shall be deemed and taken to have had a sufficient Residence in respect of his said Canonry.

Application of the Monies to be paid to the Commissioners by the Dean and Chapter.

Compensation to Persons having vested Rights, &c.

Payments to Incumbents.

XXIII. And be it enacted, That the said Ecclesiastical Commissioners shall apply the Monies and Revenues to be paid to them as aforesaid by the said Chapter of the said Cathedral or Collegiate Church in manner following; that is to say, firstly, in making such Compensation as to the said Commissioners shall seem reasonable, either by way of yearly Payment or otherwise, to such Person or Persons, if any, as shall in the Judgment of the said Commissioners be entitled to any vested Right which shall be injured by the Operation of this Act, the said Commissioners being hereby authorized, in case they shall think fit, to make Compensation to the said Chaplains, Minor Canons, and Clerks of the said Cathedral or Parish Church, on the Terms herein-before mentioned, for the Fees payable to them in respect of Marriages, or for any One or more Description of Fees separately from and without interfering with any other Description of Fees that may be payable to the said Chaplains or Minor Canons and Clerks; secondly, in the Payment of such yearly or other Sum or Sums of Money as to the said Commissioners shall seem fit to each and every or any One or more of the Rectors, Incumbents, or Ministers of the Rectories,

Rectories, Parishes, or Districts now existing or hereafter to be constituted within the said Parish of *Manchester*, save to the Dean of the said Cathedral or Collegiate Church, in addition to the other Endowments, and Surplice and other Fees belonging to such Rectors, Incumbents, or Ministers respectively: Provided always, that no Rector, Incumbent, or Minister shall in any One Year be paid by the said Commissioners, under the Provisions of this Act, more than will be sufficient, with other Endowments of his Rectory, Parish, or District, to make up his Income to One hundred and fifty Pounds for that Year, exclusive of Surplice Fees and other Ecclesiastical Dues and Pew Rents (if any), until all such Rectors, Incumbents, and Ministers shall be in the Receipt of the yearly Income of One hundred and fifty Pounds from the Endowments of their respective Rectories, Parishes, or Districts, and the Payments made by the said Ecclesiastical Commissioners under the Provisions aforesaid, or from one of those Sources, exclusive of such Fees, Dues, and Pew Rents; and that so soon as each and every of such Rectors, Incumbents, and Ministers shall be in the Receipt of such yearly Income of One hundred and fifty Pounds, the said Ecclesiastical Commissioners shall proceed in like Manner to increase such Incomes until each and every of such Rectors, Incumbents, and Ministers shall be in the Receipt of the yearly Income of Two hundred and fifty Pounds: Provided also, that except in the Case of Churches or Chapels in the Gift of the Crown and Bishop of the Diocese, either jointly, separately, or alternately, or of the Dean and Chapter of *Manchester*, and also except in the Case of Churches and Chapels already or hereafter to be endowed to the Extent of One thousand Pounds or upwards under the Provisions of any existing or future Act or Acts of Parliament, no such Increase shall be made to the Income of any Rectory or Incumbency, unless such Endowment or Augmentation as to the said Commissioners shall seem expedient shall have been first permanently secured to such Rectory or Incumbency from other Sources.

Commissioners to set aside surplus Monies for the permanent Endowment of Incumbents.

XXIV. And be it enacted, That the said Ecclesiastical Commissioners, after answering all the Purposes aforesaid, shall set aside and accumulate the Surplus of the Monies and Revenues so received by them, or a competent Part or Parts thereof, for the Purpose of raising a Fund for the permanent and independent Endowment of each and every of the said Rectors, Incumbents, and Ministers, and shall and may from Time to Time, when and as sufficient Funds shall have been so accumulated, lay out and invest the same, or a competent Part or Parts thereof, in the Purchase of Lands, Tenements, and Hereditaments, or in the Public Stocks and Funds of *Great Britain*, and cause the same to be effectually settled and secured for the permanent and separate Endowment of the said several Rectories, Parishes, and Districts, in such Order as the said Commissioners shall think fit: Provided always, that the said Commissioners shall and may, if they shall think fit, but nevertheless always with the Consent of the said Dean and Canons, to be signified as aforesaid under their Common Seal, appropriate, for the Purpose of such permanent and separate Endowments respectively, by any Scheme to be so ratified as aforesaid, any Part or Parts of the Tithes, Tithe Rent-charge, Glebe or other Lands, Tenements, Hereditaments, Stocks, Funds, Monies, or Securities now vested in or held in trust for the said Dean and Canons in right of the said Rectory of *Manchester*: Provided nevertheless, that nothing in this Act contained shall be construed to give to or vest in the Rector of any separate Parish constituted under the Authority of this Act any Right or Title whatsoever, by reason or in right of such Rectory, to any Portion of the Tithes, Tithe Rent-charge, Glebe or other Lands, Tenements, or Hereditaments now vested in or held in trust for the said Dean and Canons in right of their Rectory or otherwise, unless and until any such Appropriation as aforesaid shall have taken place, and then so far only as such Appropriation shall extend.

Provision for abolishing Pew Rents, and providing free Seats.

XXV. And be it enacted, That the Pews and Seats in the said several Churches or Chapels, exclusive of the said Cathedral or Parish Church of *Manchester*, which are now legally liable to be let for Rent, may continue (subject as herein-after mentioned) to be so let, and the Rents and Income arising therefrom shall be applicable and be applied for the Purposes to which the same may now be applied; but that no Pews or Seats, other than such as are now liable to be so let, shall hereafter be let; and that the Seats and Pews in the said several Churches and Chapels which have not been heretofore appropriated shall henceforth continue and be free and unappropriated, and shall be occupied in such Manner as the Churchwardens, subject to the Control of the Bishop of the Diocese, shall from Time to Time direct: Provided always, that when and as any Income, Endowment, or Benefit shall under the Provisions of this Act be given to any Rector, Incumbent, or Minister of any Church or Chapel, exclusive as aforesaid, then, in case there shall at such Time be any Seats or Pews in such Church or Chapel let or legally liable to be let for Rent, Her Majesty's Commissioners for building new Churches, if they shall think fit, with the Consent of the Bishop of the Diocese for the Time being, if he shall think fit, shall order such Number as they shall deem proper of the Seats or Pews so let or liable to be let for Rent to be declared free, from and after such Time and subject to such Conditions, if any, as the said Commissioners shall think fit, and such Order shall specify the Seats or Pews so declared free, and shall be registered in the Registry of the Bishop of the Diocese, and such Seats or Pews shall from and immediately after the Ratification of such Order be and continue for ever free, and a Plan of the Seats so declared free shall be forthwith placed in the Vestry of such Church or Chapel.

As to Pew Rents in Galleries of Cathedral Church.

XXVI. 'And whereas the Chaplains or Minor Canons of the said Cathedral or Parish Church have 'for many Years received, and applied for their own Use as of Right, the Rents of certain Pews or Seats 'in the Galleries of the said Cathedral or Parish Church, and also certain Chief or other Rents in the 'Nature of Chief or Quit Rents in respect of other Pews in the said Cathedral or Parish Church:' Be it enacted, That no Chaplain or Minor Canon to be hereafter appointed shall receive any Sum of Money in respect of the said Pew Rents or Chief or other Rents respectively; but after the Vacation of the Office

of the present Chaplains or Minor Canons, or either of them, by Death, Removal, or otherwise, the Share of such Pew or Chief or other Rents which would have accrued to the Chaplain or Minor Canon so vacating his Office shall thenceforth be paid to the Churchwardens for the Time being of the Parish of *Manchester*, and shall be invested by such Churchwardens in the Public Funds, and the same and the Accumulations thereof (which shall be invested in like Manner), shall be deemed to be and shall be applied as a Fund for the Maintenance and Repair of so much of the Fabric of the said Cathedral or Parish Church as the Parishioners may be legally liable to repair, and for no other Purpose: Provided always, that the said Churchwardens shall annually return to the Bishop of the Diocese, at such Time and in such Form as he may direct, an Account of all Sums which they may from Time to Time receive in respect of the said Rents, and of the Mode of Expenditure thereof, and such Account so rendered shall be deposited by the said Bishop in the Registry of the said Diocese of *Manchester*: Provided also, that if any Appointment of a Chaplain or Minor Canon in the said Cathedral or Collegiate Church shall take place before sufficient Funds shall accrue from the annual Revenues of the Chapter to pay the Income of such Chaplain or Minor Canon, according to the Provisions of this Act, after first satisfying the Claims of the now existing Members of the Chapter, and after defraying all other Charges and Expenses which properly devolve upon the said Chapter, under the Authority of this Act or otherwise, the Chaplain or Minor Canon so appointed shall continue to receive the said Chief and other Rents in respect of the Pews in the Galleries of the said Cathedral or Parish Church as aforesaid, or such Portion of such Rents as together with the other Emoluments of his Office shall give him the aforesaid annual Income of Two hundred and fifty Pounds, anything in this Act to the contrary notwithstanding: Provided also, that nothing in this Act contained shall be construed to prevent or interfere with the Removal, when done with the Consent of the Bishop of the Diocese for the Time being, of any Gallery now being in the said Collegiate or Cathedral Church.

The Bishop to be Visitor of the College, &c. under Letters Patent of Car. I.

XXVII. And be it enacted, That the said Bishop of *Manchester* and his Successors shall henceforth be Visitors of the said College, in the Place and Stead of the Bishop of *Chester* for the Time being, and that the said Bishop of *Manchester* and his Successors shall and may exercise all such Power and Authority, as Visitor or otherwise, as under or by virtue of the said Letters Patent of King *Charles* the First or otherwise were given to or vested in the said Bishop of *Chester*.

For fencing the Ground to be provided in lieu of Walker's Croft, and providing a Chapel and Buildings, &c.

XXVIII. And be it enacted, That a competent Part or Parts of the said Sum of Twelve thousand nine hundred and ninety-nine Pounds One Shilling and Sixpence may be applied by the said Dean and Canons and the Churchwardens of the Parish of *Manchester* in or towards the fencing, levelling, draining, and otherwise improving any Burial Ground or Burial Grounds which shall be purchased or procured under the Powers of the said recited Acts relating to the said *Manchester and Leeds* Railway and the said Act for the Improvement of the Town of *Manchester*, or any or either of them, or otherwise, and also in erecting thereon a fit and proper Chapel or fit and proper Chapels for the Performance of Divine Service, and a fit and proper Residence or Residences for a Sexton, Watchman, or other Person or Persons for the Protection thereof respectively, or for the Discharge of Duties connected therewith, and in providing for such Chapel or Chapels and Residences respectively proper Furniture and Fittings.

Provisions of certain General Acts made applicable to this Act.

XXIX. And be it enacted, That all the Powers, Authorities, and Provisions contained in any Act enabling the Bodies Politic and Persons therein mentioned to give, grant, and convey, and the said Commissioners for building new Churches to accept, purchase, and take, Land for the Sites of Churches, and for settling the Amount or Value of the Satisfaction to be made for any Land taken by the said Commissioners, and relating to the Title, Form, and Mode of Conveyance of any Land so given or purchased or taken, and to Recovery in Ejectments, and to the Payment and Application of the Value or Purchase Money for any such Land so purchased or taken, shall extend to and may be used and applied by the said Ecclesiastical Commissioners and Her Majesty's Commissioners for building new Churches, as respectively provided by the said respective Acts, for obtaining any Land, Buildings, Dwelling Houses, Offices, Gardens, Yards, and Appurtenances for or as Houses of Residence or Sites of Houses of Residence necessary to be provided under this Act, and also any Land, Buildings, Dwelling Houses, Offices, Gardens, Yards, and Appurtenances for Sites for Churches or for Burial Grounds in the Districts or Parishes which may be formed and constituted under this Act.

Benefactions may be received towards Purposes of this Act.

XXX. And towards the Purpose of providing the necessary Funds for defraying the Costs, Charges, and Expenses of and incidental to the applying for and obtaining this Act, and for carrying the same into effect, be it enacted, That all the Powers and Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for enabling any Person or Persons or Body Corporate to give and grant to and vest in the said Ecclesiastical Commissioners for *England*, and for the said Commissioners to purchase, receive, take, hold, and enjoy, any Lands, Tithes, Tenements, and Hereditaments, Goods or Chattels, for the Purposes therein mentioned, shall extend and be applied to all and every the Purposes in this Act contained or referred to; and the said Commissioners shall not be obliged to proceed in the Execution of any of the Powers or Provisions of this Act until the Funds necessary for carrying the same respectively into effect shall have been paid into their Hands, or into the Hands of their Treasurer.

Assurances to be valid notwithstanding

XXXI. And be it enacted, That the Purchase, Grant, Release, Conveyance, or other Assurance of any Land, Buildings, Hereditaments, Rent-charge, Pews, or Seats, authorized or directed to be made or executed by or under the Provisions of this Act, shall be good and valid without any Licence or

Writ

Writ of Ad quod damnum, the Statutes of Mortmain or any other Statute or Law to the contrary notwithstanding. Statutes of Mortmain, &c.

XXXII. And be it enacted, That all Laws, Customs, and Usages for or relating to the Publication or affixing of any Citation or Monition, Notice or other Proceeding, in, on, to, or near any Parish Church, shall extend and apply to the Churches becoming Parish Churches under the Provisions of this Act; and that if the Subject Matter of such Citation, Monition, Notice, or other Proceeding shall extend to or affect more than One of such Parishes, the same shall be published or affixed in, on, to, or near the Churches of all the Parishes to which the same shall extend or relate. Notices of Citation, &c. how to be published.

XXXIII. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the Bishop of the Diocese for the Time being, and he is hereby directed, at such Time and in such Manner as he may see fit, to establish and fix a Table of the Fees to be taken in the Parishes or Districts to be constituted under the Provisions hereof, for the Publication of Banns, and the Solemnization and Performance of Marriages, Churchings, and Burials respectively, in addition to the Fees herein-before directed to be taken in such Parishes or Districts, and from Time to Time to vary the same as he shall see fit: Provided always, that so soon as such Fees so herein-before directed to be taken shall be no longer payable, One Set of Fees only shall be payable in any Case or on any Occasion, not exceeding in Amount the Fees payable in respect of such Rites and Services as aforesaid at the Parish Church of *Manchester*; and it shall not be lawful for the Rector or Minister of any such Parish or District thereafter to demand any other or larger Fee for such Duties and Offices respectively. Table of Fees to be fixed by Bishop of Diocese, and no double Fees to be taken.

XXXIV. And be it enacted, That from and after the passing of this Act it shall not be lawful, within the now-existing Parish of *Manchester*, for any Minister to demand any Fee for the Ministration of Baptism, or for the Registration thereof, upon any *Sunday* or other Holyday. No Fees to be demanded for Baptisms.

XXXV. And be it enacted, That the said Dean and Canons and their Successors shall yearly and every Year render to the said Ecclesiastical Commissioners an Account annually at *Easter* of the Receipts and Disbursements in respect of the said Tithes, Lands, Hereditaments, and Estates vested in the said Dean and Canons, for the Year ending at the *Christmas* next preceding, stating therein all the Particulars and Items of such Receipts and Disbursements, in such Form and to be so verified as the said Ecclesiastical Commissioners shall direct; and that it shall be lawful for the said Ecclesiastical Commissioners from Time to Time or at any Time or Times to appoint any Agent or Agents, Accountant or Accountants, to inspect all Papers, Writings, and Documents relating to such Tithes, Lands, Hereditaments, Estates, and Accounts, and to take Copies of or Extracts from the same or any of them; and that One Copy of such annual Account shall be transmitted by the said Commissioners to the Bishop of the Diocese, and the said Commissioners shall cause an Abstract of the same to be deposited in the Registry of the said Diocese of *Manchester* for the Time being. Accounts to be rendered yearly to Ecclesiastical Commissioners. Power to Agents, &c. to inspect Documents, &c.

XXXVI. And be it enacted, That nothing herein contained shall be construed to extend to the Disappropriation of the Rectory of *Manchester*, but that the Appropriation shall continue as valid and effectual to all Intents and Purposes as if this Act had not been passed, nor shall the Cure of Souls in any Parish constituted under the Authority of this Act be assigned to the present Dean of *Manchester*, without his previous Consent in Writing. Nothing herein contained to disappropriate Rectory of Manchester.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall relieve, otherwise than as herein expressly provided, the said Dean and Chapter, or any Person now being or hereafter to be a Member of the Chapter of the said Cathedral or Collegiate Church, from any Liabilities, or from any Duties, Residence, or Services, now due or which ought to be fulfilled, kept, or performed by them or him respectively, but that all such Liabilities, Duties, Residence, and Services shall be fulfilled, kept, and performed by the said Dean and Canons, and by every such Person respectively, in like Manner as though this Act had not been passed. Not to relieve the Members of the Chapter from Liabilities, &c. otherwise than as expressly provided.

XXXVIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Pleadings, and other Proceedings, it shall be sufficient to use the Expression "The Parish of *Manchester* Division Act, 1850." Short Title of Act.

XXXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such, and may be amended or repealed during the present Session of Parliament. Public Act, &c.

CAP. XLII.

An Act to confirm the Incorporation of certain Boroughs, and to provide for the Payment of the Expenses of the Incorporation of new Boroughs. [29th *July* 1850.]

'WHEREAS Charters of Incorporation have been lately granted to the Boroughs of *Halifax*, *Oldham*, and *Tynemouth*, to extend over certain Districts mentioned in such Charters respectively, and 'Doubts have arisen respecting the Validity of the said Charters: And whereas it is expedient that such 'Doubts should be removed:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Charters of Incorporation, and all Elections, Acts, or Proceedings done or had in pursuance thereof, or by virtue of the same, before the passing of this Act, shall be deemed good and lawful from the Time of such several Grants, Elections, Acts, and Proceedings respectively, and that the Costs and Expenses of such Charters, Elections, Acts, and Proceedings respectively shall and may be paid out of any Borough Rate Certain Charters of Incorporation and the Proceedings thereunder confirmed.

or Borough Rates levied or to be levied within the said several Boroughs; and all Payments which have been made out of any Borough Rate or Borough Rates for the said Borough respectively in respect of such Costs and Expenses shall be deemed to have been good Payments.

Districts in Charters Extent of Municipal Boroughs.

II. And be it enacted, That the Districts set forth in the said several Charters as those intended to be comprised in such Charters respectively shall be deemed and taken to be the Extent of such Municipal Boroughs respectively.

In case of future Charters, the Costs and Expenses may be paid out of the Borough Rate. 5 & 6 W. 4. c. 76.

III. And be it enacted, That when any Charter of Incorporation shall hereafter be granted by Her Majesty to any Town or Borough in *England* or *Wales*, in pursuance of the Provisions of an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Act or Acts which have been or may be passed to amend the same, it shall be lawful for the Council of such Town or Borough to pay the Costs and Expenses of and in relation to such Charter of Incorporation, and of and in relation to all Elections, Acts, and Proceedings under the same, out of any Borough Rate or Borough Rates to be made for such Town or Borough.

CAP. XLIII.

An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of *Lancaster*. [29th *July* 1850.]

'WHEREAS the Court of Chancery of the County Palatine of *Lancaster* is an ancient Court, and 'has been found greatly beneficial to the Inhabitants of the said County Palatine; and it is expe- 'dient, in order to extend the Advantages of the said Court, that certain Alterations and Improvements 'should be effected in the Jurisdiction, Practice, and Proceedings thereof: And whereas the Queen's 'most Excellent Majesty has been graciously pleased to sanction such Alterations and Improvements, 'notwithstanding that the same may affect Her Prerogatives and Rights as Duchess of *Lancaster*, or may 'create a Charge upon the Revenues of the said Duchy:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful, from and after the passing of this Act, for the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being, with the Advice and Consent of the Vice Chancellor of the said County Palatine for the Time being, and of One of the Vice Chancellors of the High Court of Chancery, to be named for that Purpose, by Writing under the Hand of the Lord High Chancellor or other Officer having the Custody of the Great Seal, or (if more than One) of the Chief Commissioner or Officer having such Custody, by any Rules or Orders to be by him from Time to Time made with such Advice and Consent as aforesaid, to make such Alterations as may seem to him expedient in the Form of Writs and Commissions, and the Mode of sealing, issuing, executing, and returning the same, and also in the Form of and Mode of filing Bills, Answers, Depositions, Affidavits, and other Proceedings, and in the Form or Mode of obtaining Discovery, by Answer in Writing or otherwise, and in the Form or Mode of pleading and of taking Evidence, and generally of proceeding to obtain Relief in the Court of Chancery of the said County Palatine, and in the general Practice of the Court, and also in the Form and Mode of proceeding before the Registrar of the said Court, and of drawing up and entering and enrolling Orders and Decrees, and of making and delivering Copies of Pleadings and other Proceedings, and also to regulate the Taxation, Allowance, and Payment of Costs, and all other the Business of the said Court; and all such Rules and Orders shall be binding from such Time as the said Chancellor, with such Advice and Consent as aforesaid, shall thereby direct, and shall have the same Force and Authority as if the same had been enacted by the Authority of Parliament: Provided always, that all such Rules and Regulations shall be laid before both Houses of Parliament within Five Days from the issuing thereof, if Parliament be then sitting, or, if not, then within Five Days from the next Meeting of Parliament: Provided also, that if either House of Parliament shall, by any Resolution passed before such House shall have sat Thirty-six Days from and after the said Orders and Regulations shall have been laid before it, resolve that the same or any Part thereof ought not to continue in force, then and in any such Case the Orders and Regulations affected by such Resolution shall cease to be binding on the said Court; and no Orders or Regulations to be made in pursuance of this Act shall be of any Effect unless expressed to be made in pursuance of the Power given by this Act, nor shall the same continue in effect after the Expiration of the Time herein provided for laying the same before Parliament, unless they be laid before Parliament accordingly.

Power to the Chancellor, with the Advice and Consent of the Vice Chancellor of the Duchy of Lancaster, and One of the Vice Chancellors of the High Court of Chancery, to make Alterations in Forms and Mode of Proceedings.

Power to adopt and modify any Rules and Orders made or to be made by the High Court of Chancery.

II. Provided always, and be it enacted, That whenever, by or under the Authority of any Act of Parliament, passed or to be passed, or by any General Order of the High Court of Chancery, any Rules, Orders, or Regulations already have been or hereafter shall be made for the Purpose of framing, regulating, or amending the Proceedings, Practice, or Pleadings of the said High Court of Chancery, it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Consent and Advice of the Vice Chancellor of the said County Palatine, and of such Vice Chancellor of the High Court of Chancery as aforesaid, by Rules or Orders to be made in that Behalf, to adopt all or any of such Rules, Orders, or Regulations, or any Part or Parts thereof, with such Variations therein or Additions thereto as may be necessary or proper for adapting the same to the Business and Mode of proceeding of the Court of Chancery of the County Palatine; and such last-mentioned Rules and Orders, if expressed

to be made in pursuance of the Authority of this Act, shall be valid and binding from the making and issuing thereof, or such other Time as shall be therein mentioned.

Not to abridge Power of the Chancellor and Vice Chancellor to alter the Practice of the Court, except so far as may be inconsistent with this Act.

III. Provided always, and be it enacted, That nothing herein contained shall extend to take away or abridge the Power heretofore possessed by the Chancellor of the Duchy and County Palatine of *Lancaster* and the Vice Chancellor of the said County Palatine, or either of them, of settling, altering, and amending the Practice and Course of proceeding in the said Court of the County Palatine, but such Power shall, notwithstanding anything herein contained, continue and have the same Force and Effect as if this Act had not been passed, save and except so far as the Exercise of such Power may in any respect be repugnant to or inconsistent with the Provisions herein contained, and save also that neither the said Chancellor nor Vice Chancellor alone shall alter or vary any Order made by the said Chancellor, with such Advice and Consent as aforesaid.

Power to the Chancellor of the Duchy to regulate Fees.

IV. And be it enacted, That the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being, by and with the Advice and Consent of the Vice Chancellor of the said County Palatine for the Time, shall have full Power and Authority, by any General Orders to be from Time to Time made after this Act shall take effect, to make such Regulations as to the Fees to be paid by Suitors, or to be charged by or allowed to all or any of the Officers of the said County Palatine, and by or to the Solicitors thereof, as to him may seem expedient, and to alter the same, with such Advice and Consent as aforesaid, when and as he may think fit.

A List of Fees authorized to be taken to be hung up in Registrar's Office; and Officers of the Court taking Fees not authorized to be deemed guilty of a Contempt of Court.

V. And be it enacted, That a Table of all Fees for the Time being authorized by the said Chancellor and Vice Chancellor of the said County Palatine to be taken by any Officer of the said County Palatine Court, or by any Solicitor practising in the said Court, for Business done therein, shall be hung up in some conspicuous Place in the Office of the Registrar of the said Court; and that if any Officer of the Court shall for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, wilfully demand or receive, or allow any Person to receive for him or on his Account, any Fee, Gratuity, or Emolument, or anything of Value, other than what shall be allowed to be taken by him as aforesaid, the Person so offending shall be deemed guilty of a Contempt of Court, and shall be punishable, according to the Discretion of the said Court, as for a Contempt.

Registrars to hear and determine certain interlocutory Matters.

VI. And be it enacted, That the Registrar of the said County Palatine Court shall hear and determine all Applications for Time to plead, answer, or demur, and for Leave to amend Bills, and for enlarging Publication, and all such other Matters relating to the Conduct of Suits and Proceedings in the said Court as the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Advice and Consent of the Vice Chancellor of the said County Palatine, shall by any General Orders from Time to Time direct, in such Manner and subject to such Regulations as by such General Orders shall be directed.

Subject to Appeal to the Vice Chancellor.

VII. And be it enacted, That it shall be lawful for either Party to appeal, by Motion, from the Order made by the Registrar on such Applications as aforesaid, to the Vice Chancellor of the said County Palatine, and that the Order made on such Appeal shall be final and conclusive, and that no such Application directed to be heard and determined by the Registrar as aforesaid shall in future be heard by the Chancellor of the Duchy and County Palatine aforesaid, nor shall any such Application be heard by the Vice Chancellor of the said County Palatine, except on Appeal as herein-before provided.

Costs on interlocutory Matters.

VIII. And be it enacted, That it shall be lawful for the said Registrar, on all Applications made to him by virtue of this Act, to direct that the Costs of all or any of the Parties shall be Costs in the Cause or Matter, or to award such liquidated Sum by way of Costs to any of the Parties as he shall think reasonable, and the Costs so to be awarded shall be recoverable in like Manner as Costs directed to be paid by an Order of the said County Palatine Court.

Registrar to assign Guardians to infant Defendants or Persons of unsound Mind.

IX. And be it enacted, That in every Case where an Infant or Person of unsound Mind, not found to be a Lunatic by any Inquisition, shall be named as Defendant in any Suit in the said County Palatine Court, it shall be lawful for the Registrar of the said Court to assign a Guardian to such Defendant, for the Purpose of putting in the Answer and defending such Suit, and to make and sign his Certificate thereof.

Special Cases may be submitted to the Court for its Opinion.

X. And be it enacted, That if any Persons shall be desirous of obtaining the Opinion of the Court on the Construction of a Deed, Will, or other Instrument, or on any other Matter in dispute over which the Court may have Jurisdiction, by virtue of this Act or otherwise, it shall be lawful for such Persons to present a Petition to the Court, stating the Facts of the Case, the Draft of which shall be signed by Counsel, and the Name of such Counsel shall appear on the Petition, as signing the same on behalf of the Parties thereto, and the Court on hearing such Petition may make such Declaration of Rights in respect of the Subject Matter thereof as to the Court shall seem proper, and such Declaration shall be binding on all Persons in the same Manner and to the same Extent, and subject to Appeal in the same Manner, as a Decree made on the Hearing of a Cause in which any One or more of the Parties to the Petition could be Plaintiffs and the other Parties or Party Defendants, and in which the Facts stated in the Petition had been proved: Provided always, that in case any Infant, Lunatic, or Person of unsound Mind, or any married Woman in respect of her Real Estate, or of any reversionary Interest in Personal Estate, shall be interested in the Matter of such Petition, he or she shall not be made a Party thereto unless and until the Case to be stated in such Petition shall have been submitted to the Registrar, and shall be certified by him to be correctly stated as to the Facts, and to be a proper Case to be submitted to the Court on the Behalf of the Party under such Disability as aforesaid; and the Registrar, before granting such Certificate, shall require such Facts to be verified by Affidavit, and shall also require the Assent to such Case of the Husband

Husband of any married Woman, and of the Committee of any Lunatic, and of the Guardian *ad litem* of any Infant or Person of unsound Mind, which Guardian may be appointed in the same Manner as in the Case of a Party Defendant to a Suit.

Court may exercise summary Jurisdiction, so far as regards Persons, &c. within the same, as exercised by High Court of Chancery.

XI. And be it enacted, That when under or by virtue of any Act of Parliament already made and passed or which may hereafter be made and passed, or by any Orders or Regulations made in pursuance thereof, Application is authorized or allowed to be made by Petition or Motion or otherwise to the High Court of Chancery, or any Judge of the said Court, and summary Jurisdiction to be exercised thereon, (unless in any Act of Parliament to be hereafter passed the contrary be expressly enacted,) it shall be lawful for the Court of Chancery of the said County Palatine, so far only as regards all Persons and Property within its Jurisdiction, to exercise the like summary Jurisdiction, and in the same Manner, and subject to the same Restrictions, in all respects as the said High Court of Chancery or any Judge thereof might exercise in the like Matters.

Money paid into Court under 8 & 9 Vict. c. 18. for Lands within the County Palatine, and under 10 & 11 Vict. c. 96., may be paid into the Bank of England, to the joint Account of the Clerk and Registrar.

XII. And be it enacted, That all Monies payable in respect of Lands situate within the said County Palatine, and which are authorized to be paid into or deposited in the Bank of *England* to the Account of the Accountant General of the High Court of Chancery, under and by virtue of the "Lands Clauses Consolidation Act, 1845," or any Local or Special Act passed or to be passed incorporating the Provisions of the said last-mentioned Act, or otherwise authorizing the taking or using of Lands situate in the said County Palatine, and also that all Monies or Securities held by any Party who might be sued in the Court of Chancery of the said County Palatine in respect thereof, and which under and by virtue of an Act made and passed in the Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, might be in like Manner paid or transferred into or deposited in the Bank of *England*, to the Account of the said Accountant General, may, from and after the passing of this Act, be in like Manner paid or transferred into or deposited in the Bank of *England*, to the joint Account of the Clerk of the Council of the Duchy of *Lancaster* and of the Registrar and Comptroller of the said County Palatine Court in the Matter in respect whereof such Payment, Transfer, or Deposit shall be made, and the Receipt of one of the Cashiers of the said Bank shall be a full Discharge to the Person paying or transferring or depositing the same; and such Monies and Securities, and all Costs of Application in respect thereof, shall be dealt with by the said Court of Chancery of the County Palatine in the same Manner as the same might be dealt with by the High Court of Chancery or by the Lord High Chancellor, or any of the Judges of the said High Court, if such Monies or Securities had been paid or transferred into or deposited in the Bank of *England* to the Credit of the Accountant General of that Court; and the Lands in respect of which such Payment, Transfer, or Deposit shall be made may be dealt with in the same Manner as if it had been made in manner prescribed by the Lands Clauses Consolidation Act: Provided always, that no Monies shall be so paid or deposited under or by virtue of the "Lands Clauses Consolidation Act, 1845." or any Local or Special Act as aforesaid, in case the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Monies shall be payable, or his or her Guardian or Committee in case of Infancy or Lunacy, shall at any Time before such Payment or Deposit serve or cause to be served a Notice in Writing at the Office of the Company taking the Lands, requesting them not to make the Payment or Deposit.

Power to the Vice Chancellor, when out of the Limits of the Jurisdiction of the Court, to hear and determine Pleas, &c.

Orders made upon Hearing valid.

XIII. And be it enacted, That in all Matters over which the said Court of the said County Palatine may have Jurisdiction it shall be lawful for the Vice Chancellor for the Time being of the said County Palatine, when out of the Limits of the Jurisdiction of the said Court, to hear and determine all Pleas, Demurrers, Exceptions, Applications for Injunctions, both upon Notice and *ex parte* for dissolving Injunctions, for the Appointment of Receivers, for the Payment of Money into and out of Court, or for confirming Reports, and all Motions, Petitions, and other Matters for facilitating the Progress of any Suit or Business pending in the said Court which he might lawfully hear and determine within the Limits of the Jurisdiction, thereof; and all Orders made by him upon the Hearing of any Pleas, Demurrers, Exceptions, and Applications as aforesaid shall be as valid and binding upon the Parties as if the same had been made within the Limits of the Jurisdiction of the said Court.

Power to the Vice Chancellor, in certain Cases, to direct Process to be served upon Persons out of the Jurisdiction of the Court.

XIV. And be it enacted, That in all Cases where any Person who shall have commenced any Suit or other Proceeding, or entered an Appearance in any Suit or Proceeding, in the said Court of the County Palatine, or shall have come in as a Creditor, Claimant, or Purchaser, or otherwise submitted to the Jurisdiction of the said Court, cannot, by reason either of his Person or Goods being out of such Jurisdiction, be made amenable to the Process of such Court, and also in all Cases where any such Person as aforesaid shall have died, or become bankrupt, or insolvent, and his Real or Personal Representatives, or the Assignees of his Estate and Effects, (as the Case may be,) or any of them, who may be necessary Parties to the Continuance of the said Suit or Proceeding, shall be out of the Jurisdiction of the said Court, it shall be lawful for the Vice Chancellor of the said County Palatine, upon special Application being made to him, whether within or without the said County, by any Party to or Person interested in such Suit or Proceeding, founded upon an Affidavit verifying the Facts of the Case, to order and direct that Service of any Order, Notice, Subpœna, Letter Missive, or other Process shall be made and be deemed good Service upon any such Person, Real or Personal Representative, or Assignee as aforesaid, at any Place within the United Kingdom of *Great Britain* and *Ireland* or the *Isle of Man*, upon such Terms and in such Manner as to the said Vice Chancellor shall seem reasonable and proper, and afterwards, if it shall be necessary, upon an Affidavit of such Service had, to order an Appearance to be entered for the Person so served; and thereupon it shall be lawful for the said County Palatine Court to make such Decree or Order consequent upon such Service so made as aforesaid as before the passing of this Act, or

under the Provisions of this Act, might have been made in case such Service as aforesaid had been duly made within the Jurisdiction of the said Court.

Where Decree or Order cannot be enforced by reason of the Party to be bound thereby not being within the Jurisdiction, it shall be enforced by making it an Order of the High Court of Chancery.

XV. And be it enacted, That whenever a Plaintiff or Defendant in any Suit or Proceeding in which a Decree or Order shall have been made by the said County Palatine Court shall reside or withdraw his Person or Goods out of the Jurisdiction of the said Court, and also whenever any Decree or Order of the same Court cannot be fully enforced by reason of the Nonresidence of any Party to be bound thereby within the Jurisdiction of the said Court, then and in every such Case it shall be lawful for Her Majesty's High Court of Chancery, upon the Application of any Person entitled to the Benefit of such Decree or Order, and upon the Production of a Transcript of such Decree or Order, or such Part thereof respectively as cannot be enforced for the Reasons aforesaid, under the Signature of the Registrar of the said County Palatine Court, and an Affidavit that by reason of such Nonresidence or Removal as aforesaid such Decree or Order, or such Part thereof as aforesaid, cannot be enforced, to make such Decree or Order, or so much thereof respectively as cannot be enforced for any of the Reasons aforesaid, a Decree or Order of the said High Court of Chancery, and thereupon such Decree or Order, or such Part thereof respectively as aforesaid, shall and may be enforced against such of the Parties bound by the same as shall be within the Jurisdiction of the said High Court of Chancery, and all Proceedings shall and may be had thereupon as if such Decree or Order had been originally made by the said High Court of Chancery, and all the reasonable Costs and Charges of and consequent upon such Application shall and may be recovered in like Manner as if the same were Part of such Decree or Order.

No Petition of Appeal to be presented but within Six Months after Date of Decree or Order appealed from.

XVI. And be it enacted, That from and after the Commencement of this Act no Petition of Rehearing by way of Appeal from any Decree or Order made by the Vice Chancellor for the Time being of the said County Palatine shall be presented but within the Space of Six Calendar Months from the Time of making the same, unless the Chancellor of the said Duchy and County Palatine, upon special Application being made to him for that Purpose, and after hearing Counsel upon the Merits of the Case, shall otherwise direct: Provided nevertheless, that the Vice Chancellor of the said County Palatine shall, at his own Discretion, be at liberty to hear Petitions for Rehearing, and also to rehear any Matters previously decided by him in the Court of the said County Palatine; but any Order made on such Rehearing shall be deemed an original Order, with reference to the Right to appeal therefrom.

Service of Subpœna on Witnesses out of Jurisdiction to be valid to compel Attendance;

and the Courts of Queen's Bench in England and Ireland and the Court of Justiciary in Scotland may proceed against and punish Persons making default.

XVII. And be it enacted, That the Service of every Writ of Subpœna to attend and give Evidence, or Subpœna duces tecum, hereafter to be issued out of the said County Palatine Court, and served upon any Person out of the Jurisdiction thereof, shall be as valid and effectual for compelling the Attendance of such Person at any Time and Place to be named in such Writ of Subpœna, to be there examined, either before the Registrar of the said Court, as well in his Capacity of Examiner as in that of Master of the said Court, or before Commissioners under any Commission to be issued by the said Court for the Examination of Witnesses, or to be examined *vivâ voce* at the Hearing of any Matter or Suit before the said Court or before the Registrar, or for compelling the Attendance of such Person by virtue of any Writ of Subpœna duces tecum, and shall entitle the Party suing out the same to all the like Remedies, by Action and otherwise, as if the same had been served within the Jurisdiction of the said Court; and in case the Person so served shall not attend according to the Exigency of such Writ, it shall be lawful for the said County Palatine Court, upon Affidavit of the personal Service of such Writ, to transmit a Certificate of such Default, under the Hand of the Registrar of the said Court, to the Court of Queen's Bench in *England*, to the Court of Justiciary in *Scotland*, or to the Court of Queen's Bench in *Ireland*; and the said last-mentioned Courts respectively shall and may thereupon proceed against and punish, by Attachment or otherwise, according to the Course and Practice of the said respective Courts, the Person so having made default, in such and the like Manner as they might have done if such Person had refused or neglected to appear in obedience to a Writ of Subpœna or other Process issued to compel the Attendance of Witnesses out of such last-mentioned Courts respectively.

Persons not liable to Action for not attending, unless Expenses be tendered on serving Subpœna.

XVIII. Provided always, and be it enacted, That the said last-mentioned Courts respectively shall not in any Case proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made Default by not appearing in obedience to any Writ of Subpœna or Writ of Subpœna duces tecum or other Process for that Purpose issued under the Authority of this Act, unless it be made to appear to such Courts respectively that a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence had been tendered to such Person at the Time when such Writ of Subpœna or Writ of Subpœna duces tecum or other Process was served upon him.

Affidavits sworn before Commissioners or Masters Extraordinary by Persons out of Jurisdiction to be effectual, and Persons forswearing themselves to be guilty of Perjury.

XIX. And be it enacted, That it shall be lawful for any Commissioner for taking Affidavits to be made use of in Causes, Matters, and Things depending in the Court of the Duchy Chamber of *Lancaster* at *Westminster*, or for any Master Extraordinary of the High Court of Chancery, to administer an Oath to or take the Affirmation (where allowed by Law) of any Person out of the Jurisdiction of the said County Palatine Court who shall be desirous of making an Affidavit to be used in any Suit or Matter pending before such last-mentioned Court; and every such Affidavit so sworn or affirmed as aforesaid shall be as valid and effectual for all the Purposes for which the same shall be required as if the same had been sworn or affirmed before the proper Officer of the said County Palatine Court within the Jurisdiction of the Court; and every Person wilfully forswearing himself or making false Affirmation in such Affidavit, and being lawfully convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Power to Chancellor of the Duchy to ap-

XX. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being to appoint a fit and proper Person resident within the County Palatine of

point a Messenger of the Court,

of *Lancaster*, to be and to be called "The Messenger of the Court of Chancery of the County Palatine of *Lancaster*," to attend upon the said County Palatine Court, and to execute the Process thereof; and from Time to Time, upon the Death, Resignation, or Removal of any such Person to appoint a Successor to the said Office; and that the Person so appointed as aforesaid shall hold his Office during the Pleasure of the said Chancellor, and may be removed in a summary Manner, and may and shall receive such Fees for executing the Process of the said Court as the said Chancellor and the Vice Chancellor of the said County Palatine shall from Time to Time, by any General Order to be made in pursuance of the Provisions herein-after contained, authorize and direct.

Keeper of Lancaster Castle to receive Persons arrested and conveyed thither by Messenger, and to produce and deal with them as Court shall direct.

XXI. And be it enacted, That the Gaoler or Keeper for the Time being of Her Majesty's Gaol at *Lancaster* called *Lancaster Castle* is hereby authorized and required to receive into his Custody in such Gaol every Person arrested and conveyed thither by such Messenger as aforesaid, by virtue of any Writ, Warrant, or other Process issuing out of the said County Palatine Court, and to produce and deal with such Person as the said Court shall from Time to Time direct; and every such Person as aforesaid shall be maintained and provided for in the same Manner as if he had been arrested and brought to such Gaol by virtue of any Writ, Warrant, Order, or other Process issued out of the Court of Common Pleas of the said County Palatine, or any of the Superior Courts of Law or Equity at *Westminster*, or committed for Contempt of any of the said last-mentioned Courts; and all the Expenses of maintaining and providing for every Person so arrested or committed to the said Gaol as aforesaid shall be defrayed out of such Portion of the County Rate of the said County Palatine as for the Time being shall be applicable to the Support of the Debtors confined in the said Gaol.

After Appointment of Messenger, Duties of Messenger of Duchy to cease.

XXII. And be it enacted, That from and after the Appointment of such Messenger as aforesaid all and singular the Powers, Authorities, and Duties of the Messenger for the Time being of the Duchy of *Lancaster*, and of any Deputy appointed by him, shall absolutely cease and determine within the Limits of the said County Palatine.

Jurisdiction of County Palatine Court over Persons of unsound Mind abolished, except as to Cases of Persons found insane before Commencement of Act.

XXIII. 'And whereas it is expedient that the Jurisdiction of the said County Palatine Court in Cases 'of Lunacy should be abolished:' Be it therefore enacted, That from and after the passing of this Act all the Power, Authority, and Jurisdiction of the said County Palatine Court over the Persons and Estates of Idiots and Lunatics within the Limits of the said County Palatine shall cease and determine, except as to the Cases of those Persons who shall at the Time of the Commencement of this Act have been found to be of unsound Mind under or by virtue of any Commission issuing from the said County Palatine Court, in all which last-mentioned Cases the Authority and Jurisdiction of the said Court of the County Palatine shall continue in as full Force and Effect as if this Act had not been passed, anything herein contained to the contrary notwithstanding.

Certain Provisions of 1 & 2 Vict. c. 110. as to Decrees and Orders in Equity to apply to County Palatine Court.

XXIV. And for removing all Doubts in respect of the Effect of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, whereby it was enacted, that all Decrees and Orders of Courts of Equity whereby any Sum of Money, or any Costs, Charges, or Expenses, should be payable to any Person, should have the Effect of Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expenses, should be payable were to be deemed Judgment Creditors within the Meaning of the said Act, and all Powers thereby given to the Judges of the Superior Courts of Common Law with respect to Matters depending in the same Courts should and might be exercised by Courts of Equity with respect to Matters therein depending, and all Remedies thereby given to Judgment Creditors were in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expenses, were by such Orders or Rules respectively directed to be paid, and also as to the Effect of the several Acts passed in the Sessions of Parliament held in the Second and Third Years and in the Third and Fourth Years of the Reign of Her Majesty amending the said recited Act, be it declared and enacted, That all the Remedies, Authorities, and Provisions of the recited Act, so amended as aforesaid, and of the said Acts amending the same, applicable to Her Majesty's Superior Courts of Common Law at *Westminster*, and the Judgments and Proceedings therein, do extend and are applicable to the Court of Chancery of the County Palatine of *Lancaster* within the Limits of the Jurisdiction thereof, and shall have the same Effect in all respects as the Judgments of any of Her Majesty's said Superior Courts at *Westminster* under and by virtue of the said recited Act, amended as aforesaid; and all Powers and Authorities thereby given to the Judges or any Judge of Her Majesty's Superior Courts at *Westminster*, with respect to Matters depending in the same Courts, shall and may be exercised by the Chancellor of the said Duchy or Vice Chancellor of the said Court of the County Palatine with respect to Matters therein depending and within the Jurisdiction thereof: Provided always,

No Decree or Order of Court to affect any Lands, &c. until the Particulars shall have been left with the Prothonotary, and entered in a Book.

that no Decree or Order of the said last-mentioned Court shall by virtue of the said recited Act or this Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute, containing the Name, and the usual or the last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate is intended to be affected thereby, and the Name of the Court, and the Title of the Cause or Matter in which such Decree or Order shall have been made, and the Date of such Decree or Order, and the Amount of the Sum of Money, Costs, Charges, or Expenses thereby made payable, shall be left with the Prothonotary or Deputy Prothonotary of Her Majesty's Court of Common Pleas at *Lancaster*, or some other Officer to be appointed for that Purpose by the said Court, who shall forthwith enter the same Particulars in a Book in alphabetical Order, by the Name of the Person whose Estate is to be affected thereby; and such Officer shall be

entitled

entitled for every such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the same Book, on Payment of the Sum of One Shilling.

Fees payable for such Entry.

XXV. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* (if he shall think fit), by an Order under his Hand, to direct that all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Westminster*, and all Attornies of the Court of Common Pleas at *Lancaster*, on being registered as by this Act provided, may appear and prosecute or defend any Suit or Proceedings in the Court of Chancery of the said County Palatine, and that the Office and Privileges of the Clerks in Court of the said Court shall cease and determine accordingly; and thereupon the said Chancellor, with the Advice and Consent of the Vice Chancellor of the Court of Chancery of the County Palatine, shall and he is hereby empowered to make all such Orders as may be necessary or proper in respect of or consequent on the Abolition of the said Office.

Chancellor of Duchy may abolish Office of Clerk in Court, and admit all Attornies and Solicitors to practise in the Court of Chancery of County Palatine.

XXVI. Provided always, and be it enacted, That in case the Chancellor of the said Duchy and County Palatine shall make such Order as aforesaid for the Determination of the Office of Clerks in Court, it shall be lawful for the said Chancellor and he is hereby required, at any Time within Six Calendar Months after the Date of such Order, to receive any Claims which may be made for Compensation by any Person holding that Office at the Time of such Order, in respect of Loss occasioned by the Abolition of the Office, and to award and determine the Amount, if any, of Compensation proper to be allowed to such Claimant, either in a gross Sum or by way of Annuity for Life, having regard to the Loss sustained, and the Conditions on which any such Clerk in Court may have been appointed to his Office, and to any Notice which may have been given to him that the same was to be held subject to the Abolition or Regulation thereof; and for the Purposes aforesaid the said Chancellor shall have full Power to examine the said Clerks in Court or any other Persons upon Oath, and to compel the Attendance of all such Persons, and the Production of all necessary Books, Papers, and Accounts and Documents; and the said Chancellor shall, after such Inquiry, certify under his Hand the Amount of Compensation proper to be paid to every such Clerk in Court as aforesaid.

Power to grant Compensation to Clerks in Court for Losses occasioned by Abolition of Office.

XXVII. And be it enacted, That in case of the Abolition of the said Clerks in Court, every Attorney or Solicitor desirous of practising in the Court of Chancery of the said County Palatine shall enter or cause to be entered his Name and Address with the Registrar of the said Court; and that, until all Compensation to be awarded to the Clerks in Court or any of them shall have been paid and satisfied, such Sum, not exceeding Five Pounds, as the Chancellor of the said Duchy and County Palatine shall, by any General Order to be inserted in the Table of Fees, from Time to Time direct, shall be paid by or on behalf of every such Attorney or Solicitor to the Registrar, before his Name shall be entered with the said Registrar; and the Monies so paid shall be paid by the Registrar into Court to an Account to be entitled the "Fee Fund Account;" and further, that until all Monies awarded as Compensation to the said Clerks in Court or any of them shall have been paid and satisfied, it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* to direct that the Fees, or such Portions as he shall think proper of any of the Fees to be allowed by such Table of Fees as in this Act is directed to be kept, shall be paid to the Registrar, to be by him paid into Court to the Account of the said Fee Fund.

Admission Fee to be paid by Solicitors desirous of practising in Court of Chancery of the County Palatine.

Application of Fees.

XXVIII. And be it enacted, That the Compensation to be awarded to the said Clerks in Court or any of them shall be paid from Time to Time out of the Fee Fund; and if the same be insufficient, then out of the general Revenues of the said Duchy, as the said Chancellor of the said Duchy and County Palatine shall by Warrant or Order under his Hand from Time to Time direct; but in case of their being paid out of the Revenues of the said Duchy, the same shall be repaid to the Receiver General of the said Duchy out of the Fee Fund, as the said Chancellor shall from Time to Time by Order under his Hand direct; and the Payments directed to be made to the said Fee Fund shall continue until such Repayment, and all other Repayments directed to be made by this Act out of the same, shall have been made.

Payment of Compensation out of Fee Fund, or, in case of Deficiency, out of Revenues of the Duchy, to be repaid out of Fee Fund.

XXIX. And be it enacted, That if the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being shall at any Time think fit to direct, by Warrant under his Hand, that a fixed Salary shall be paid to the Registrar of the Court of Chancery of the said County Palatine, in lieu of Fees, then and thenceforth there shall be paid and payable out of the said Fee Fund, or if the same be not sufficient for that Purpose, then by the Receiver General for the Time being of the Duchy of *Lancaster*, out of the Revenues of the said Duchy, as and for the Salary to the Registrar for the Time being of the said Court of the County Palatine, such annual Sum as the Chancellor for the Time being of the said Duchy and County Palatine shall from Time to Time, by Warrant under his Hand, authorize and direct; and such Salary shall grow due from Day to Day, but shall be payable on such Days as the said Chancellor shall by such Warrant as aforesaid direct, and shall be paid to the Person entitled thereto, or his Executors or Administrators, free from all Deductions out of the same, except the Tax on Income; and all Payments made out of the Revenues of the said Duchy shall be repaid out of the said Fee Fund.

Power to the Chancellor of the Duchy to direct that the Registrar be paid by Salary.

XXX. And be it enacted, That, in the event of such fixed Salary being awarded, the said Registrar for the Time being shall once in every Year, or oftener, if required by the Chancellor of the said Duchy, on such Day as shall be appointed for that Purpose by the Vice Chancellor of the said County Palatine, make out a full and true Account of all Fees received by him by virtue of his Appointment during the preceding Year, or subsequent to his last Account, and shall have such Account audited by the Vice Chancellor, who is hereby required to audit the same, and if found correct to allow the same by putting his Signature thereto and to a Duplicate Copy thereof; and that in such Account and Audit there may and

Registrar to make out an Account of all Fees received by him, and have the same audited by the Vice Chancellor.

and shall be charged and allowed such Sums of Money as to the said Vice Chancellor shall seem reasonable for the Rent, Taxes, and cleaning of the Offices where the Business of the County Palatine Court is transacted, for providing the said Offices with Coals, Candles, and other necessary Articles, and for the Books and Stationery supplied by such Registrar for carrying on the Business of the said Offices, and for Salaries of Clerks, Expenses of Journeys, Postages, and Carriage of Parcels, and all other incidental and necessary Expenses.

Duplicate to be sent to Auditor of Duchy.

XXXI. And be it enacted, That the said Registrar shall within Ten Days after every such Account shall be so audited as aforesaid transmit the Duplicate Copy of such Account, signed by the Vice Chancellor as before directed, to the Auditor for the Time being of the Duchy of *Lancaster*.

Registrar to pay Fees to Account of Duchy Fee Fund and to give Security to account for all Fees and Suitors Money received by him.

XXXII. And be it enacted, That the said Registrar shall from Time to Time, when he shall transmit the Duplicate Copy of the said Account of Fees to the Auditor for the Time being of the said Duchy of *Lancaster*, as before directed, at the same Time pay into Court to the "Fee Fund Account" the total Amount of Fees which by such Account shall appear to be due from the said Registrar; and the said Chancellor of the Duchy and County Palatine of *Lancaster* in such Case may and is hereby authorized and empowered to take from the Registrar for the Time being of the said County Palatine Court such Security, by Bond, Recognizance, or otherwise, as to the said Chancellor shall seem fit, binding such Registrar, together with One or more sufficient Surety or Sureties, in such penal Sum or penal Sums as to the said Chancellor shall seem meet, for the due accounting for all Fees and for all Sums of Money which shall be received by such Registrar by virtue of his Appointment, or under any Order of the said County Palatine Court respectively in any Matter or Suit pending in the said Court.

Power for Chancellor to appoint District or Deputy Registrars.

XXXIII. And be it enacted, That it shall be lawful for the said Chancellor of the Duchy and County Palatine of *Lancaster*, after he shall have directed a fixed Salary to be paid to the Registrar as aforesaid, from Time to Time to appoint, by Writing under his Hand, such competent Persons as he shall think fit to act either as District or as Deputy Registrars of the said Court of Chancery of the said County Palatine during the Pleasure of the Chancellor for the Time being of the said Duchy and County Palatine, and to assign to any District Registrar a District; and such District Registrars within their Districts, and such Deputy Registrars, shall and may have and exercise all such Powers and Authorities in respect of any Matters referred to them by the said Court by any General or Special Order as might be exercised by the Registrar; and the Fees, or Salary payable out of Fees, payable to every such District or Deputy Registrar shall be such as the Chancellor of the said Duchy and County Palatine, with the Advice and Consent of the Vice Chancellor of the County Palatine, shall direct, and shall be included in the Table of Fees hereby directed to be kept; and the Acts of such District or Deputy Registrars in respect of all Matters referred to them by the said Court shall be as valid and effectual, and subject to Revision, in the same Manner as if they were performed by the Registrar of the Court.

Registrars not to practise as Solicitors in the Court.

XXXIV. Provided always, and be it enacted, That it shall not be lawful for any Registrar, District or Deputy Registrar, of the said Court, during the Time he shall hold and exercise the Office of Registrar, District or Deputy Registrar, of the said Court, either directly or indirectly, by himself, his Partner, Clerk, or other Person, to practise in the said Court of Chancery of the County Palatine, either as Solicitor originally retained for any Party in any Matter pending in the said Court, or as Agent for any other Attorney or Solicitor practising in the said Court, nor participate in any Fees payable to any Attorney or Solicitor so practising; and that any Registrar, District or Deputy Registrar, being proved to the Satisfaction of the said Court for the Time being to have so practised, or to have participated in any Fees as aforesaid, contrary to the Meaning and Intent of this Act, shall be deemed to have committed a Contempt of Court, and shall be liable to Dismissal from his Office, or to the Payment of such Fine, or liable to such other Punishment, as to the said Court for the Time being shall seem fit.

Court to have Jurisdiction as to Costs, but Orders subject to Appeal.

XXXV. And be it enacted, That in all Proceedings under and by virtue of this Act there shall be the same Jurisdiction as to Costs vested in the said Court of the County Palatine as such Court could exercise in any other Cause or Matter; and the Orders of the said Court made in pursuance of this Act shall be subject to Appeal in the same Manner in all respects as any other Orders of the Court.

Interpretation of Terms.

XXXVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) "the said County Palatine Court" shall mean the Court of Chancery of the County Palatine of *Lancaster;* Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender only shall include Females as well as Males; and Words importing Individuals shall include Bodies Corporate.

Commencement of Act.

XXXVII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and fifty.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XLIV.

An Act for taking an Account of the Population of *Ireland*. [29th *July* 1850.]

Account of Population to be taken.

WHEREAS it is expedient that an Account of the Population of *Ireland* be taken: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Account be taken at the Time and in the Manner herein-after directed.

II. And

By whom the Account shall be taken.

II. And be it enacted, That such Officers and Men of the Police Force of *Dublin* Metropolis, and of the Constabulary Force, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, together with such other competent Persons as the said Lord Lieutenant or other Chief Governor or Governors shall appoint to assist therein, shall, upon the Thirty-first Day of *March* and One or more next consecutive Days in the Year One thousand eight hundred and fifty-one, as the said Lord Lieutenant or other Chief Governor or Governors shall fix, severally visit every House within such Districts as may be assigned to them respectively, and take an Account in Writing, according to such Instructions as may be given to them by the Chief or Under Secretary to the said Lord Lieutenant or other Chief Governor or Governors, of the Number of Persons dwelling therein, and of the Sex, Age, and Occupation of all such Persons, distinguishing the Persons born in the Place or Parish and County in which they shall be then dwelling; and shall also take an Account of the Number of inhabited Houses and of uninhabited Houses, and of Houses then building within such Districts respectively; and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, within each District respectively, which are within the Limits of any City or Borough returning a Member or Members to serve in Parliament; and shall also take an Account of all such further Particulars as by such Instructions they may be directed to inquire into, such Particulars and Instructions having no Reference to the Religion of any Person or Persons.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

III. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and every Barrack Master, and every Master or Keeper of every public or charitable Institution which shall be determined upon by the said Lord Lieutenant or other Chief Governor or Governors, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of the said Lord Lieutenant or other Chief Governor or Governors for obtaining the Returns required by this Act, so far as may be practicable with respect to such Inmates.

Forms, &c. to be furnished for their Use.

IV. And for the more effectual obtaining of such Accounts, be it enacted, That the said Chief or Under Secretary shall prepare and cause to be printed such Forms and Instructions for the Use of the several Persons who shall be appointed as aforesaid to take or certify the said Accounts as he shall deem necessary.

Power to make the Inquiry.

V. And be it enacted, That the better to enable such Persons to take the said Accounts they are hereby authorized and empowered to ask all such Questions of all Persons within their respective Districts, respecting themselves or the Persons constituting their respective Families, and of all such further Particulars as shall be directed by their said Instructions, or shall be necessary for the Purpose of taking the said Accounts.

Penalty for refusing to answer, or for giving false Answers.

VI. And be it enacted, That every Person refusing to answer or wilfully giving a false Answer to any such Questions, and every Person in any way wilfully obstructing such Persons in the Execution of the Duties required of them under this Act, shall for every such Refusal, false Answer, or wilful Obstruction, on Proof thereof being made before any Two Justices of the Peace of the County in which such Persons shall reside, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalty on Persons employed if guilty of wilful Default or Neglect.

VII. And be it enacted, That every Member of the said Police or Constabulary Forces, or other Person, who shall be so appointed to take the said Accounts or to assist therein, who shall make any wilful Neglect, Default, or Falsification in any Matters relating to the said Accounts, shall for every such Neglect, Default, or Falsification, on Proof thereof being made before any Two Justices of the Peace of the County in which he shall so act, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalties how to be recovered and applied.

VIII. And be it enacted, That the Amount of such several Forfeitures which may be received under this Act shall, if not immediately paid, be levied by Warrant under the Hands and Seals of any Two Justices of the Peace of the County, in such Manner as is directed by a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, or any Act of the present Session in force for the better Collection of Fines, Penalties, Issues, and forfeited Recognizances in *Ireland*, and that the Amount of such Forfeitures, when so paid or levied, shall be paid one Half to the Informer, and the other Half to the Credit of and to be appropriated in the same Manner as the surplus Fund under such Act. 6 & 7 Vict. c. 56.

The Persons taking the Accounts to certify and affirm as to their Correctness, and deliver them to the Officer appointed to receive them.

Such Officer to transmit them to the Office of the Chief Secretary.

IX. And be it enacted, That the said several Persons so appointed to take the said Accounts, or to assist therein, shall sign and certify the same, and make solemn Affirmation before any Justice of the Peace within the County, to the Effect that the said Account has been truly and faithfully taken by him (or them), and that to the best of his (or their) Knowledge the same is correct, so far as may be known, and shall deliver the same to such Officer of the said Police or Constabulary Forces, or other Person as may be appointed by the said Lord Lieutenant or other Chief Governor or Governors to receive the same, within each County, City, Town, or Place; and such Officer or Person shall examine the same, and cause any Defect or Inaccuracy which may be discovered therein to be supplied or corrected so far as may be possible, and shall certify and transmit the same to the Office of the said Chief or Under Secretary, in such Manner and within such Time as the said Lord Lieutenant or other Chief Governor or Governors shall direct, and the same shall be digested and reduced into Order under the Direction of the said Chief or Under Secretary, by such Persons as the said Lord Lieutenant or other

An Abstract thereof to be laid before Parliament.

Chief Governor or Governors shall appoint for that Purpose; and that an Abstract thereof shall be laid before both Houses of Parliament within Twelve Months after the Day on which the said Account shall be taken, or (if Parliament be not then sitting) within the first Fourteen Days of the Session next ensuing.

Punishment of Persons wilfully making false Affirmation or Declaration.

X. And be it enacted, That every solemn Affirmation or Declaration made or signed under the Authority of this Act shall be of the same Force and Effect as if the Person making such Affirmation or Declaration had taken an Oath in the usual Form, so that if the Person making such Affirmation or Declaration shall be convicted of having therein wilfully and falsely affirmed or declared any Matter or Thing, he shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful Perjury are subject.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLV.

An Act to continue an Act to amend the Laws relating to Loan Societies. [29th *July* 1850.]

[3 & 4 *Vict. c.* 110. *continued until the* 1*st of October* 1850, *and to the End of the then next Session.*]

CAP. XLVI.

An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [29th *July* 1850.]

CAP. XLVII.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. [29th *July* 1850.]

10 & 11 Vict. c. 98.

12 & 13 Vict. c. 39.

'WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law as to Ecclesiastical Jurisdiction in* England, by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of *August* One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have, by an Act passed in the last Session of Parliament, been continued until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said firstly-recited Act shall continue until the First Day of *August* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament.

Certain Provisions of first-recited Act further continued.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLVIII.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*. [29th *July* 1850.]

5 & 6 W. 4. c. 27.

3 & 4 Vict. c. 91.

5 & 6 Vict. c. 68.

7 & 8 Vict. c. 47.

'WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in* Ireland: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament:* And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue to the Twenty-seventh Day of* July *One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages:* And whereas an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in* Ireland: And whereas it is expedient that the first herein-before recited Act, and the secondly and thirdly and fourthly herein-before recited Acts should be continued, subject to the respective Amendments thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before recited Act, except as to such Parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the Amendments thereof in the said subsequent recited Acts contained, and the said secondly and thirdly and fourthly herein-before recited Acts, subject to the respective Amendments thereof, shall be continued and shall be and remain in force from the passing of this Act for One Year, and until the End of the then next Session of Parliament. Continuation of Acts.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. XLIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [29th *July* 1850.]

[*This Act is the same, except as to Dates, as* 12 & 13 *Vict. c.* 75.]

CAP. L.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor. [29th *July* 1850.]

[3 & 4 *Vict. c.* 89. *continued until* 1*st October* 1851, *and to the End of the then next Session.*]

CAP. LI.

An Act for the Transfer of the Equitable Jurisdiction of the Court of Exchequer to the Court of Chancery in *Ireland*. [29th *July* 1850.]

'WHEREAS it is expedient to transfer to the Court of Chancery in *Ireland* the Jurisdiction of the Court of Exchequer as a Court of Equity:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the First Day of *August* One thousand eight hundred and fifty all the Power, Authority, and Jurisdiction of Her Majesty's Court of Exchequer at *Dublin* as a Court of Equity, and all the Power, Authority, and Jurisdiction, which shall have been conferred on or committed to the said Court of Exchequer by or under the special Authority of any Act or Acts of Parliament, (other than such Power, Authority, and Jurisdiction as shall be then possessed by or be incident to the said Court of Exchequer as a Court of Law, or as shall then be possessed by the said Court of Exchequer as a Court of Revenue, and not heretofore exercised or exerciseable by the same Court sitting as a Court of Equity,) shall be by force of this Act transferred and given to Her Majesty's High Court of Chancery in *Ireland*, to all Intents and Purposes, in as full and ample a Manner as the same might have been exercised by the said Court of Exchequer if this Act had not passed; and the same Power, Authority, and Jurisdiction shall, so far as respects the Exercise thereof by the said Court of Exchequer, cease and determine: Provided always, that this Act shall not abridge, lessen, or in anywise affect the Power, Authority, or Jurisdiction of or incident to the said Court of Exchequer as a Court of Law, or the Power, Authority, or Jurisdiction of the same Court as a Court of Revenue, not heretofore exercised or exerciseable by the same Court sitting as a Court of Equity. The Jurisdiction of the Court of Exchequer as a Court of Equity, &c. abolished, and transferred to the Court of Chancery.

II. And be it enacted, That all Suits and Matters which on the said First Day of *August* One thousand eight hundred and fifty shall be depending in the said Court of Exchequer as a Court of Equity, or under such Act or Acts of Parliament as aforesaid, (except as aforesaid,) shall be by force of this Act transferred, with all the Proceedings therein, to the said Court of Chancery, there to be carried on and prosecuted and dealt with and decided according to the Practice of that Court, in the same Manner in every respect as if such Suits and Matters had been originally commenced in the said Court of Chancery; and all Decrees and Orders which shall have been made by the said Court of Exchequer in such Suits and Matters shall, to all Intents and Purposes, be deemed and taken to be Decrees or Orders respectively of the said Court of Chancery; and all Writs which shall have been then issued in the same Suits and Matters, or any of them returnable in the said Court of Exchequer, shall be by force of this Act returnable in the said Court of Chancery: Provided always, that in case on the said First Day of *August* any of the said Suits or Matters so hereby transferred shall have been partly heard by the said Court of Exchequer, it shall be lawful for the said Court of Chancery, by Order specially made for the Purpose, to remit such partly heard Suit or Matter to the said Court of Exchequer, and the said Court of Exchequer shall thereupon, with all convenient Speed, hear the same, and make such Rule, Order, or Decree therein as shall appear to said Court of Exchequer right and fitting in the Premises, anything herein contained to the contrary in anywise notwithstanding; but such Suit or Matter shall in all other respects and for all other Purposes stand and be considered as transferred to the said Court of Chancery, in like Manner as all other Suits and Matters so hereby transferred as aforesaid. Suits depending and Proceedings transferred to Court of Chancery to be carried on according to the Practice of that Court. Writs returnable in Exchequer to be returnable in Chancery. Lord Chancellor may remit to the Court of Exchequer Causes partly heard by that Court.

III. And

Lord Chancellor to make General Orders for the Taxation of Costs, &c. by reason of the Transfer.

III. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to make such General Orders (as well with respect to the Taxation and Allowance of Costs as in all other respects) as to him shall seem fit and proper to be made, by reason or in consequence of the Transfer hereby made to the said Court of Chancery of such Suits and Matters as aforesaid, or for carrying the same Transfer into complete Effect.

Stocks, &c. standing in the Name of the Accountant General of the Court of Exchequer to be transferred into the Name of Accountant General of the Court of Chancery, and to be applicable to such Purposes as the same were respectively applicable to.

IV. And be it enacted, That on the said First Day of *August* One thousand eight hundred and fifty all Stocks, Funds, Annuities, and Securities whatsoever which shall then be standing in the Name of the Accountant General of the said Court of Exchequer as such Accountant General in the Books of the Bank of *Ireland*, or in the Books of any other Body Politic or Corporate or Company whatsoever, and all such Exchequer Bills or other Securities which at any Time before the said First Day of *August* One thousand eight hundred and fifty shall have been transferred into or vested in the Name of or shall be in the Custody or Power of the Accountant General of the Court of Exchequer as such Accountant General, and which shall not have been applied to the Trusts and Purposes to which the same were applicable under the Order or Direction of the said Court of Exchequer, shall on the said First Day of *August* become by force of this Act vested in the Accountant General of the said Court of Chancery for the Time being, in trust to attend the Orders of the said Court of Chancery, and without any Act or Deed whatsoever to be done or executed by the Accountant General of the said Court of Exchequer for the Time being, and shall and may be proceeded upon by and in the Name of the Accountant General of the said Court of Chancery, in right of his Office, by any Action or Suit at Law or in Equity, or in any other Manner, as the same might have been proceeded on by or in the Name of the said Accountant General of the Court of Exchequer for the Time being, and shall be applicable to all such Purposes as the same were respectively applicable to, except where otherwise directed by this Act; and all such Funds, Stocks, Annuities, and Securities as shall on the said First Day of *August* be standing in the Name of the Accountant General of the said Court of Exchequer as such Accountant General in the Books of the Bank of *Ireland*, or in the Books of any Body Politic or Corporate or Company, and all Cash in the Bank in the Name of the Accountant General of the said Court of Exchequer as such Accountant General, shall on the said First Day of *August* be carried, by the proper Officers of the said Companies respectively, to the Credit of the Accountant General of the said Court of Chancery in the Books of the said Bank of *Ireland*, or other Body Politic or Corporate or Company respectively, in trust to attend the Orders of the said Court of Chancery, anything in any Act or Acts of Parliament for the Creation or Regulation of any such Stocks, Funds, Annuities, or Securities, or any other Act or Acts, to the contrary thereof notwithstanding.

Officers of Bank of Ireland, &c. directed to make the Transfer.

Accountant General of Court of Exchequer to make up Accounts with Accountant General of Court of Chancery.

V. And be it enacted, That the Accountant General of the said Court of Exchequer shall on the said First Day of *August* One thousand eight hundred and fifty make up Accounts with the Accountant General for the Time being of the Court of Chancery of all Stocks, Funds, Annuities, or Securities which shall be standing in the Name of the Accountant General of the Court of Exchequer as such Accountant General in the Books of the Bank of *Ireland*, or in the Books of any other Body Politic or Corporate or Company; and that the Accountant General of the said Court of Exchequer shall also on the said First Day of *August* make out a true and perfect Schedule of all Cash, Exchequer Bills, Bonds, Mortgages, Orders, and Effects whatsoever deposited or remaining in his Custody, Power, or Disposal, or standing in his Name as Accountant General, and of all Monies which shall have been paid into the said Bank of *Ireland* to the Credit of the Accountant General of the said Court of Exchequer as such Accountant General, and which shall not have been invested in any Stocks, Funds, Annuities, or Securities, and shall deliver up to the Accountant General of the Court of Chancery all the Books and Documents in his Possession or Power as such Accountant General of the Court of Exchequer.

Stocks, &c. to be entered Causewise, and the Cash to become One common Cash.

VI. And be it enacted, That all Stocks, Funds, and Securities, and Cash, which by virtue of this Act shall become vested in the Accountant General of the said Court of Chancery, shall be entered Causewise in the Books of such Accountant General; and the Cash to be transferred to the Credit of the said Accountant General of the said Court of Chancery by virtue of this Act, and all other Cash to the Credit of the Accountant General of the said Court of Chancery, shall be and be deemed and taken to be One common and general Cash, and as such shall be issued and payable in such Manner as the said Court of Chancery hath directed or shall direct.

Funds transferred to Chancery not to be subject to Usher's Poundage.

VII. Provided always, and be it enacted, That no Payment or Transfer of any Sum or Sums of Money to be at any Time made out of any of the Cash or Funds so to be transferred as aforesaid, or out of any Cash or Funds to be at any Time brought into the said Court of Chancery, or arise or be produced in said Court in or by any Suit or Matter transferred to said Court by force of this Act as aforesaid, or to be at any Time brought into said Court of Chancery under the Provisions of "The Lands Clauses Consolidation Act, 1845," shall be subject or liable to the Payment of Poundage to the Usher of the said Court of Chancery, any Law or Statute to the contrary notwithstanding.

Money directed to be paid to Credit of Accountant General of Exchequer to become payable to Credit of Accountant General of Chancery.

VIII. And be it enacted, That in every Case in which, by virtue of any Act or Acts of Parliament, or otherwise, any Sum or Sums of Money would, on or after the said First Day of *August* One thousand eight hundred and fifty, be payable by any Person or Persons, or Body Politic or Corporate into the Bank of *Ireland*, in the Name or with the Privity of the Accountant General of the Court of Exchequer, and which when paid in accordingly, would be subject to the Order of the said Court of Exchequer sitting as a Court of Equity, the same Sum and Sums shall be payable and paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the like Credit as the same would have been payable if this Act had not passed, but subject to the Order of the said Court of Chancery; and in every Case in which any Money,

Funds,

Funds, Annuities, or Securities, or other Property, would, on or after the said First Day of *August* One thousand eight hundred and fifty, be payable or transferrable into the Name of or become vested in the Accountant General of the said Court of Exchequer, and which, when paid or transferred accordingly, would be subject to the Order of the same Court sitting as a Court of Equity, the same Money, Funds, Annuities, Securities, and other Property shall be paid, transferrable, and transferred into the Name of or vested in the Accountant General of the said Court of Chancery, in trust to attend the Order of the said Court of Chancery, and the same shall be applicable to the same Purposes as the same would have been applicable if this Act had not passed, except where otherwise directed by this Act; and that all Money, Funds, Annuities, Securities, and Property which shall be so paid and transferred into the Name of the said Accountant General of the Court of Chancery, and which, before the passing of this Act, or in case this Act had not passed, were paid or transferred, or would have been payable or transferrable, to the Accountant General of the Court of Exchequer, by virtue of any Act or Acts already passed or hereafter to be passed, or other Authority whatsoever, shall be held subject to such or the like Orders and Directions of the said Court of Chancery, and subject to such Powers and Provisions, as the same would have been subject to in case the same had been originally directed or authorized to have been paid and transferred into the Name of the Accountant General of the said Court of Chancery, and had been made originally subject to the Orders and Directions of the last-mentioned Court; and the Orders and Directions of the said Court of Chancery relating thereto shall have the same Force and Effect as any like Orders and Directions of the Court of Exchequer relating thereto would have had if this Act had not passed.

Stocks, &c. transferrable into the Name of the Accountant General of the Court of Exchequer to become transferrable into the Name of the Accountant General of Court of Chancery.

IX. 'And whereas under the Provisions of an Act passed in the Session of Parliament holden in the 'Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act for the Amendment of the Pro-* 'ceedings and Practice of the Equity Side of the Court of Exchequer in Ireland, a Sum of Thirty thou- 'sand Pounds out of the Cash belonging to the Suitors of the said Court then lying in the Bank of *Ireland* 'unproductive to the Suitors was invested in Government Securities, and placed to an Account, intituled '"An Account of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," 'and the Interest and annual Produce arising from the Securities in which the said Sum was invested 'have been from Time to Time received by the Governor and Company of the Bank of *Ireland*, and 'placed to the Credit of the Accountant General of the said Court in an Account called "An Account '"of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exche- '"quer in *Ireland*," and have been issued and applied, pursuant to the Directions of the said Act, so 'far as the said Interest and annual Produce have extended, to the Payment of the Compensations ascer- 'tained under the said Act, and thereby made payable to certain Officers of the said Court; and the 'said Interest and annual Produce not being adequate to the Payment of the whole Amount of the said 'Compensations, the Deficiency thereof has been, according to the Directions of the said Act, from Time 'to Time and still continues to be payable out of the Consolidated Fund of the United Kingdom:' Be it enacted, That upon and after the Transfer, under the Provisions of this Act, of the Stocks, Funds, Annuities, and Securities standing in the Name of the Accountant General of the said Court of Exchequer to the Credit of the Accountant General of the Court of Chancery, the said Sum of Thirty thousand Pounds shall be continued and maintained out of the common Cash or Money of the Suitors of the said Court of Chancery which may be from Time to Time unemployed as an Investment in the Name of the Accountant General of the said Court of Chancery in the same Account, as by the said Act directed; and the Interest and annual Produce arising from the Securities in which the said Sum is or shall be invested shall be issued and applied, under the Orders of the said Court of Chancery, to the Purposes and in the Manner directed by the said Act and this Act.

Exchequer *Compensation and Fee Fund* invested under 6 & 7 Vict. c. 55. *to be continued.*

X. And be it enacted, That if at any Time the whole or any Part of the said Sum so invested or to be invested shall be wanted to answer any of the Demands of the Suitors of the said Court, then and in such Case the Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same may be placed to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors; but it shall be lawful for the said Court, and the said Court shall, if enabled so to do, replace the Sum so called in, or any Sum which may have been called in, out of the said Sum of Thirty thousand Pounds, by any Order or Orders of the said Court of Exchequer, before the Transfer of the said Stocks, Funds, and Securities to the Credit of the Accountant General of the Court of Chancery as aforesaid, by any new Investment or Investments of the like Nature out of the said common and general Cash, and so from Time to Time as Occasion may require to maintain the Fund provided by the said Act in Relief of the Charge on the Consolidated Fund by the said Act created.

Power to Court of Chancery to direct the Sum invested to be called in.

XI. And be it enacted, That it shall be lawful for the Lord Chancellor to make such Orders from Time to Time as to him shall seem meet with respect to the Time and Manner of arranging the Balances of the Accountant General of the said Court of Chancery with the Bank of *Ireland*, and generally for carrying this Act into complete Effect, so far as the same relates to the Business of the Office of the said Accountant General, and the Transfer of Property from the Accountant General of the Court of Exchequer to the Accountant General of the Court of Chancery, anything in any Act or Acts now in force to the contrary thereof notwithstanding; and it shall also be lawful for the Lord Chancellor from Time to Time to make such Orders as he shall think fit for regulating the Charity Box Fund of the said Court of Exchequer, and continuing the Fees and Fines now payable thereto upon the Proceedings and Matters

Court of Chancery to make Orders as to the arranging of Balances with the Bank, &c.

Lord Chancellor may make Orders as to Charity Box Fund.

Matters hereby transferred to the said Court of Chancery, and also, if necessary, for consolidating the said Fund with the like Funds in the said Court of Chancery.

Offices of Court of Exchequer abolished.

XII. And be it enacted, That on the said First Day of *August* One thousand eight hundred and fifty the Offices of the several Officers and Clerks on the Equity Side of the Court of Exchequer shall be abolished.

Pleadings, &c. in Causes, &c. in the Court of Exchequer as a Court of Equity to be delivered to such Persons as the Master of the Rolls shall direct, and deemed Records of Court of Chancery;

XIII. And be it enacted, That all the Bills, Informations, Answers, Decrees, Affidavits, and Proceedings of the said Court of Exchequer as a Court of Equity (except as aforesaid), and all Decrees and Minute Books, and all other Books and Documents whatsoever, relating exclusively to Proceedings in the said Court of Exchequer as a Court of Equity (except as aforesaid), shall on the said First Day of *August* One thousand eight hundred and fifty, or as soon after as conveniently may be, be delivered, by the several Officers of the said Court of Exchequer now having the Custody of the same, to such Person or Persons as shall be appointed by the Master of the Rolls to receive and take charge of the same, by Warrant under his Hand, approved of and countersigned by the Lord Chancellor; and from and after such Delivery the said Bills, Informations, Answers, Decrees, and other Proceedings shall be deemed Records of the Court of Chancery in the Custody of the Master of the Rolls as fully as if the same had originally been like Records of the said Court of Chancery; and all such of the other Records, Books, and Papers now in the Care and Custody of any of the Officers of the Equity Side of the said Court of Exchequer as shall be agreed upon between the Lord Chancellor and the Lord Chief Baron of the said Court shall be delivered over into the Hands and Care of such Person or Persons as shall be appointed by the Master of the Rolls to receive and take charge of them, by Warrant under his Hand, approved of and countersigned by the Lord Chancellor, subject nevertheless to such Regulations as the Master of the Rolls shall, with the Approbation of the Lord Chancellor and the Commissioners of Her Majesty's Treasury, from Time to Time make touching the same; and all such further Records, Books, and Papers as last aforesaid as may be so agreed upon as aforesaid by the Lord Chancellor and the Lord Chief Baron shall be delivered over into the Hands and Care of the Master on the Pleas Side of the said Court of Exchequer, subject nevertheless to such Regulations as the said Master shall, with the Approbation of the said Lord Chief Baron and the Commissioners of Her Majesty's Treasury, from Time to Time make touching the same.

certain other Records to be transferred to Chancery;

and certain other Records to be retained in the Exchequer.

Power to Lord Chancellor, &c. to reverse, &c. Orders of the Court of Exchequer.

XIV. And be it enacted, That the Lord Chancellor and the Master of the Rolls respectively shall from and after the said First Day of *August* have such and the same Power to reverse, discharge, or alter Decrees or Orders of the said Court of Exchequer, in Suits and Matters hereby transferred to the said Court of Chancery, as they would have had if the same Decrees or Orders had been made respectively in Suits or Matters depending in the said Court of Chancery: Provided always, that any Decree or Order of the Master of the Rolls reversing, discharging, or altering any Decree or Order of the said Court of Exchequer, shall be subject to be reversed, discharged, or varied by the Lord Chancellor.

Appointment of A. Lyle, Esq. to be a Master in Chancery.

XV. And be it enacted, That *Acheson Lyle* Esquire, the present Chief Remembrancer of the said Court of Exchequer, shall, on the said First Day of *August* One thousand eight hundred and fifty, become by force of this Act a Master in Ordinary of the High Court of Chancery, in addition to the present Masters in Ordinary of the said Court of Chancery, with the like Privileges, Duties, Powers, Authority, and Jurisdiction which are now vested in or may be exercised by a Master in Ordinary of the said Court of Chancery; and he and his Successors shall take the usual Oaths before the Lord Chancellor, in like Manner as the same are at present administered to Masters in Ordinary of the said Court of Chancery; and all References which on the said First Day of *August* shall be depending before the Chief or Second Remembrancer on the Equity Side of the said Court of Exchequer shall be by force of this Act transferred to the said *Acheson Lyle* as a Master in Ordinary of the said Court of Chancery, and such other References shall also be made to the said *Acheson Lyle* by the said Court of Chancery as the Lord Chancellor shall by any General Order from Time to Time direct.

Her Majesty empowered to appoint Successors to Mr. Lyle; but no new Appointment to be made whilst Four Masters remain, except, &c.

XVI. And be it enacted, That upon the Death, Resignation, or Removal from Office of the said *Acheson Lyle*, and upon the Death, Resignation, or Removal from Office of any of his Successors, it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to appoint a fit and proper Person, qualified as now by Law provided in respect to the Masters in Ordinary of the said Court, to supply such Vacancy: Provided always, that no new Appointment of a Master in Ordinary of the said Court shall be made whilst there shall be Four Masters in Ordinary continuing in Office, unless the Commissioners of Her Majesty's Treasury shall have given their Consent to the making of such Appointment.

Power to new Master to appoint Clerks.

XVII. And be it enacted, That the said *Acheson Lyle* Esquire, and his Successors in the Office of Master of the said Court of Chancery, shall have the same Powers and Privileges with respect to the Appointment of a Chief and Junior Clerk as are now or shall hereafter be exercised and enjoyed by the other Masters in Ordinary of the said Court; and such Chief Clerk and Junior Clerk respectively shall perform all the same Duties, with respect to the Receipt and Payment of Fees, and in all other respects, as the Chief Clerks and Junior Clerks of the Masters in Ordinary of the said Court of Chancery respectively now do or may for the Time being perform, and shall hold their respective Offices and be paid in like Manner as such Chief Clerks and Junior Clerks now do or may for the Time being hold their respective Offices and are now paid.

New Master to have the like

XVIII. Provided always, and be it enacted, That the said *Acheson Lyle* Esquire shall be entitled to a Salary of the like Amount, and to the like Annuity on Retirement, as a Master in Ordinary of the said Court,

Court of Chancery appointed after the passing of this Act will be entitled to under the Provisions herein contained; but in estimating the Period of Service of the said *Acheson Lyle*, with a view to the Amount of such Superannuation Allowance, it shall be lawful to reckon the Number of Years during which he has successively filled the Office of Chief or Second Remembrancer of the said Court of Exchequer along with those during which he may fill the Office of Master of the said Court of Chancery.

Salary and retiring Annuity as a Master appointed after passing of Act.

XIX. And be it enacted, That all the Duties now performed by the Officers of the Equity Side of the said Court of Exchequer in respect to Revenue Business, save so far as such Duties shall have been discharged in connexion with any Jurisdiction exercised or exercisable by the said Court of Exchequer sitting as a Court of Equity, shall from and after the said First Day of *August* be discharged by the Master and other Officers and the Assistants and Clerks of the Pleas Side of the said Court, in like Manner and in addition to the Duties specifically assigned to their Offices respectively by the Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Common Law in* Ireland *payable out of the Consolidated Fund*, each Officer, Assistant, and Clerk discharging such of the said Duties in Revenue Business as are of a like Nature with the Duties discharged by him under the said Act, and according as shall be from Time to Time directed and regulated by any General Order of the said Court of Exchequer; and such Duties shall in future form a Portion of the Duties of the said Offices of Master and other Officers in like Manner and as fully and effectually as if the same had been enumerated and specified in the said Act; and with respect to such Business the said Master and other Officers shall stand and be in the Place of the said Officers of the Equity Side of the said Court, to all Intents and Purposes whatsoever.

Certain Duties to be performed by the Master and Officers of the Pleas Side of the Exchequer.

XX. And be it enacted, That the Fees now receivable by the Officers on the Equity Side of the said Court in respect to Revenue Business shall cease and determine and be no longer receivable, and that in lieu thereof the several Proceedings, Instruments, Matters, and Things with reference to which such Fees have been heretofore payable shall be respectively liable to the Law Fund Duties provided as to Proceedings, Instruments, Matters, and Things of a like Nature in and by an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law, and to repeal certain other Stamp Duties, in* Ireland, and in and by any other Act or Acts continuing the said last-mentioned Act, as fully and effectually as if the said Proceedings, Instruments, Matters, and Things had been specially mentioned and enumerated in and by the said Act and the Schedule thereunto annexed, and shall be deemed and taken to have been included therein, anything to the contrary in anywise notwithstanding.

Fees in respect to Revenue Business to cease, and Proceedings, &c. to be liable to Law Fund Duties in lieu thereof, pursuant to 1 & 2 G. 4. c. 112.

XXI. And be it enacted, That it shall also be the Duty of the said Master at the Pleas Side of the said Court of Exchequer to perform all such Duties as are now performed by the Officers of the Equity Side of the Court of Exchequer in respect to Matters not hereby transferred to the Court of Chancery, or otherwise specially provided for, and also to perform all such Duties in respect to the Audit of Sheriffs Accounts as are now performed by the Chief Remembrancer of the said Court, pursuant to an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and for the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in* Ireland; *and to amend the Laws relating to Grants in custodiam and Recovery of Debts in* Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the public Accounts in* Great Britain; and the said Master shall have the like full Powers in all respects, for all Purposes connected with the Audit and Declaration of the said several Accounts, as are now possessed by the said Chief Remembrancer, and as fully as if the said Master had been specially named in the said Act for that Purpose.

The Master on the Pleas Side also to perform all other Duties of the Equity Officers not otherwise provided for, and to audit Sheriffs Accounts. 5 & 6 W. 4. c. 55. s. 31.

XXII. And be it enacted, That the said Master shall have to aid him in the Discharge of the said Duties hereby transferred to him such One of the Clerks now employed in Revenue Business in the Secondary's Office of the said Court of Exchequer, hereby abolished, as shall be selected by the Lord Chief Baron of the said Court, and who shall be subject to the Control of the said Master, in like Manner with the other Clerks in the Offices under his Superintendence, and shall be entitled to receive such Salary as the Commissioners of Her Majesty's Treasury shall direct, not exceeding the Sum of One hundred and fifty Pounds yearly, which Salary shall be payable in like Manner and out of the same Fund as provided for Payment of Salaries in and by the said recited Act of the Seventh and Eighth Years of Her Majesty's Reign; and in the event of a Vacancy by the Death, Resignation, or Removal of such Clerk, it shall be lawful for the said Commissioners of the Treasury to authorize the said Master, if they shall think fit, to appoint another Person to such Vacancy, at such Salary not exceeding the Salary hereby authorized as to the said Commissioners shall appear proper.

The Master of Exchequer to have to aid him in discharge of his Duties One of the Clerks now employed in the Revenue Business.

XXIII. And be it enacted, That such One of the Masters of the Court of Chancery as shall be appointed by the Lord Chancellor for that Purpose shall perform all such Duties as are now required to be performed by the Chief or Second Remembrancer of the said Court of Exchequer, in respect to the Audits of the Accounts under a certain Act passed in the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act for the more effectual Application of Charitable Donations and Bequests in* Ireland, and under a certain other Act passed in the First Year of

Master in Chancery to audit certain Accounts now audited by Remembrancers, pursuant to 7 & 8 Vict. c. 97.

7 W. 4. & 1 Vict. c. 54., and 5 & 6 W. 4. c. 55. s. 39.

of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for public Monies, and to secure the same,* as also all such Duties as are required to be performed by the said Chief Remembrancer in respect to the Audit of such other public Accounts as may be specially referred to him by the Lords Commissioners of Her Majesty's Treasury, pursuant to the said recited Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth; and the said Master shall have the like full Powers in all respects for all Purposes connected with the Audit of the said several Accounts as are now by Law possessed by the said Chief or Second Remembrancers, and as fully as if the said Master had been specially named in each of said several Acts for that Purpose; and the said Master shall have to aid him in the Discharge of the said Duties relating to the said Accounts under the said Act of the First Year of the Reign of Her present Majesty the several Clerks now authorized to be employed for that Purpose, or who may be from Time to Time authorized for that Purpose by like Authority, and which Clerks shall be paid out of the same Funds as heretofore, and be subject to the like Control by the said Master as heretofore by the said Chief Remembrancer.

Accounts of Fines and Penalties to be audited by Chief or Under Secretary, under 6 & 7 Vict. c. 56. s. 21.

XXIV. And be it enacted, That the Chief or Under Secretary to the Lord Lieutenant shall audit and declare the Accounts of Fines and Penalties, pursuant to the Provisions of a certain Act passed in the Sixth and Seventh Years of the Reign of Her said Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof;* and the said Chief or Under Secretary shall possess all such Powers in that Behalf as are by the said Act or any other Acts now possessed by the said Chief or Second Remembrancer in respect to same, as fully and effectually as if he had been named in said Acts for that Purpose; and the said Chief and Under Secretary shall have to aid them in the Examination of the said Accounts the several Clerks now authorized to be employed for that Purpose, or who may be from Time to Time authorized for that Purpose by like Authority, and which Clerks shall be paid out of the same Funds as heretofore, and be subject to the like Control by the said Chief or Under Secretary as heretofore by the said Chief or Second Remembrancer.

Persons deprived of Offices or Employments by this Act entitled to claim Compensation of the Treasury.

XXV. And be it enacted, That each and every Person having any Office or Employment on the Equity Side of the Court of Exchequer who shall by the Operation of this Act be deprived of such Office or Employment, or of any Emoluments arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office or Employment, and what was the Tenure thereof, and what were the lawful Salary or Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such Compensations (if any) as shall be just; and all such Compensations shall be paid as herein-after directed: Provided always, that if any Person ceasing under this Enactment to be continued or employed as aforesaid shall be appointed by or after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments: Provided also, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the meeting of Parliament then next assembled.

Compensations awarded under this Act to be paid out of Funds mentioned in 6 & 7 Vict. c. 55. and 7 & 8 Vict. c. 90.

XXVI. 'And whereas, under the Provisions of the said Act of the Sixth and Seventh Years of Her 'Majesty's Reign, and of another Act of the Seventh and Eighth Years of Her Majesty's Reign, intituled '*An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commis-*'*sions of Bankruptcy, and for providing One Office for the Registry of all Judgments in* Ireland, *and* '*for the amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions,* the official 'Incomes of certain of the said Officers at the Equity Side of the said Court of Exchequer have been 'ascertained in the Manner by the said Acts directed, and the said Officers are entitled to receive as 'Compensation any Deficiency of such Incomes, after giving Credit for the net Amount of Fees received 'by such Officers respectively in each Year, which Compensations are payable out of the Accounts and 'Funds mentioned in the said Acts respectively:' Be it enacted, That any Compensations to be as aforesaid awarded under the Authority of this Act to any of the said Officers whose Incomes have been so provided for under and by virtue of the said Acts shall be paid and payable to each such Officer out of the said Accounts and Funds in the said Acts respectively mentioned, so far as the same will extend; and in case the said Accounts and Funds shall be inadequate to the Payment of the whole Amount of the said Compensations to be awarded under this Act, the Amount of the said Compensations beyond what can be satisfied out of the said Accounts and Funds shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland,* by way of Advance in aid of the said Accounts and Funds, to be repaid as herein-after provided; and all other Compensations to be so as aforesaid awarded under the Authority of this Act shall be charged and chargeable and paid and payable, in the first place, upon and out of the Funds in the Bank of *Ireland* standing in the Name of the Accountant General of the Court of Chancery to the Credit of the Account called "An Account of the "Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in "*Ireland,*" as far as the same will extend, after Payment of prior Charges, and, in the next place, out of the

If Funds inadequate, Deficiency to be paid out of Consolidated Fund, to be repaid as herein mentioned.

the Funds in the said Bank standing in the Name of the said Accountant General to the Credit of the Account called "The Suitors Fee Fund Account;" and in case both the Funds shall be inadequate to the Payment of the whole of such Compensations, the Amount of the Compensations beyond what can be so satisfied shall be charged and chargeable and paid and payable upon and out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by way of Advance in aid of the said Suitors Funds, to be repaid as herein-after provided; and every such Sum as and for annual Compensation to be awarded in pursuance of this Act shall be payable and paid on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October*, the first Payment thereof to be made on the first of said quarterly Days which shall next follow the Day of the Commencement of this Act.

Compensations to be a Charge in favour of the Crown against Suitors Funds.

XXVII. Provided always, and be it enacted, That the several Sums of Money which shall from Time to Time be paid and advanced by way of Compensation, under the Authority of this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the several Officers of the said Court of Exchequer whose Incomes have been so provided for under and by virtue of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty, shall become and remain a Charge in favour of the Crown against the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," and the several Sums of Money which shall from Time to Time be so paid and advanced for or in aid of any other Compensations to be awarded under this Act shall become and remain a Charge in favour of the Crown against the same Account, and also against the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," and also against the said Account called "The Suitors Fee Fund Account," as far as the same will extend, after Payment of prior Charges, and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, at such Times and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall order and direct.

Salaries of future Masters in Chancery in Ireland to be reduced to the same Amount as paid to Masters in England. 4 G. 4. c. 61.

XXVIII. 'And whereas it is expedient that the Salary affixed to the Office of Master in Chancery 'in *England* and of Master in Chancery in *Ireland* should be assimilated, and for this Purpose that the 'Salary of any Master to be hereafter appointed in the Court of Chancery in *Ireland* shall be reduced to 'the same Sum as is now by Law payable for the Salary of a Master in the Court of Chancery in '*England*:' Be it therefore enacted, That from and after the passing of this Act so much of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice in* Ireland, as directs the Payment of the annual Sum of Three thousand Pounds *Irish* Currency to every Master of the Court of Chancery in *Ireland*, and authorizes the Grant of Annuities to Persons who may or shall have executed the Office of Master as therein mentioned, shall, so far as regards every such Master to be appointed after the passing of this Act, be repealed, and in lieu of such annual Sum there shall be issued and paid and payable, during good Behaviour, to each and every Master of the said Court of Chancery in *Ireland* who shall be appointed after the passing of this Act, the annual Sum of Two thousand five hundred Pounds Sterling, out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, every such annual Sum to be issued in pursuance of this Act to be from Time to Time payable and paid quarterly, free and clear from all Taxes and Deductions whatever, on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in each Year.

Retired Annuities of Masters fixed in same Proportion as hitherto, according to altered Salaries.

XXIX. And be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of *Ireland*, to give and grant unto any Person who may or shall have executed the Office of Master in Ordinary of the Court of Chancery for the Term of Twenty Years, or to any Person having executed such Office for any shorter Period not less than Ten Years, who shall after his Appointment to such Office have become afflicted with any permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same, an Annuity not exceeding One Half of his Salary in case the said Master shall have served in such Office Twenty Years, and not exceeding One Third of his Salary in case he shall have served for a shorter Period, and an Annuity not exceeding Two Thirds of his Salary in case such Master shall have served in such Office Twenty-five Years, and an Annuity not exceeding Five Sixths in case such Master shall have served in such Office for Thirty Years or more, in which Letters Patent the Cause or Ground for making thereof shall be distinctly stated and specified; and the Annuity so granted shall be paid accordingly out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by even and equal quarterly Payments on the Fifth Day of *January*, Fifth of *April*, Fifth of *July*, and Tenth of *October* in every Year, to such Master, from the Period at which he shall resign his said Office, for the Term of his natural Life, without any Deduction for Fees, Poundage, or otherwise: Provided always, that no Annuity shall in any Case be granted under this Act to any Master unless such Master shall have served in Office during the full Term of Ten Years.

Power to diminish or increase Number of Officers, and their Salaries.

XXX. And be it enacted, That if at any Time after the Commencement of this Act it shall be found that the Establishments of the Offices of the said Court of Chancery, or any of them, are in point of Number of Assistants or Clerks either excessive or insufficient, or that it is expedient either to diminish or increase the Salaries of the Officers, Assistants, or Clerks, or any of them, the Lord Chancellor shall notify the same to the Commissioners of Her Majesty's Treasury, stating the Circumstances which may have caused any such Changes to be necessary or expedient, and thereupon it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, by their Warrant, to reduce or increase such Establishments or Salaries, as the Case may require, provided that no Salary shall be so

diminished unless when the Office or Employment for which it is payable shall be vacant; and it shall be lawful for the said Commissioners of the Treasury to remove the requisite Number of Persons from any Office or Offices in which the Business shall have decreased to any Office or Offices in which it shall have increased; and every such Arrangement, Removal, or Appointment, Reduction, or Increase, to be made by the said Commissioners shall be as good and valid as if the same had been made by, under, or by virtue of this Act, anything to the contrary notwithstanding.

Interpretation of Terms.

XXXI. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being; and that Words in this Act importing the Singular Number or the Masculine Gender shall be understood to include several Matters as well as One Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals; and this Act shall only extend to that Part of the United Kingdom called *Ireland*.

Act may be amended, &c.

XXXII. And be it enacted, That this Act may be altered, amended, or repealed during this Session of Parliament.

CAP. LII.

An Act to make better Provision for the Interment of the Dead in and near the Metropolis.

[5th *August* 1850.]

London, Westminster, Southwark, and the Places named in Schedule (A.), to form "The Metropolitan Burial District."

'WHEREAS it is expedient to make better Provision for the Interment of the Dead in and near the Metropolis:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Cities and Liberties of *London* and *Westminster* respectively, the Borough of *Southwark*, and the Parishes, Townships, Precincts, and Places mentioned in the Schedule (A.) to this Act, shall for the Purposes of this Act be One District, to be called "The Metropolitan Burial District."

General Board of Health to execute this Act.

Her Majesty may appoint an additional Member.

II. And be it enacted, That the General Board of Health shall act in the Execution of this Act; and it shall be lawful for Her Majesty, from Time to Time, by Warrant under Her Royal Sign Manual, to appoint One Member of such Board in addition to the Members of such Board which Her Majesty may be authorized to appoint under any other Act or Acts, and at Pleasure to remove the Member so appointed; and such Board shall for the Purposes of this Act be One Body Politic and Corporate by the Name of "The General Board of Health," and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Lands, Tenements, and Hereditaments for the Purposes of this Act.

Board incorporated.

Power to Board to appoint and remove Assistant Secretary, Treasurer, &c.

III. And be it enacted, That it shall be lawful for the said Board from Time to Time to appoint or employ, for the Purposes of this Act, an Assistant Secretary, a Treasurer, and such Clerks and Officers, and for and in each Burial Ground to be provided by the said Board under this Act a Warden, and such Assistants, Gravediggers, and other Servants as they deem necessary, and to remove such Assistant Secretary, Treasurer, Clerks, Wardens, Officers, and Servants, or any of them.

Appointments limited to Duration of General Board of Health.

IV. And be it enacted, That no additional Member of the said Board to be appointed under this Act, and no Assistant Secretary, Treasurer, or other Officer to be appointed as aforesaid, shall hold his Office after the Expiration of the Period for which "The Public Health Act, 1848," provides that the said General Board of Health shall be continued.

Board to provide Offices.

V. And be it enacted, That the said Board shall provide such Offices as they may think necessary for the Purposes of this Act, and for providing such Offices may purchase by Agreement or take on Lease any Lands which may appear to them convenient for the same.

Power to Board to provide Burial Grounds, and enlarge them if necessary.

VI. And be it enacted, That the said Board shall from Time to Time provide, in such Places as, having regard to the public Health, may appear to them expedient, and either within or without the Limits of the District, Burial Grounds of sufficient Extent for the decent Interment of the Bodies of all Persons dying within the District; and it shall be lawful for the said Board, from Time to Time, in case it appear to them necessary or expedient so to do, to enlarge any Burial Ground provided by them under this Act, and to make any Road to such Burial Ground, or, with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen or improve such existing Road, for facilitating the Approach to such Burial Ground; and for providing any Burial Ground under this Act, or enlarging any such Burial Ground, or making, widening, or improving Roads or Approaches thereto, it shall be lawful for the said Board to purchase by Agreement any Lands which it may appear to them expedient to purchase for such Purpose.

Power to purchase Lands for Burial Grounds.

Power to Board to purchase Cemeteries.

VII. Provided always, and be it enacted, That for the Purposes of this Act the said Board may, if they see fit, purchase and take by Agreement or otherwise all or any of the Cemeteries mentioned in the Schedule (B.) to this Act, subject to the Rights to Graves, Vaults, and Monuments subsisting therein, and subject to such subsisting Rights, and save as herein-after mentioned, all the Provisions of this Act concerning Burial Grounds provided thereunder shall extend to the Cemeteries purchased as aforesaid; provided that no such Cemetery shall be taken otherwise than by Agreement after the Expiration of Two Years from the passing of this Act.

Before Purchase of Land

VIII. Provided always, and be it enacted, That before the said Board enter into any Agreement for the Purchase of any Lands as aforesaid for the Site of any Burial Ground, (save any such Cemetery

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as aforesaid, or any Land required for enlarging any such Cemetery or Burial Ground,) they shall give public Notice, by Advertisement to be inserted not less than Twice in each of Two daily Newspapers published in *London* or *Westminster*, inviting Tenders by Persons willing to sell Lands for the Purposes for which the same are required by the said Board; and no such Agreement for Purchase as aforesaid shall be entered into by the said Board until the Expiration of Six Weeks from the Time of the Insertion of the First of such Advertisements.

for Burial Grounds the Board to give Six Weeks Notice by Advertisement for Tenders.

IX. And be it enacted, That it shall be lawful for the said Board to enclose and lay out the Burial Grounds provided under this Act, in such Manner, and to erect and make therein such Buildings and other Works, as may appear to them fitting and proper, and to build in every such Burial Ground a suitable Chapel for the Performance of Burial Service according to the Rites of the United Church of *England* and *Ireland*, or where there is any Chapel already built, and consecrated according to the Rites of the said United Church, in any Cemetery purchased under this Act, to enlarge such Chapel, if it appear to the said Board necessary so to do for the Performance of such Service; and every such Chapel, and every Burial Ground, provided under this Act, except such Portion thereof as may not be intended to be used for the Burial of the Dead according to the Rites of the said United Church, may be consecrated by the Lord Bishop of the Diocese within which such Chapel is situated; and every Chapel consecrated according to the Rites of the said United Church in any Burial Ground provided under this Act, and the Portion consecrated as aforesaid of every such Burial Ground, shall be subject to the Jurisdiction of the said Bishop, and no Service shall be performed in the Burial of the Dead in the Portion consecrated according to the Rites of the said United Church of any Burial Ground provided under this Act otherwise than according to the Rites of such Church.

Board to enclose and lay out Burial Grounds, erect Buildings, and build Chapels.

X. And be it enacted, That the said Board shall from Time to Time appoint so many Clerks in Holy Orders as they may think necessary to be Chaplains to officiate in the Burial Grounds provided under this Act, and such Chaplains shall be licensed by and subject to the Jurisdiction of the Bishop of the Diocese, and the Consent of the Incumbent of the Parish in which any such Burial Ground may be situate shall not be required to the Grant of any such Licence, and every such Licence shall be revocable by the said Bishop when he thinks fit; and the said Board may assign to such Chaplains such Duties in relation to the Time and Place of the Performance of the Burial Service in the Portions consecrated as aforesaid of the Burial Grounds provided under this Act as the said Board may from Time to Time think fit; and the said Board shall have Power to remove such Chaplains: Provided always, that the Incumbent of the Parish from which any Body is brought may, by himself or his Curate, upon giving Notice as herein-after mentioned, perform such Service over such Body, where he desires so to do, and, subject to the Rights of such Incumbent and the Regulations of the said Board, any other Clerk in Holy Orders not prohibited by the Bishop, nor under Ecclesiastical Censure, may perform such Service.

Power to Board to appoint Chaplains, who shall be licensed by and subject to the Jurisdiction of the Bishop.

XI. And be it enacted, That a Portion of every Burial Ground provided under this Act shall not be consecrated as aforesaid, and the said Board may build thereon a suitable Chapel or Chapels for the Performance of Funeral Service; and so much of any of the Cemeteries mentioned in the said Schedule (B.) which shall be purchased under this Act as may not have been consecrated at the Time of such Purchase thereof, and may have been used or appropriated for the Purposes of Interment, shall remain unconsecrated, and where there is any Chapel on such unconsecrated Part of any such Cemetery the said Board may, if they think necessary, enlarge such Chapel for the Performance of Funeral Service.

A Portion of each Burial Ground not to be consecrated.

XII. And be it enacted, That when the said Board have provided any Burial Ground, and have made all such Arrangements as they may think necessary for the Interment in such Ground of the Bodies of the Dead, and after the Consecration of such Portion thereof as may require Consecration, they shall give Notice in the *London Gazette* that they have provided such Burial Ground, and that Interments may be made therein; and after such Notice Interments may be made in such Burial Ground under this Act.

Notice to be given in the London Gazette when a Burial Ground is provided under this Act.

XIII. And be it enacted, That when the said Board shall be of opinion that Interment (otherwise than in the Burial Grounds provided under this Act) should be discontinued, wholly or subject to any Exception or Exceptions, in any Part or Parts of the District, they shall report to Her Majesty their Opinion accordingly, and so from Time to Time when the said Board shall be of opinion that Interment (otherwise than as aforesaid) should be so discontinued in any Part or Parts of the District in which such Interment has not been already ordered to be discontinued, or in any Place excepted from any former Order for the Discontinuance of Interment, they shall report to Her Majesty in like Manner; and at any Time after the Presentation of any such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that after a Time mentioned in the Order Interment in the Churches, Chapels, and Churchyards, and other Burial Places, and elsewhere within any Part or Parts in any such Report or Reports and in such Order mentioned, of the District, shall be wholly discontinued, or shall be discontinued subject to any Exception or Exceptions mentioned in such Order; and any such Order may direct that the Care of any Non-parochial Burial Ground in which Interment is ordered to be discontinued shall be vested in the said Board, and may authorize such Board to cause such Ground to be fenced in such Manner as the said Board may think suitable, and otherwise to act in relation to such Ground as may appear to such Board fit and proper for securing due Respect to the Bodies interred therein, and for protecting the public Health; and every such Order shall be published in the *London Gazette*; provided that Notice of every such Report, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and shall be affixed on the Doors of the Churches or Chapels, or on some other conspicuous Places

Queen in Council may, upon Report of Board, order Discontinuance of Interment in Churchyards, &c.

Places within the Part or Parts of the District to which such Report relates, One Calendar Month, or, where any Order made under "The Nuisances Removal and Diseases Prevention Act, 1848," directing the Provisions of that Act for the Prevention of epidemic, endemic, and contagious Diseases to be put in force, is in force within such Part or Parts, then Seven Days, at the least before such Report is so considered.

Inhabitants of Parishes comprised in the District, or within any Part of the District, in which Interment is ordered to be discontinued, to have Right of Sepulture in Burial Grounds provided under this Act.

XIV. And be it enacted, That, subject to the Provisions herein contained, and the Regulations made under this Act, the Parishioners and Inhabitants of the several Parishes and Places within the District, (after the Time from which Interment has been ordered to be discontinued in the whole District,) or within any Part or Parts of the District in which Interment has been ordered to be discontinued, after the Time from which Interment has been ordered to be discontinued therein, shall have the same Rights of Sepulture in the Portions consecrated as aforesaid of the Burial Grounds provided under this Act as they respectively would have had in the Burial Grounds in and for their several Parishes and Places; and the Incumbent of every such Parish shall, by himself or his Curate, upon giving such Notice as may be required in this Behalf by any such Regulations as aforesaid, have the same Rights and Authorities for the Performance of Religious Service in the Burial of the Bodies of the Parishioners or Inhabitants of his Parish in the Portions consecrated as aforesaid of the Burial Grounds provided under this Act as if the same were Burial Grounds of such Parish; and the Parishioners and Inhabitants and the Incumbent of every such Parish and Place shall respectively have such Rights as aforesaid, notwithstanding the Exception from any Order for Discontinuance of Interment of any Burial Ground or Burial Grounds, or Right of Burial in any Burial Ground or Burial Grounds, in or belonging to any such Parish or Place, unless in such Order as aforesaid any Burial Ground or Burial Grounds so excepted be declared to be continued for such Parish or Place in lieu of all Rights of the Parishioners and Inhabitants to Sepulture in the Burial Grounds provided under this Act; and for the Purposes of the Enactments of the Laws relating to the Poor which concern the Burial of the Bodies of poor Persons, and of all other Enactments under which Burials are authorized or directed to take place in the Burial Ground of or belonging to a Parish or Place, the Burial Grounds provided under this Act shall be deemed to be Burial Grounds of and belonging to the several Parishes and Places within the District.

As to Interments in unconsecrated Portions of Burial Grounds.

XV. And be it enacted, That, subject to the Provisions herein contained, and the Regulations made under this Act, the Portion not consecrated as aforesaid of any Burial Ground provided under this Act shall be used for the Interment of the Bodies of Persons dying within the District, when the Relatives or other Persons having the Care and Direction of the Funerals desire to have such Bodies so interred; and such Bodies may be there interred in such Manner, and with such Religious Service, Rites, or Ceremonies, as such Relatives or Persons having the Care and Direction of the Funerals may think fit; and the said Board may, upon the Request of Members of separate Religious Denominations or Sects, and upon such Terms and Conditions, not inconsistent with the known Tenets or Usages of such Religious Denominations or Sects, as the said Board may think fit, permanently appropriate and set apart or cause to be enclosed separate Parts of the Portion not consecrated as aforesaid of any Burial Ground provided under this Act to be used for the exclusive Interment of the Bodies of Persons of such separate Religious Denominations or Sects.

After Publication of Order for discontinuing Interment, no Burial to take place contrary thereto.

XVI. And be it enacted, That after the Publication in the *London Gazette* of any Order of Her Majesty in Council made under this Act ordering the Discontinuance of Interment, it shall not be lawful, after the Time in such Order mentioned, to bury the Dead in any Church, Chapel, Churchyard, or Burial Place, or elsewhere, within any Part of the District in which Interment has by any such Order been ordered to be discontinued, except as in such Order excepted, and except in the Burial Grounds provided as aforesaid, and as otherwise authorized by this Act; and every Person who shall after such Time as aforesaid bury any Body, or in anywise act or assist in the Burial of any Body, in any such Church, Chapel, Churchyard, or Burial Place, or elsewhere, within any such Part as aforesaid of the District, except as in any such Order excepted, and except in any Burial Ground provided as aforesaid, or as otherwise authorized by this Act, shall be guilty of a Misdemeanor.

Saving of certain Rights to bury in Vaults, &c.

XVII. Provided always, and be it enacted, That where by virtue of any Faculty legally granted, or by Usage or otherwise, there is, at the Time of the passing of this Act, any Right of Interment in or under any Church or Chapel or in any Vault of any Church, Chapel, Churchyard, or Burial Ground, and where any exclusive Right of Interment in any Cemetery or Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the said Board from Time to Time, on Application being made to them, and on being satisfied that the Exercise of such Right will not be injurious to Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as the said Board may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

Saving as to St. Paul's Cathedral and Westminster Abbey.

XVIII. Provided also, and be it enacted, That nothing herein contained shall extend to prevent the Interment in the Cathedral Church of *Saint Paul's London*, or in the Collegiate Church of *Saint Peter's Westminster*, of the Body of any Person, where Her Majesty, by any Writing under Her Royal Sign Manual, shall signify Her Pleasure that the Body be so interred.

Order to be suspended till

XIX. Provided also, and be it enacted, That where any such Order of Her Majesty in Council shall affect any Cemetery mentioned in the Schedule (B.) to this Act, and not previously purchased by the said

said Board, the Operation of such Order as to such Cemetery shall be suspended until the Compensation in respect of the Discontinuance of Interment in such Cemetery under such Order, which may be payable under this Act to the Company to which such Cemetery belongs, has been paid; and upon Payment of such Compensation such Cemetery shall vest in the said Board, subject to the Rights subsisting therein, so far as such Rights are not inconsistent with such Order as aforesaid or with the Provisions of this Act. Compensation Money is paid.

XX. And be it enacted, That it shall be lawful for the Relatives of any deceased Person, with the Consent of the Incumbent or other Person having the Care or Control of any Church, Chapel, Churchyard, Cemetery, or other Place within the District in which the Body of such deceased Person has been interred, and with the Consent of and subject to the Regulations of the said Board, and upon Payment of such Fees as may be fixed by the said Board, to cause such Body to be removed to and interred in any Burial Ground provided under this Act, without any Faculty for that Purpose. Power to remove Bodies to Burial Grounds provided under this Act.

XXI. And be it enacted, That there shall be paid upon all Interments in the Burial Grounds provided under this Act such Fees or Sums as the said Board shall from Time to Time fix in this Behalf, with the Approbation of One of Her Majesty's Principal Secretaries of State, and such Fees or Sums shall be paid to the Wardens of such Grounds, or such other Officers of the said Board as may be by them authorized to receive the same; and a Table of such Fees or Sums shall be printed and published, and shall be fixed and continued on some conspicuous Part of every such Burial Ground. Fees to be paid upon Interments.

XXII. And be it enacted, That the said Board shall provide for the Maintenance, Planting, Decoration, and Care of the Burial Grounds provided under this Act, and shall have the Direction of the Order and Course in which such Grounds and the several Parts thereof shall be opened and used for the Purposes of Interment, and the Times at which Interments in such Burial Grounds may take place; and, subject to the Provisions of this Act, the general Management and Control of such Burial Grounds shall be vested in and exercised by the said Board. Management of Burial Grounds to be vested in the Board.

XXIII. And be it enacted, That the said Board may make Regulations from Time to Time as to the Depth and Formation of Graves and Places of Interment, the Nature of the Coffins to be received in the Burial Grounds provided under this Act, the Time and Mode of removing Bodies, the Notice to be given in respect of Funerals, and generally as to all Matters connected with the good Order of such Burial Grounds, and the convenient Exercise of the Rights of Interment therein; and such Regulations shall be printed and published, and shall be fixed and continued on some conspicuous Part of every such Burial Ground. Board may make Regulations as to Burial Grounds and Interments therein.

XXIV. Provided always, and be it enacted, That the said Board shall not permit any Body to be buried in any Burial Ground provided under this Act, and not previously used as a Cemetery, within Two hundred Yards of the nearest Place on which any Dwelling is erected, except only any Dwelling or Dwellings of such Officer or Officers of the said Board as they may require to be resident on the Spot for the Care of any such Burial Ground; and no Body shall be buried under any Chapel in any such Burial Ground, nor within Ten Feet of the outer Wall of such Chapel. Board not to permit Burials within 200 Yards of any Dwelling, or under or close to Chapels.

XXV. And be it enacted, That all Burials within any Burial Ground provided under this Act, as well in the Part not consecrated as aforesaid as in the Part so consecrated, shall be registered in Register Books to be provided by the said Board and kept for that Purpose, according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England*, by the Warden of such Burial Ground or other Officer appointed by the said Board to that Duty, in which Register Books shall be distinguished in what Parts of the Burial Ground, and whether in the Portion consecrated as aforesaid or the Portion not so consecrated of such Ground, the several Bodies the Burials of which are entered in such Register Books are buried; and such Register Books shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies brought from the several Parishes and Places within the District; and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts as Evidence of the Burials entered therein; and Copies or Transcripts of such Register Books, signed by such Warden or other Officer as aforesaid, shall be from Time to Time sent to the Registrar of the Ecclesiastical Court of the Bishop of *London*, to be kept with the Copies of the other Register Books of the Parishes within his Diocese; and the said Register Books, so far as respects Searches to be made therein and Copies and Extracts to be taken therefrom, shall be subject to the same Regulations as are provided by an Act passed in the Seventh Year of King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, so far as such Regulations relate to Register Books of Burials kept by any Rector, Vicar, or Curate. Register of Burials to be kept, and to be Evidence, and subject to the Regulations of 6 & 7 W. 4. c. 86. as to Searches.

XXVI. And be it enacted, That where the Body of any Person is buried in any Burial Ground provided under this Act, the Certificate of the Death of such Person having been duly registered, or the Coroner's Certificate of his Order for the Burial of the Body of such Person, (as the Case may be,) by the said Act of the Seventh Year of King *William* the Fourth required to be delivered to such Minister or officiating Person as therein mentioned, shall be delivered to the Warden or other Officer appointed to keep the Register Books of Burials in such Burial Ground; and if any Body is buried in such Burial Ground for which no such Certificate has been delivered to such Warden or other Officer as aforesaid, such Warden or Officer shall, within Seven Days next after the Burial of such Body, give Notice of such Burial to the Registrar of the District in which the Person whose Body was so buried died; and every such Notice shall contain the Name and Surname, Sex, Age, Rank, Profession or Occupation, and the Residence at the Time of Death of the said Person, or as many of such Particulars as may be known to such Warden or other Officer; and such Warden or other Officer, upon Failure to give such Notice within Certificate of Registry of Death, or Coroner's Certificate, to be delivered to Officer appointed to keep Burial Registers.

within the Time aforesaid, shall be subject to the Forfeiture imposed by the said Act on a Person burying or performing any Funeral or any religious Service for the Burial of any dead Body for which no such Certificate has been duly made and delivered, and not giving Notice thereof as thereby required, and the Provisions of the said Act for and with respect to the Recovery and Application of Forfeitures thereby imposed shall be applicable to such Forfeiture; and no Person, save such Warden or Officer as aforesaid, shall in the Case of any Burial in any such Burial Ground be subject to such Forfeiture for not giving Notice of such Burial to the Registrar.

Board may provide Houses for Reception and Care of Bodies previously to Interment.

XXVII. And be it enacted, That the said Board may, at any Time after the passing of this Act, build or otherwise provide, in such Places as they think fit, Houses for the Reception and Care of the Bodies of the Dead previously to and until Interment, and make Arrangements for the Reception and Care of such Bodies therein, and appoint fit Officers for such Houses of Reception; and to carry into effect such Arrangements, and for providing such Houses of Reception, the said Board may purchase by Agreement or take on Lease such Lands or Buildings as they may think fit.

Board may make Provision for Funerals being conducted at fixed Charges.

XXVIII. And be it enacted, That for securing, in the Cases of Interments in the Burial Grounds provided under this Act, to Persons having the Care and Conduct of the Funerals, the Means of having the same conducted according to a just and regulated Scale of Charges, the said Board may from Time to Time invite and receive Tenders for Contracts for the undertaking of such Funerals according to Classes arranged with reference to the Nature and Amount of the Matters and Services to be furnished and rendered, but so that in respect of the lowest of such Classes the Funeral may be conducted with Decency and Solemnity; and every such Tender shall specify the Parish or Place or several Parishes or Places from which the Person proposing to become a Contractor is willing to remove Bodies, and the Class or Classes and Number of Funerals he is willing to undertake; and the said Board may enter into such Contracts with any Persons as they may think necessary (each of which Contracts may extend to One Parish or Place or Part of a Parish or Place within the District, or include more than One such Parish or Place), binding such Contractors with the said Board to undertake during specified Terms or Periods Funerals of Persons dying within the Limits in such Contracts respectively mentioned, or any Class or Number of such Funerals, according to a fixed Scale of Payments, and with such Stipulations as may appear to the said Board necessary for insuring the decent Performance of such Funerals; and the said Board may, if they so think fit, enter into distinct Contracts for the furnishing and rendering by different Contractors of the various Matters and Services requisite for the Funerals in relation to which the said Board are herein-before authorized to enter into Contracts, and the said Board shall publish Notices of the Scale of Payments to be made for Funerals undertaken, or Matters or Services to be furnished or rendered, by such Contractors, and such other Notices as the said Board may think fit, for the Information and Convenience of Persons desirous of having Funerals conducted by such Contractors; and upon Notice by or on behalf of the Persons having the Care and Direction of any such Funeral of their Desire to have the same conducted, or any Matters or Services requisite for the same furnished or rendered as aforesaid, and of the Class according to which they are desirous the same should be so conducted, furnished, or rendered, being given to any Contractor who, according to the Terms of his Contract with the said Board, may be liable to undertake such Funeral, or to furnish or render such Matters or Services, such Contractor and the Party by or on behalf of whom such Notice may be given shall respectively have the like Rights and be subject to the like Liabilities in respect to the Performance of such Funeral, or the furnishing or rendering of such Matters or Services (as the Case may be), and the Payment for the same, as if such Contractor had agreed with such Party to undertake the Funeral referred to in such Notice, and to furnish and render all such Matters and Services, and of such Nature and Description, as by the Scale fixed by his Contract with the said Board shall be prescribed in this Behalf in respect of the Class mentioned or referred to in such Notice, or (as the Case may be) to furnish or render the Matters or Services required by such Notice according to such Scale, in consideration of Payment according to such Scale.

Board of Health may enter into Contracts with Railway Companies for carrying out Bodies, together with Mourners, &c.

XXIX. And be it enacted, That it shall be lawful for the Board of Health and the Directors of any Railway Company, if they shall see fit, to contract for the carrying out of Bodies in properly constructed Carriages on the Line of Railway of such Company to any Burial Ground provided under this Act, and for the carrying to and from such Burial Ground of the Mourners and Attendants of the Bodies so carried, at such Prices and Charges, and for such Term of Years, as may be agreed, and every Contract so entered into by the Directors of any Railway Company shall be binding on such Company and on all future Directors thereof, anything to the contrary in any Act or special Act of such Company notwithstanding, and during the Term of such Contract such Railway Company shall carry as aforesaid any of the Bodies to be removed to the Burial Grounds provided under this Act, and the Mourners and Attendants (where the Persons having the Direction of the Funerals desire to have them so carried), at the Rate of Charge specified in such Contract: Provided always, that the Charges agreed and contracted for with the said Board shall not prejudice such Railway Company as to their Charges for carrying any Bodies other than the Bodies to be removed to the Burial Grounds provided under this Act, or as to their Charges for the general Business of carrying ordinary Passengers or Things, anything in any Act or special Act to the contrary notwithstanding.

Board may provide for Removal, on Request of Relatives, of Bodies to Houses of Reception.

XXX. And be it enacted, That the said Board may at any Time after the passing of this Act appoint medical or other Officers, who in the Case of Deaths within the District may, where the Persons having the Direction of the Funeral of the Deceased so desire, cause the Body of the Deceased to be decently removed to One of the Houses for the Reception of the Dead provided under this Act.

XXXI. And

XXXI. And be it enacted, That there shall be paid to the Member appointed under this Act of the said Board the annual Sum herein-after mentioned in that Behalf, and to the Assistant Secretary, Treasurer, and Clerks, Chaplains, Wardens, and other Officers and Servants appointed for the Purposes of this Act by the said Board, such Salaries, Stipends, and Wages as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury. Additional Member, &c. to be paid as Treasury may appoint.

XXXII. And be it enacted, That to compensate Incumbents for Loss of Fees the said Board shall, in respect of the Burial within the consecrated Part of any Burial Ground provided under this Act of any Body removed from any Parish within the District (save where such Body is buried at the Expense of any Union or Parish), pay to a separate Account to be kept by the Treasurer of the said Board, to be called "The Burial Service and Incumbents Compensation Fund," the Sum of Six Shillings and Twopence, and where such Body is buried at the Expense of any Union or Parish a Sum not exceeding One Shilling, and the Board shall, out of the Monies paid to the said Account, pay the Salaries of all the Chaplains of the said Board, and shall apply the Residue of such Monies, so far as the same will extend, in Payment to the Incumbent of every Parish within the District in which Interment is discontinued under this Act an Annuity during his Incumbency, of such an Amount as the Board, with the Approbation of the Commissioners of Her Majesty's Treasury, shall fix as a just Compensation for the Loss of Receipts in respect of Burials, to be calculated on the Average of the Receipts in respect of Burials by the Incumbents of such Parish during the Five Years next before the passing of this Act; and no Incumbent shall be entitled, under any Act of Parliament or otherwise, to any Payment, save as herein provided, in respect of any Interment under this Act in any Cemetery purchased by the said Board, or in respect of the Removal of any Body previously interred to any Burial Ground provided under this Act: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, upon any Vacancy in the Incumbency of any such Parish, to reduce the Amount of the Annuity to be thenceforth payable as aforesaid to the Incumbent of such Parish, in case it appear to them, having regard to the Duties of such Incumbent, and the Value of the Living, independently of any Annuity under this Act, just and expedient so to do; and the Surplus, if any, from Time to Time of the Monies paid to the said Account, after satisfying all the Purposes aforesaid, may, with the Approbation of One of Her Majesty's Principal Secretaries of State and of the Bishop of the Diocese, be applied by the said Board in augmentation of the Incomes of the Incumbents or Ministers of any new Parishes, District Parishes, or District Chapelries formed within the several Parishes from which such Surplus may have arisen, and as near as may be according to the Proportions in which such several Parishes may have contributed to such Surplus: Provided always, that no Income shall be augmented under this Provision so as to exceed Three hundred Pounds a Year. Compensation to Incumbents.

XXXIII. And be it enacted, That for compensating Clerks and Sextons for the Loss of Fees and Sums now received in respect of Interments the said Board shall ascertain the yearly Average during the Five Years ending on the Day of the passing of this Act, in pursuance of any Order under this Act, of the Fees and Sums received by the Clerk and Sexton of such Parish in respect of Interments in the Church and Burial Ground of such Parish, and (under any Act of Parliament or otherwise) of Interments in any Cemetery of Bodies removed from such Parish; and the said Board shall, with the Approbation of the Commissioners of Her Majesty's Treasury, pay to any Person who is at the Time of the passing of this Act, and on the Day from which Interment is discontinued as aforesaid continues to be, Clerk or Sexton of such Parish, and so long only as he continues to be such Clerk or Sexton, an Annuity of such Amount as may appear to the said Board to be a just Compensation for such average Receipts as aforesaid of the Clerk or Sexton respectively of such Parish, having regard to the Duties, and Payment (if any) in respect of Duties, from which such Clerk or Sexton respectively is relieved by the Discontinuance of Interment; and all Fees or Payments accruing under any Act of Parliament or otherwise to the Clerk or Sexton of any Parish, after the Time from which Interment is under this Act ordered to be discontinued therein in respect of Interments in any Cemetery of Bodies removed from such Parish, shall be paid over by such Clerk or Sexton to the said Board, to be by them applied as other Monies received by them under this Act; and after the Purchase of any Cemetery by the said Board all such Fees and Payments in respect of Interments therein shall cease to be payable: Provided always, that where the said Board provide Employment under this Act for any Sexton who would be entitled to any such Annuity as aforesaid, such Sexton shall not, in case the annual Amount of the Emoluments arising from such Employment be equal to or exceed the Amount of such Annuity, be entitled to receive any Payment in respect of such Annuity for the Time during which he continues in such Employment and in the Receipt of such Emoluments, or in case the annual Amount of such Emoluments be less than the Amount of such Annuity, then such Sexton shall be entitled to receive (for the Time he continues in such Employment and in Receipt of such Emoluments) in respect of such Annuity the Difference only between the annual Amount of such Emoluments and such Annuity. Compensation to Clerks and Sextons.

XXXIV. And be it enacted, That where Fees or any Portion of Fees payable on Interments in any Burial Ground or Place of Burial in which Interments may be discontinued under the Provisions of this Act are by Law payable to the Churchwardens or Vestrymen of any Parish or Trustees or other Persons for or towards any Parochial Purpose, or the Discharge of any Debt or Liability, the Commissioners of Her Majesty's Treasury shall direct Payment to be made by the said Board to such Churchwardens, Vestrymen, Trustees, or other Persons after Discontinuance of Interment in such Burial Ground or Place of Burial, under the Provisions of this Act, as Compensation for the Loss of such Fees or Portion of Fees, of an Annuity of such Amount and to be payable during such Term as may appear Compensation to be made for Fees payable for Parochial Purposes.

to the Commissioners of Her Majesty's Treasury just, having regard to the Sums received in respect of such Fees or Portion of Fees and of any Expenses from which such Parish may be relieved by the Discontinuance of Interments under this Act, and to the Purposes to which such Fees or Portion of Fees were or was legally applicable, such Loss to be calculated on the Average of the Sums so received, and of such Expenses as aforesaid, during the Five Years next before the passing of this Act.

Debts incurred by Parishes for Purchase of Burial Grounds to be discharged by Board where the Parishes are not entitled to be compensated by Annuity.

XXXV. And be it enacted, That where any Burial Ground or Land for a Burial Ground for any Parish has been purchased by any Persons by Law authorized in that Behalf, and any Debt incurred by or on behalf of such Parish in respect of the Purchase Money of such Ground or Land, or of any Money borrowed for Payment thereof, or any Annuities or Annuity granted in respect of any such Purchase Money, shall at the Time of the Discontinuance under this Act of Interment in such Burial Ground remain owing from or charged upon such Parish, or upon any Property thereof or Rates to be raised therein, and no Annuity shall be payable under the Provision herein-before contained to the Churchwardens or other Persons on behalf of such Parish as Compensation for the Loss of any Fees or Portion of Fees on Interments in such Burial Ground, such Parish and such Property and Rates respectively shall be indemnified by the said Board against such Debt, and all Interest to accrue thereon after the Time of such Discontinuance of Interment, and all Sums to accrue payable after such Discontinuance in respect of such Annuities or Annuity.

Compensation in respect of Non-parochial Burial Grounds.

XXXVI. And be it enacted, That where any Order for the Discontinuance of Interment as aforesaid shall affect any Burial Ground other than the Burial Ground of any Parish, Compensation shall be made by the said Board to all Persons interested in such Burial Ground for the Loss or Damage which may be sustained by them by reason of the Discontinuance of such Interments as might lawfully have been made in such Ground in case Interment therein had not been discontinued under this Act, provided such Persons shall within Three Calendar Months after the Time from which Interment is, under such Order as aforesaid, to be discontinued in such Ground, state in Writing to the said Board the Particulars of their Claim for such Loss or Damage; and the Expense which may be occasioned to any Body or Sect by the Necessity of making other Provision for such Interments as might lawfully have been made in such Ground shall be deemed Loss or Damage within this Enactment, and may be claimed by the Trustee or Trustees, or a Majority of the Trustees, of such Ground, though no Profit or Income would have been derived from such Interments.

Power to compensate individual Rights in closed Burial Places by the Grant of equivalent Rights in new Grounds.

XXXVII. And be it enacted, That where any Vault or Right of Interment in any Place of Burial in which Interment is discontinued under this Act has been acquired before the First Day of *May* One thousand eight hundred and fifty, and is at the Time of such Discontinuance of Interment vested in any Person as private Property, the said Board may and shall, on Application being made to them within Six Calendar Months from the Time from which Interment is so discontinued, grant such Vault or Right of Interment in any Burial Ground provided under this Act as may be a just Equivalent for such first-mentioned Vault or Right.

Fee may be paid to Minister performing Service on Interments in unconsecrated Ground.

XXXVIII. And be it enacted, That it shall be lawful for the said Board, on the Request of the Relatives or other Persons having the Care and Direction of the Funeral, to pay to the Minister or Person performing Religious Rites or Service on the Interment of any Body in the unconsecrated Portion of any Burial Ground provided under this Act (save where such Body is buried at the Expense of any Union or Parish) such Fee not exceeding Six Shillings and Two-pence, and when such Body is buried at the Expense of any Union or Parish such Fee not exceeding One Shilling, as the said Board may think fit.

Money received by Officers to be paid into the Bank.

XXXIX. And be it enacted, That all Fees and Sums which shall be received under this Act by the Wardens or other Officers or Servants of the said Board on account of the said Board shall be by such Wardens or Officers receiving the same forthwith paid to the Treasurer of the said Board, and by such Treasurer forthwith paid into the Bank of *England*, to the Credit of an Account to be intituled "The Account of the General Board of Health under the Metropolitan Interments Act, 1850."

Treasurer, &c. intrusted with Money to give Security for duly accounting for the same.

XL. And be it enacted, That before the Treasurer or any Officer or Servant appointed under this Act shall enter upon any Office or Employment under the Board by reason whereof he will or may be intrusted with the Custody or Control of Money, the said Board shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient.

As to Payments out of the Bank.

XLI. And be it enacted, That the Money to be paid into the Bank of *England* under this Act shall be paid out upon Drafts or Orders signed by the Treasurer, and countersigned by Two or more Members of the said Board.

Expenses under this Act to be defrayed out of Monies received thereunder.

XLII. And be it enacted, That the Expenses of providing Burial Grounds, and the Salaries and Wages of the Member to be appointed under this Act of the said Board, and of all Officers and Servants of the said Board appointed under this Act, the Stipends of the Chaplains under this Act, and all other Expenses of the said Board under this Act, inclusive of the Compensations to be paid by them thereunder, shall be defrayed out of the Fees and Sums to be received by them under this Act, and in case such Fees or Sums be at any Time insufficient to defray all such Expenses, out of any Rate or Rates to be made under this Act.

Salary of additional Member of Board of Health.

XLIII. And be it enacted, That the Salary of the additional Member of such Board to be appointed and fixed as aforesaid shall not exceed the annual Sum of Twelve hundred Pounds, and shall be defrayed out of the Fees and Sums received by the said Board under this Act.

XLIV. Pro-

Fees, Payments, and Rates may be mortgaged.

XLIV. Provided always, and be it enacted, That it shall be lawful for the said Board, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the Fees and Payments to be received under this Act, and also the Rates to be made and collected under this Act; and the respective Mortgagees shall be entitled to a Proportion of the Fees, Payments, and Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sum so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage.

No Priority amongst Mortgagees.

Commissioners of Public Works acting under 5 & 6 Vict. c. 9. may make Advances to the Board.

XLV. And be it enacted, That it shall be lawful for the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the said Board, upon the Security of all or any of the Fees, Payments, and Rates to be received or made and collected by the said Board under this Act, and without requiring any further or other Security than a Mortgage of such Fees, Payments, and Rates.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

XLVI. And be it enacted, That if the said Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, it shall be lawful for them, with the Approbation of the Commissioners of Her Majesty's Treasury, so to borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and to charge the Fees, Payments, and Rates which they are authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Provisions as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages.

XLVII. And be it enacted, That if at the Time appointed in any Mortgage Deed for Payment of any Principal Money secured thereby the said Board are unable to pay off the same, it shall be lawful for them, with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Money, and to secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Money borrowed for defraying Expenses incurred by the said Board in the Execution of this Act.

Form of Mortgage.

XLVIII. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the said Board, and may be made according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the said Board and the Party advancing the Money intended to be thereby secured may agree upon; and there shall be kept at the principal Office of the said Board a Register of the Mortgages under this Act; and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the proper Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

Register of Mortgages.

Repayment of Money borrowed at a Time agreed upon.

XLIX. And be it enacted, That the said Board may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments or otherwise, as they may think fit; and in case the said Board fix the Time or Times of Repayment, they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof, such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the said Board.

Interest on Mortgages to be paid half-yearly.

Repayment of Money borrowed when no Time fixed.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

L. And be it enacted, That unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving to the said Board Six Calendar Months previous Notice for that Purpose; and in the like Case the said Board may at any Time pay off the Money borrowed, on giving the like Notice to the Party entitled as aforesaid, or by Advertisement in the "*London Gazette*;" and if the said Board have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant

pursuant to such Notice or at any Time thereafter, the said Board fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage.

Account Books to be open to Mortgagees.

LI. And be it enacted, That the Books of Account of the said Board shall be open at all seasonable Times to the Inspection of the Mortgagees or Transferees of Mortgagees under this Act, with Liberty to make Extracts therefrom, without Fee or Reward; and any Clerk or other Person having the Custody of such Books, and refusing to allow such Inspection or such Extracts to be made, shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

Transfer of Mortgages.

LII. And be it enacted, That any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (D.) to this Act annexed, or to the like Effect; and there shall be kept at the principal Office of the said Board a Register of the Transfers of Mortgages under this Act; and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk or other Person having the Custody of such Register, who shall, upon Payment of the Sum of Two Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Register of Transfers.

Board may form a sinking Fund for Discharge of Mortgages.

LIII. And be it enacted, That in order to provide a Fund for the Discharge of any Money which has been borrowed under the Powers of this Act it shall be lawful for the said Board from Time to Time to cause any Money received by them under this Act, and which for the Time being shall not be required for any other Purposes of this Act, to be invested in the Purchase of Exchequer Bills, or Government Stocks, Funds, or Securities, and from Time to Time to cause to be invested in like Manner the Interest and Dividends thereof, so as to accumulate the same at Compound Interest, until the same can be applied for the Discharge of such Money borrowed, or for any other Purposes of this Act.

After Discontinuance of Interment, in case of Deficiency of other Payments, Board may order Overseers to levy a Rate.

LIV. And be it enacted, That after Interment has been ordered to be discontinued within the District or any Part thereof, in case it appear to the said Board that the Fees and Sums received by them under this Act will be insufficient in any Year to defray their Expenses, and to provide for the Payments in respect of Monies borrowed under this Act, it shall be lawful for the said Board, with the Approbation of the Commissioners of Her Majesty's Treasury and One of Her Majesty's Principal Secretaries of State, to issue a Warrant under their Seal to the Overseers of the Poor of every Parish, Township, Precinct, or Place within the District (where Interment has been ordered to be discontinued in the whole District), or the Part thereof within which Interment has been ordered to be discontinued, by which Warrant they shall command the said Overseers, out of the Money collected for the Relief of the Poor in such Parish, Township, Precinct, or Place, to pay the Amount mentioned in the Warrant for the Purposes of this Act, or to levy such Amount as a Part of the Rate for the Relief of the Poor in such Parish, Township, Precinct, or Place, and that the Overseers shall pay over the Amount mentioned in the Warrant to the Treasurer of the said Board, within Forty Days from the Delivery of such Warrant to any One of the Overseers: Provided always, that the Sum to be so paid for the Purposes of this Act shall not exceed in the whole in any One Year the Rate of One Penny in the Pound on the full and fair annual Value of all Property rateable for the Relief of the Poor within such Parish, Township, Precinct, or Place, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the County Rate, where any County Rate is assessed on such Parish, Township, Precinct, or Place; and the Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed: Provided also, that the said Board may issue such Warrant as aforesaid to the Overseers of any Parish, Township, Precinct, or Place, notwithstanding the Exception from any Order for Discontinuance of Interment of any Burial Ground or Burial Grounds, or Right of Burial in any Burial Ground or Burial Grounds, in or belonging to any such Parish, Township, Precinct, or Place, unless in such Order as aforesaid any Burial Ground or Burial Grounds so excepted be declared to be continued for such Parish, Township, Precinct, or Place, in lieu of all Rights of the Parishioners and Inhabitants to Sepulture in the Burial Grounds provided under this Act.

Not to exceed 1*d.* in the Pound in any One Year, according to the Valuation for County Rate.

Who to be deemed Overseers within this Act.

LV. And be it enacted, That where any Persons other than the Overseers of the Poor, by virtue of any Office or Appointment, are authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish, Township, Precinct, or Place within the Metropolitan Burial District, such Persons, by whatsoever Title they may be called, shall be deemed to be Overseers of the Poor within the Meaning of this Act, and to be included under and denoted by the Words "Overseers of the Poor," for all the Purposes of this Act, as fully as if they were commonly called or known by the Title of Overseers of the Poor.

Overseers shall collect the Burial Rate in the same Manner as the Poor Rate.

LVI. And be it enacted, That the Overseers of the Poor of every Parish, Township, Precinct, or Place within the Metropolitan Burial District, to whom any such Warrant as aforesaid shall be issued, shall pay the Amount mentioned in the Warrant out of any Money in their Hands collected for the Relief of the Poor; and if there be no such Money in their Hands, or an insufficient Sum, they shall levy the Amount required

required as a Part of the Rate for the Relief of the Poor, and shall for that Purpose proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor; and such Overseers shall pay to the said Treasurer the Amount mentioned in the Warrant within the Time specified for that Purpose, and at the Time of making any Payment to the said Treasurer shall deliver to him a Note in Writing signed by them, specifying the Amount so paid, which Note shall be kept by the said Treasurer as a Voucher for his Receipt of that particular Amount; and the Receipt of the said Treasurer, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount, and shall be allowed as such in passing their Accounts with their respective Parishes, Townships, Precincts, or Places.

Receipt of the Treasurer shall be a sufficient Discharge.

LVII. And be it enacted, That in case the Amount ordered by such Warrant as aforesaid to be paid by the Overseers in any Parish, Township, Precinct, or Place in the Metropolitan Burial District shall not be paid to the said Treasurer within the Time specified for that Purpose in the Warrant, it shall be lawful for any Justice of the Peace, upon Complaint by the said Treasurer, to issue his Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers shall not be sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish, Township, Precinct, or Place for the Purposes of this Act, and shall be collected by the like Methods.

Overseers, on Nonpayment of the Rate, shall be distrained upon; and in default of Distress, the Arrears may be re-levied on the Parish.

LVIII. And be it enacted, That any Member of the said Board, or any Person having an Order for that Purpose under the Hands of Two Members of the said Board, may inspect any County Rate made or to be made for any County any Part of which shall be situate within the Metropolitan Burial District, and may also inspect any Returns concerning all or any of the Parishes, Townships, Precincts, and Places, whether parochial or extra-parochial, in the said District, delivered or to be delivered in pursuance of any of the Acts relating to County Rates, and may take Copies or Extracts from any such Rates or Returns without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Member or other Person to inspect the same, or to take Copies or Extracts from the same, within Two Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall for every such Offence on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Ten Pounds.

Power to Board, &c. to inspect County Rates, &c.

LIX. 'And whereas it is expedient to provide for those Precincts and Places in the Metropolitan 'Burial District in which no Rate is made for the Relief of the Poor, or in which Property may be 'deemed not to be rateable thereto:' Be it therefore enacted, That the respective Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments in any Precinct or Place, whether parochial or extra-parochial, in the Metropolitan Burial District, although such Messuages, Lands, Tenements, and Hereditaments may not be rated to the Relief of the Poor, or may be deemed not to be rateable thereto, shall nevertheless be liable to contribute under this Act as if the Property so inhabited or occupied were rateable and rated to the Relief of the Poor; and the said Board may from Time to Time, by Warrant under their Seal, appoint a proper Person to be an Assessor, for the Purpose of assessing the full and fair annual Value of such Property, and rating the same to a Rate to be levied under this Act: Provided always, that the Sum to be so levied shall not exceed in the whole in any One Year the Rate of One Penny in the Pound on the full and fair annual Value of such Property; and such Assessor, shall, within Forty Days after the Delivery to him of the Warrant of his Appointment, make, sign, and return to the said Board an Assessment for the Precinct or Place named in such Warrant; and the Assessment shall be fairly written in a Book, and shall specify, in different Columns, the Names of the respective Inhabitants or Occupiers of all Messuages, Lands, Tenements, and Hereditaments, the full and fair annual Value of the same, and the Amount of Rate charged on the Inhabitants or Occupiers thereof, and, when the Premises shall be unoccupied, the full and fair annual Value thereof to let; and every such Assessor shall be allowed for his Trouble and Expenses such Remuneration as the said Board, with the Approbation of the Commissioners of Her Majesty's Treasury, shall direct, and the same shall be paid out of the Amount of the Rate which shall be collected after such Assessment.

Provision for assessing and levying Rate in those Places within the District where there is no Poor Rate.

Mode of making the Assessment.

Allowance to Assessors.

LX. And be it enacted, That when such Assessment shall have been allowed by the said Board, public Notice of such Assessment, and of the Place where the same may be inspected, shall be given by fixing such Notice on the Door of the Church or Chapel or some other conspicuous Part of the Precinct or Place to which such Assessment shall relate, upon the *Sunday* next or next but one after the same shall have been so allowed; and any Person in whose Custody such Assessment may be shall permit every Inhabitant or Occupier of Property included in such Assessment to inspect the same, and to make any Extracts therefrom, without Payment of any Fee or Reward; and if such Person shall wilfully neglect or refuse to permit any such Inhabitant or Occupier to inspect such Assessment, or to make any Extract therefrom, he shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

When Assessment is made, Notice thereof shall be given, and all Persons included therein may inspect it, &c.

Penalty for refusing such Inspection.

LXI. And be it enacted, That the said Board shall from Time to Time nominate One or more Person or Persons for levying the Amount of Rate charged in every such Assessment, who shall proceed in the same Manner, and shall have the same Powers, Remedies, and Privileges, and shall be subject to the same Regulations and Penalties, with reference to the levying of such Rate, as if he or they were an Overseer or Overseers of the Poor in a Precinct or Place rated to the Relief of the Poor, and shall pay over the Amount

Collection of the Rate charged in such Assessment.

Amount of such Rate to the Treasurer of the said Board, or in default thereof shall be proceeded against in the same Manner as Overseers are by this Act to be proceeded against for Nonpayment.

Appeal against Assessment.

LXII. Provided always, and be it enacted, That if any Person who shall have paid the Amount of Rate charged upon him by the Assessment made by an Assessor appointed under this Act shall think himself aggrieved by such Assessment, on the Ground that such Assessment includes any Property for which he is not rateable under this Act, or that it assesses his rateable Property beyond its full and fair annual Value, or that any Person or Persons is or are omitted out of such Assessment, or that the Property of any Person or Persons is assessed below its full and fair annual Value, the Person so aggrieved may appeal to the next Court of General or Quarter Sessions which shall be holden for the County, Corporation, or Franchise in which the Cause of Appeal shall have arisen, not less than Twenty-one Days after public Notice of such Assessment shall have been given as herein-before mentioned; provided that the Person so intending to appeal shall give to the said Board a Notice in Writing of such Appeal, and of the Cause and Matter thereof, Ten clear Days at the least before such Sessions, and shall also, within Three Days after his Notice of Appeal, enter into a Recognizance before some Justice of the Peace of the County, Corporation, or Franchise, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and to abide the Order of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and in case such Person shall appeal on the Ground that any Person or Persons is or are omitted out of the Assessment, or that the Property of any Person or Persons is assessed below its full and fair annual Value, the Party so appealing shall not only give such Notice of Appeal to the said Board, and enter into such Recognizance as aforesaid, but shall also give a like Notice of Appeal to the Person or Persons so interested in the Event of such Appeal as aforesaid, and shall enter into a like Recognizance within the Times herein-before respectively mentioned; and the Person or Persons so interested shall, if he or they shall desire it, be heard upon the Appeal; and the Justices of the Peace at such Sessions, or some Adjournment thereof, upon due Proof of the Notice having been given, and of the Recognizance having been entered into as aforesaid, shall hear and determine the Matter of the Appeal in a summary Manner, and shall make such Order therein, with or without Costs to either Party, as the said Justices shall think proper; and in case the said Justices shall think the Appellant entitled to Relief, they shall order the Assessment to be amended in such Manner as may be necessary for giving him Relief, and shall also order any Money paid by him which he was not liable to pay to be returned to him; and in case he shall have appealed on the Ground that any Person or Persons is or are omitted out of the Assessment, the said Justices may order the Name or Names of such Person or Persons to be inserted in the Assessment, and to be therein rated at such Amount as they shall deem just; and in case the Appellant shall have appealed on the Ground that the Property of any Person or Persons is assessed below its full and fair annual Value, the said Justices may order the Amount at which such Person or Persons is or are rated in the Assessment to be altered in such Manner as they shall deem just; and the proper Officer of the Court shall in each of the Cases aforesaid forthwith amend the Assessment accordingly, but the Assessment shall not be quashed or altered with respect to any other Persons named therein; and the Determination of the Justices at any such Sessions or Adjournment shall be final and conclusive.

The Assessment may be altered to relieve the Appellant without altering any other Part of it.

Accounts to be kept.

Books may be inspected.

Penalty for refusing Inspection.

Balancing Accounts.

Annual Statement.

Public Notice of Statement.

Statement, &c. to remain at the Office for Inspection.

LXIII. And be it enacted, That the said Board shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Fees, Payments, Rates, and other Monies received, levied, and recovered by the said Board, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid; and the Rate-payers and every Mortgagee under this Act may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books who shall not on any reasonable Demand of any such Rate-payer or Mortgagee as aforesaid, permit him to inspect such Books, or to take such Copies or Extracts as aforesaid, shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds; and the said Board shall, in the Month of *January* in each Year, cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the said Board shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into, and of all Monies received and expended, by virtue of this Act, during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to the said Board, and of all Mortgages and other Debts then owing by the said Board; and the said Board shall give public Notice, by Advertisement to be inserted not less than twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Rate-payers and Mortgagees, and of the Day fixed for auditing the Accounts; and the said Board shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Rate-payer and Mortgagee may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the said Board, on Payment of a Fee of One Shilling for each Inspection.

Certain Clauses of 10 & 11 Vict. c. 65. incorporated with this Act.

LXIV. And be it enacted, That the Clauses of the "Cemeteries Clauses Act, 1847," "with respect to exclusive Rights of Burial and Monumental Inscriptions in the Cemetery," and "with respect to the Protection of the Cemetery," shall be incorporated with this Act; but for the Purposes of this Act the Expression

Expression " the Bishop of the Diocese " where used in the said Clauses " with respect to exclusive Rights of Interment and Monumental Inscriptions " shall mean the Bishop of *London;* and for the Purposes of this Act the Expression " the Company " where used in the " Cemeteries Clauses Act, 1847," shall mean " the General Board of Health," and the Expression " the Clerk " where used in such Act shall include " the Assistant Secretary " appointed under this Act; and every Person committing any Offence in the said Clauses " with respect to the Protection of the Cemetery " respectively mentioned shall forfeit the Sum therein respectively mentioned to the said Board, upon a summary Conviction for such Offence before Two Justices of the Peace.

Board to be assessed to Rates in respect to Burial Grounds provided under this Act.

LXV. And be it enacted, That the said Board shall from Time to Time be assessed or rated to all County, Parochial, or other local Rates, for and in respect of any Burial Ground provided under this Act, and any Building or Place of Burial therein, or other Lands acquired by them for the Purposes of this Act, in such and the same Proportion as, but not at any higher Value or improved Rent than, such Ground or Lands was or were assessed or rated at for the Year immediately preceding the taking and Conversion of such Ground or Lands for the Purposes of this Act.

Audit of Accounts by Auditors of public Accounts.

LXVI. And be it enacted, That the Accounts of the said Board shall be examined and audited by the Commissioners for auditing the public Accounts of this Kingdom, and such Commissioners shall, in examining, trying, and auditing the Accounts of the said Board, have all the Powers which are vested in them by Law for examining, trying, and auditing the said public Accounts, and the Monies which may be received and become applicable for the Purposes of this Act shall be deemed public Monies, and may be recovered in case of Default accordingly, but all Monies so recovered shall be paid into the said Account at the Bank of *England* for the Purposes of this Act.

Board may contract.

LXVII. And be it enacted, That the said Board may enter into all such Contracts as they may think fit for the Erection and furnishing of Chapels in the Burial Grounds provided under this Act, and in the Case of Chapels already built, for enlarging the same, and for enclosing and laying out such Grounds, and for providing Offices and Houses of Reception, and for any other Matters in relation to the Purposes of this Act in respect to which it may appear to the said Board expedient to enter into Contracts.

Purchases, &c. to be sanctioned by the Treasury.

LXVIII. Provided always, and be it enacted, That no Purchase, Building, or Work, where the Purchase Money or the estimated Expense of such Building or Work exceeds One hundred Pounds, shall be made, erected, or done, or any Contract for the same entered into, by the said Board, under this Act, without the Approbation of the Commissioners of Her Majesty's Treasury.

Certain Provisions of 8 & 9 Vict. c. 18., as to Cemeteries and Compensation, incorporated with this Act.

LXIX. And be it enacted, That " The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act " with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of the 'Lands Clauses Consolidation Act, 1845,' or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," and " with respect to the Provision to be made for affording Access to the special Act by all Parties interested," shall, so far as respects Purchases by the said Board of any Cemetery mentioned in the Schedule (B.) to this Act, and Compensation to Persons interested in Non-parochial Burial Grounds, be incorporated with this Act.

Certain Provisions of same Act as to Lands taken by Agreement only incorporated with this Act.

LXX. And be it enacted, That the said Lands Clauses Consolidation Act, except the Provisions of that Act specified and excepted in the Section next herein-before contained, and except also the Provisions of that Act " with respect to the Purchase and taking of Lands otherwise than by Agreement," shall, so far as respects Purchases of Lands by Agreement under this Act by the said Board, be incorporated with this Act, and for the Purposes of this Act the Expression " the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the said Board.

Receipt of Company to be an effectual Discharge.

LXXI. And be it enacted, That the Receipt in Writing under the Common Seal of the Company for the Purchase or Consideration Money for any Cemetery belonging to such Company which shall be purchased by the said Board, or for any Compensation payable to such Company under this Act, shall be an effectual Discharge to the said Board for the same.

Power to dispose of Lands not wanted.

LXXII. And be it enacted, That it shall be lawful for the said Board to sell and dispose of any Lands purchased by them under this Act, which it may appear to the said Board may be properly sold or disposed of, and which may not have been consecrated or used for the Burial of the Dead; and for completing and carrying any such Sale into effect such Board may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the said Board; and the Word " grant " in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the said Board shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied in like Manner as other Monies received under this Act; and the said Board may let from Year to Year, and at such Rent as the said Board may think fit, any Land which may have been purchased by and become vested in the said Board under this Act, and which for the Time being shall not be required for the Purposes of this Act.

Annual Reports and Abstract of Accounts to be made, and laid before Parliament.

LXXIII. And be it enacted, That the said Board shall, in the Month of *March* in every Year, send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, specifying the Burial Grounds which have been provided under this Act in the preceding Year, and showing the Portions of such Burial Grounds which are consecrated and intended to remain unconsecrated respectively, and stating also the Names of the Chaplains appointed under this Act, and of the Officers and Servants appointe

appointed and employed by the said Board under this Act, showing those appointed for the general Purposes of this Act and those appointed or employed for and in each such Burial Ground, and their respective Duties, and stating the Amounts of the Stipends payable to the said Chaplains, and of the respective Salaries and Wages of such Officers and Servants, and stating the Annuities payable under this Act by way of Compensation to Clerks and Sextons, and to Churchwardens or other Persons on behalf of Parishes, and the Compensations payable under this Act in respect of Non-parochial Burial Grounds, and the Debts and Annuities, if any, in respect of Parochial Burial Grounds, to be discharged under this Act, and specifying all Burial Grounds and Works commenced under the Authority of the said Board during the preceding Year, and remaining in progress at the Termination of such Year; and the said Board shall, after they have fixed a Table of the Fees and Sums to be payable upon Interments in the Burial Grounds provided under this Act, annex such Table to their next Report, and from Time to Time as the said Board shall vary such Table of Fees and Sums they shall annex such varied Table to their next Report; and the said Board shall, with every Report to be sent as aforesaid, send to such Secretary of State an Account in Abstract, showing the Receipt and Expenditure under this Act for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the said Commissioners for auditing the public Accounts, if they have allowed such Accounts, or of the Parts, if any, which they have disallowed of such Accounts, and also a summary Statement of all Contracts entered into by the said Board in such preceding Year, and of the Monies owing to and Debts owing by the said Board on the Thirty-first Day of *December* of such preceding Year; and the said Board shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings; and every such Report, Account in Abstract, and Statement as aforesaid shall be laid before both Houses of Parliament within One Month after the Receipt thereof, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Power to convey Chapels in out-lying Parochial Burial Grounds to Trustees for the Parishes in which they are situate.

LXXIV. And be it enacted, That where any Burial Ground in which Interment is discontinued under this Act belongs to any Parish other than the Parish within which the same is locally situate, it shall be lawful for the Incumbent and Churchwardens of the Parish to which such Burial Ground belongs, with the Consent of the Vestry or Persons possessing the Powers of Vestry for Ecclesiastical Purposes of or in such Parish, and of the Bishop of the Diocese, to convey any Chapel belonging to such Parish and situate in or attached to such Burial Ground, and the Site thereof, to any Persons named by the Incumbent and Churchwardens of the Parish within which the same is situate, with the Consent of the Vestry or Persons possessing the Powers of Vestry of or in such Parish for Ecclesiastical Purposes, and of the said Bishop, and upon such Trusts for such last-mentioned Parish, and subject to such Conditions to be performed on behalf of such Parish, and with such Provision for the Appointment of new Trustees, as to the said Bishop may seem proper, and such Conveyance shall be effectual to pass all the Estate and Interest vested in any Persons in trust or on behalf of the Parish to which such Chapel and the Site thereof belong; and after the Execution of such Conveyance all Obligation on such last-mentioned Parish, or any Trustees or others on behalf thereof, to repair such Chapel or to pay any Stipend to the Minister thereof, or otherwise in relation to or in connexion with such Chapel, shall cease.

Provision for dissolving Cemetery Companies.

LXXV. And be it enacted, That after Payment by the said Board of the Purchase or Consideration Money for any of the Cemeteries mentioned in the Schedule (B.) to this Act, or after the Payment to any Cemetery Company of the Compensation for the Loss or Damage sustained by them by reason of the Discontinuance of Interment in their Cemetery or Cemeteries under the Provisions of this Act, the Cemetery Company to which such Purchase or Consideration Money or Compensation may belong or be payable (unless some other Cemetery in which Interment is not then discontinued remain vested in them) shall continue only for the Purpose of winding up the Affairs, and realizing and distributing the Assets thereof, and the satisfying any Debts or Engagements to or by the said Company, and for the Enforcement by Law or in Equity of such Debts or Engagements respectively; and the said Company, as soon as conveniently may be after the Payment of such Purchase or Consideration Money or Compensation shall convert into Money, by Sale or otherwise, the Effects of the said Company, and get in the Debts and Assets thereof, and distribute and apportion the Monies thence arising, together with such Purchase or Consideration Money or Compensation, after satisfying all the Debts, Engagements, and Liabilities of the said Company, to and among the several Proprietors thereof according to their respective Shares and Interests therein, and from and immediately after such Distribution and Apportionment the said Company shall be dissolved, and the Receipt of every Person who for the Time being would have been entitled to give an effectual Discharge for any Dividends which might have become payable in respect of any Share in any such Cemetery or Company in case this Act had not been passed, for the Proportion of the Monies which under this Provision shall become payable in respect of such Share, shall be an effectual Discharge to such Company and the Directors thereof for the same.

Interpretation of Terms.

LXXVI. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

Words importing Individuals shall include Corporations:

The

The Word "Lands" shall include Messuages, Buildings, Lands, and Hereditaments:
The Expression "the District" shall mean "the Metropolitan Burial District:"
The Word "Parish" shall include united Parishes, and any distinct and separate Parish, District Parish, District Chapelry, or Consolidated District, formed under the Provisions of the Church Building Acts, and any new Parish constituted by or under the Proceedings of the Ecclesiastical Commissioners for *England;* and the Word "consecrated" shall mean consecrated according to the Rites of the United Church of *England* and *Ireland,* and the Word "unconsecrated" shall mean not so consecrated.

LXXVII. And be it enacted, That in citing this Act in other Acts, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The Metropolitan Interments Act, 1850." Short Title.

SCHEDULE (A.)

THE METROPOLITAN BURIAL DISTRICT.

The City of London and the Liberties thereof, the Inner Temple and Middle Temple, and all other Places and Parts of Places contained within the exterior Boundaries of the Liberties of the City of London.

In Middlesex.

The City and Liberties of Westminster.

The Parishes of St. Margaret and Saint John the Evangelist.
The Parish of St. Martin in the Fields.
The Parish of St. George Hanover Square.
The Parish of St. James.
The Parish of St. Mary-le-Strand, as well within the Liberty of Westminster as within the Duchy Liberty.
The Parish of St. Clement Danes, as well within the Liberty of Westminster as within the Duchy Liberty.
The Parish of St. Paul Covent Garden.
The Parish of St. Anne Soho.
Whitehall Gardens (whether the same be parochial or extra-parochial).
Whitehall (whether the same be parochial or extra-parochial).
Richmond Terrace (whether the same be parochial or extra-parochial).
The Close of the Collegiate Church of St. Peter.

The Parishes of St. Giles in the Fields and St. George Bloomsbury.
The Parishes of St. Andrew Holborn and St. George the Martyr.
The Liberty of Hatton Garden, Saffron Hill, and Ely Rents.
The Liberty of the Rolls.
The Parish of St. Pancras.
The Parish of St. John Hampstead.
The Parish of St. Marylebone.
The Parish of Paddington.
The Precinct of the Savoy.
The Parish of St. Luke.
The Liberty of Glasshouse Yard.
The Parish of St. Sepulchre.
The Parish of St. James Clerkenwell, including both Districts of St. James and St. John.
The Parish of St. Mary Islington.
The Parish of St. Mary Stoke Newington.
The Charterhouse.
The Parish of St. Mary Whitechapel.
The Parish of Christchurch Spitalfields.
The Parish of St. Leonard Shoreditch.
The Liberty of Norton Falgate.
The Parish of St. John Hackney.
The Parish of St. Matthew Bethnal Green.
The Hamlet of Mile End Old Town.
The Hamlet of Mile End New Town.
The Parish of St. Mary Stratford Bow.
The Parish of Bromley St. Leonard.
The Parish of All Saints Poplar.
The Parish of St. Anne Limehouse.
The Hamlet of Ratcliffe.
The Parish of St. Paul Shadwell.
The Parish of St. George in the East.
The Parish of St. John Wapping.
The Liberty of East Smithfield.
The Precinct of St. Catherine.
The Liberty of Her Majesty's Tower of London, consisting of—
The Liberty of the Old Artillery Ground.
The Parish of Trinity, Minories.
The Old Tower Precinct.
The Precinct of the Tower Within.
The Precinct of Wellclose.
The Parish of Kensington.
The Parish of St. Luke Chelsea.
The Parish of Fulham.
The Parish of Hammersmith.
Lincoln's Inn.
New Inn.
Gray's Inn.
Staple Inn.
That Part of Furnival's Inn in the County of Middlesex.
Ely Place.

In Kent.

The Parish of St. Paul Deptford.
The Parish of St. Nicholas Deptford.
The Parish of Greenwich.
The Parish of Woolwich.
The Parish of Charlton.
The Parish of Plumstead.

In SURREY.

The Borough of Southwark.

The Parish of St. George the Martyr.
The Parish of St. Saviour.
The Parish of St. John Horsleydown.
The Parish of St. Olave.
The Parish of St. Thomas.

The Parish of Battersea (except the Hamlet of Penge).
The Parish of Bermondsey.
The Parish of Camberwell.
The Parish of Clapham.
The Parish of Lambeth.
The Parish of Newington.
The Parish of Putney.
The Parish of Rotherhithe.
The Parish of Streatham.
The Parish of Tooting.
The Parish of Wandsworth.
The Parish of Christchurch.
The Clink Liberty.
The Hamlet of Hatcham in the Parish of Deptford.

SCHEDULE (B.)

The several CEMETERIES established under the several ACTS herein-after mentioned; viz.—

2 & 3 W. 4. c. cx. An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis:

6 & 7 W. 4. c. cxxix. An Act for establishing a Cemetery for the Interment of the Dead Southward of the Metropolis, to be called the "South Metropolitan Cemetery:"

6 & 7 W. 4. c. cxxxvi. An Act for establishing Cemeteries for the Interment of the Dead, Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The London Cemetery Company:"

1 Vict. c. cxxx. An Act for establishing a Cemetery for the Interment of the Dead, Westward of the Metropolis, by a Company to be called "The West of London and Westminster Cemetery Company:" And

4 & 5 Vict. c. lxiii. An Act to establish a General Cemetery for the Interment of the Dead in the Parishes of Saint Dunstan Stepney and Saint Leonard Bromley in the County of Middlesex:

The Victoria Park Cemetery, in the Parish of Saint Matthew Bethnal Green in the County of Middlesex: And

The Abney Park Cemetery, in the Parish of Saint Mary Stoke Newington in the County of Middlesex.

SCHEDULE (C.)

Form of Mortgage.

Mortgage Number ( ).

BY virtue of an Act passed in the Year of the Reign of Queen Victoria [*here insert the Title of this Act*], the General Board of Health, in consideration of the Sum of paid to the Treasurer of the said Board by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all the Monies arising and to arise from the several Fees, Payments, and Rates to be received and made under the said Act, to hold to the said *A.B.*, his Executors, Administrators, or Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared, that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the said Board have hereunto set their Seal this Day of 18 .

SCHEDULE (D.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage Number ( ), bearing Date the Day of and made by the General Board of Health to for securing the Sum of and Interest [*or, if such Transfer be by Endorsement on the Mortgage, insert, instead of the Words after* "Assigns," the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of 18 .

A.B. (L.S.)

CAP. LIII.

An Act for taking account of the Population of *Great Britain*. [5th *August* 1850.]

Account of the Population to be taken.

'WHEREAS it is expedient to take an Account of the total Number of Persons within *Great Britain*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Time and in the Manner herein-after directed an Account

Account shall be taken of the Number of Persons who at the Time of taking such Account shall be within *England* and *Scotland* respectively, and the Persons employed in taking such Account shall set down the several Particulars respecting the same according to such Form as shall be prescribed as herein-after mentioned.

Secretary of State to superintend the taking an Account of the Population.

II. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall have the Care of superintending the taking of such Account, and shall cause to be prepared and printed, for the Use of the Persons to be employed in taking such Account, such Forms and Instructions as he shall deem necessary; and the Registrar General shall issue all such Forms and Instructions to the Persons for whose Use they shall be intended; and all the Expenses which shall be incurred by such Secretary of State under this Act, and not herein otherwise provided for, shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Registrars Districts in England to be formed into Enumeration Districts.

III. And be it enacted, That every Registrar's District in *England* shall be formed into Enumeration Districts according to Instructions to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births and Deaths in *England;* and the Registrars, with all convenient Speed, shall divide the several Districts into Enumeration Districts according to such Instructions, and subject in each Case to be revised by the Superintendent Registrars, and to the final Revision and Approval of the said Registrar General.

Enumerators to be appointed.

IV. And be it enacted, That the several Registrars of Births and Deaths in *England* shall make and return to their respective Superintendent Registrars a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to take account of the Population within their several Districts, and such Persons, when approved of by the Superintendent Registrar, shall be appointed by him Enumerators for taking such Account, subject nevertheless to the Approval of the said Registrar General; and the Registrar, with the Approval of the Superintendent Registrar, shall assign a District to each Enumerator, and shall distribute to the several Enumerators in his District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Enumerators to take the Account in England on 31st March 1851.

V. And be it enacted, That upon *Monday* the Thirty-first Day of *March* in the Year One thousand eight hundred and fifty-one every such Enumerator, under the Direction of the Registrar of the District, shall visit every House within his District, except as herein-after provided, and shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of *Sunday* the Thirtieth Day of the said Month of *March*, and shall also ascertain which of such Persons are Foreigners, and shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his District; and shall also take an Account of all such further Particulars as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in such Account each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his District, or such Parts thereof as shall be within his District, and shall also distinguish those Parishes and Places or Parts of Parishes and Places within his District which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough, or of any Ecclesiastical District, and shall sign and deliver such Account to the Registrar of the District, and also a Form or Declaration to the Effect that the said Account has been truly and faithfully taken by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions aforesaid.

Registrars to verify the Accounts.

VI. And be it enacted, That the Registrar to whom such Accounts shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said Accounts to be supplied, so far as may appear possible; and when the Accounts shall have been made as accurate as is possible the Registrar shall deliver them to the Superintendent Registrar of his District.

Superintendent Registrars to collect Accounts, and return them to Secretary of State.

VII. And be it enacted, That the Superintendent Registrar shall examine all the Accounts which shall be so delivered to him, and shall satisfy himself how far the Registrars have duly performed the Duties required of them by this Act, and shall cause any Inaccuracies which he shall discover in such Accounts to be corrected, so far as may be possible, and shall return on or before the First Day of *June* One thousand eight hundred and fifty-one all the Accounts which shall have been delivered to him to the Registrar General, for the Use of such Secretary of State.

Abstracts of Returns to be printed, and laid before Parliament.

VIII. And be it enacted, That such Secretary of State shall cause Abstracts to be made of the said Returns; and such Abstracts shall be printed, and laid before both Houses of Parliament within Twelve Calendar Months next after the First Day of *June* in the Year One thousand eight hundred and fifty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the First Fourteen Days of the Session then next ensuing.

Copies of this Act, &c. to be sent to the Sheriffs, Provosts, &c. in Scotland.

IX. And be it enacted, That the Registrar General shall send a printed Copy of this Act, and also a sufficient Number of all Forms and Instructions which the said Secretary of State shall have caused to be prepared, to the Sheriff of every County in *Scotland*, and to the Provost or other Chief Magistrate of every Royal Burgh, and of every Parliamentary Burgh having a Provost and Magistrates, in *Scotland*, with

with such Alterations in the said Forms and Instructions as to such Secretary of State shall seem necessary to make them applicable to the Circumstances of each Case.

Sheriffs, &c. in Scotland to appoint Schoolmasters or other Persons to take the Account required in Scotland.

X. And be it enacted, That the Sheriffs in their respective Counties, and the Provost or other Chief Magistrate of the Royal and Parliamentary Burghs within the said Burghs, shall nominate and appoint, in Writing under the Hand of their respective Clerks, the Schoolmaster or other fit Person or Persons in each Parish or Part of a Parish or Place within their respective Jurisdictions to take account of the several Matters required by this Act; and the Sheriffs Officers and Town Officers respectively shall forthwith deliver the Forms and Instructions prepared as aforesaid for their Use to the Schoolmaster or other Person or Persons so appointed; and on the said Thirty-first Day of *March* in the Year One thousand eight hundred and fifty-one the Schoolmaster or other Person or Persons so appointed shall visit every House within their District, and shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of the said Thirtieth Day of the said Month of *March*, and shall also ascertain which of such Persons are Foreigners, and also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within their District; and shall also take an Account of all such further Particulars as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in such Account the Enumerators shall distinguish the several Parishes and Places maintaining their own Poor, and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, which are within the Limits of any City, Burgh, or Town returning or contributing to return a Member or Members to serve in Parliament, or Royal Burgh, and shall then exhibit the same to the Minister of the Parish, for his Correction and Approbation, and for any Observations which he may think fit to write thereupon; and the several Schoolmasters and other Persons appointed shall thereafter sign the same with their Names and ordinary Designations.

Returns to be made to the Sheriffs, &c. in Scotland.

XI. And be it enacted, That the Sheriffs and the Provost or other Chief Magistrates of the Royal and Parliamentary Burghs, within their respective Jurisdictions, shall appoint a Time or Times, which shall not be sooner than the Seventh nor later than the Thirtieth Day of *April* One thousand eight hundred and fifty-one, for the Schoolmaster, Person or Persons, appointed by them as aforesaid, to attend at their Offices, or at such other Places as they shall appoint, with their Returns to be made under this Act, and the said Sheriffs and Provosts or other Chief Magistrates shall cause Notice to be given to them respectively for that Purpose accordingly, and shall then and there receive the Returns to be made as aforesaid, and cause every Schoolmaster or Person appointed to make such Returns as aforesaid to make a Declaration to the Effect that the said Account has been truly and faithfully taken, and that to the best of his Knowledge the same is correct, so far as may be known; and such Sheriffs and Provosts or other Chief Magistrates aforesaid, if they see Cause, may examine the said Schoolmaster, Person or Persons, touching any of the Matters contained in such Questions and Answers, especially as to the distinct Population of Parts of Parishes not only contained in one and the same County, or partly included in any Parliamentary Burgh (as aforesaid) or Royal Burgh, and shall thereafter direct the Clerks of their respective Jurisdictions to endorse the same (if not previously endorsed) with the Name of the County and District thereof wherein the Parish or Place therein mentioned is situated, or otherwise (in Cases where the said Sheriffs shall think proper) they shall direct the Schoolmasters and other Persons aforesaid to verify the said Returns and Answers before any Justice of the Peace within the County, and thereafter to transmit the Schedule, previously to the said Thirtieth Day of *April*, in any convenient Manner, to the said Sheriffs, who shall direct the same to be endorsed as aforesaid.

Original Accounts taken by Schoolmasters in Scotland to be transmitted to Secretary of State.

XII. And be it enacted, That the Sheriffs and Provosts or other Chief Magistrates of the Royal and Parliamentary Burghs, in *Scotland*, shall on or before the First Day of *June* One thousand eight hundred and fifty-one send the several original Accounts so taken in Writing by the Schoolmasters or other Persons appointed as aforesaid in every Parish or Place in *Scotland* (together with a List of the Parishes and Places within their respective Counties, Ridings, or Divisions from whence no Returns have been made to them,) to the Registrar General for the Use of such Secretary of State, who shall cause Abstracts thereof to be made and printed and laid before both Houses of Parliament within Twelve Months after the said First Day of *June* if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Householders Schedules to be left at Dwelling Houses.

XIII. And be it enacted, That Schedules shall be prepared by or under the Direction of such Secretary of State for the Purpose of being filled up by the several Occupiers of Dwelling Houses as herein-after provided; and the Registrars in *England* and *Wales*, and the Schoolmasters and other Persons charged with taking the said Account in *Scotland*, shall in the course of the Week ending on *Saturday* the Twenty-ninth Day of *March* in the Year One thousand eight hundred and fifty-one leave or cause to be left at every Dwelling House within their respective Districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Person charged with taking the said Account will collect all such Schedules within his District on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto,

Occupiers to fill up the Schedules, and sign and deliver them to the Enumerator.

thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Person charged with taking the said Account, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds nor less than Two Pounds. Penalty for Neglect.

XIV. And be it enacted, That the Persons charged with taking the said Accounts in *Great Britain* shall collect all the Schedules so left within their District from House to House, and, so far as may be possible, on the said *Monday* the Thirty-first Day of *March*, and shall complete such of the Returns so made to them as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Returns so made to them, when completed and corrected, into the Account which they are required to take of the Persons living within their several Districts, and shall add thereunto the Accounts which they shall have taken of all the other Persons living within their District, in the Manner herein prescribed, who shall not be included in the Returns so made to them. Schedules to be collected from House to House, and corrected if found to be erroneous.

XV. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every public or charitable Institution, which shall be determined upon by the said Registrar General shall be the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of one of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates. Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

XVI. And be it enacted, That the Overseers of the Poor in every Parish, Township, and Place in *England* and *Wales*, and the Constables, Tithingmen, Headboroughs, or other Peace Officers for such Parishes, Townships, and Places, and the Relieving Officers in any Union formed under the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, shall be bound to act as Enumerators under this Act within their respective Townships, Parishes, and Places, and Unions, if required so to act by one of the said Secretaries of State, and where they shall so act shall be entitled to Allowances as Enumerators under the Provisions of this Act; and every such Overseer, Relieving Officer, Constable, Tithingman, Headborough, and other Peace Officer, who shall refuse or wilfully neglect so to act, and duly to perform the Duties required of the said Enumerators by this Act, shall for every such Offence forfeit a Sum not more than Ten Pounds nor less than Five Pounds. Overseers, Relieving Officers, and Peace Officers bound to act as Enumerators. 4 & 5 W. 4. c. 76.

XVII. And be it enacted, That such Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of *Sunday* the Thirtieth Day of *March* were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, Schoolmasters, and other Persons as aforesaid, and shall include such Returns in the Abstracts to be made by him as aforesaid. Returns of houseless Poor and of Persons travelling or on Shipboard.

XVIII. And be it enacted, That one of the said Secretaries of State shall cause to be prepared a Table of Allowances to be made to the several Enumerators, Registrars, Superintendent Registrars, and other Persons in *England* employed in the Execution of this Act; and such Table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the First Day of *March* One thousand eight hundred and fifty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing. Table of Allowances to Enumerators in England.

XIX. And be it enacted, That the Guardians of the Poor, or, where there are no such Guardians, the Overseers of the Poor in every Superintendent Registrar's District in *England*, shall pay to such Superintendent Registrar, out of the Monies in their Hands as such Guardians or Overseers, the whole Amount of the Allowances to which the said Superintendent Registrar, and the Registrars, Enumerators, and other Persons in that District, are severally entitled, according to the said Table; and each Superintendent Registrar shall pay over to the Registrars in his District the Allowances to which the said Registrars, Enumerators, and other Persons are entitled; and each Registrar shall pay over to the Enumerators and other Persons in his District the Allowances to which they are severally entitled, according to the said Table; and the Receipts to be given by the Enumerators and other Persons, Registrars, and Superintendent Registrars, for Payment of their said Allowances, shall be delivered to the Guardians or Overseers, as the Case may be; and where the District of any Superintendent Registrar, Registrar, or Enumerator contains more than One Parish or Place, or Parts of more than One Parish or Place, the Guardians established under the said Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*, or, if there be no such Guardians, the Superintendent Registrar, shall apportion the whole Sum so paid or to be paid on account of that District among the several Parishes and Places of which any Part is within such District, in such Manner as to them or him shall seem just; and such Apportionment shall be binding upon all Persons, and the Payment thereof shall be allowed in the Accounts of the Guardians and Overseers of the Poor of the said several Parishes and Places; and in every extra-parochial or other Place not having Overseers of the Poor the Persons appointed to collect the County or Borough Rates therein shall be deemed Overseers of the Poor within the Meaning of this Act, and shall pay the Amount charged to the Account of such Place under the Provisions of this Act to the Guardians of the Union in which such Place is situated, or, if it be not situated in any Union, to the Superintendent Registrar, out of the next Monies in their Hands collected for the County or Borough Rate within such Place, and shall be allowed such Payment

Manner in which the Payments shall be made to Persons employed in execution of this Act in England.

Apportionment of Payments where more than One Parish in a District.

As to extra-parochial Places.

Payment in their Accounts; and if there be any extra-parochial Place in which no County or Borough Rate, or Rate in the Nature of a County Rate, is collected, the Treasurer of the County, Riding, or Division, or Borough, shall pay the Amount charged to the Account of such Place out of the Monies in his Hands as such Treasurer, and shall be allowed such Payment in his Account: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Superintendent Registrar with respect to the Registrar before any Payment shall be made to the Registrar, and the like Certificate under the Hand of the said Registrar General with respect to the Superintendent Registrar before any Payment shall be made to the Superintendent Registrar.

Payments to be certified to the Registrar General.

XX. And be it enacted, That the Superintendent Registrar of every District in *England* shall within One Calendar Month next after any such Payment shall have been made as aforesaid certify to the said Registrar General the total Amount of the Allowances to which he, and the Registrars, Enumerators, and other Persons in that District, are respectively entitled, according to the said Table.

Parishes, &c. to be reimbursed by Parliament.

XXI. And be it enacted, That all Allowances defrayed as aforesaid by any Parish or Place, or by the Guardians or Overseers on behalf thereof, or by the Treasurer of any County, Riding, Division, or Borough, shall be reimbursed to such Parish, Place, or Treasurer by the Commissioners of Her Majesty's Treasury, out of such Monies as shall be provided by Parliament for that Purpose.

Payments to be made to Persons in Scotland.

XXII. And be it enacted, That the Sheriffs and Provosts or other Chief Magistrates of the Royal and Parliamentary Burghs, in *Scotland*, shall allow to the Sheriff Clerk or Town Clerk respectively, for the Return which shall be made and transmitted from every Parish or Place in *Scotland*, the Sum of One Shilling, and to the Sheriff Officer or Town Officer who shall distribute the Schedule to the Schoolmasters and others, for the like, the Sum of Two Shillings and Sixpence; and the said Sheriffs and Provosts or other Chief Magistrates of the Royal Burghs and other Burghs in *Scotland*, herein specified, shall allow to the Schoolmasters and others a reasonable Compensation for the Trouble by them necessarily taken, and also for the Expenses (if any) by them necessarily incurred in the Execution of this Act, and shall order Payment thereof, and also of the Sums respectively payable to the Sheriff Clerk or Town Clerk, and to the Sheriff Officer or Town Officer, to be made by the Collector of the Land Tax of and for the Shire or other Place (as the Case shall require), out of any Money in his Hands, and such Collector shall pay the same accordingly.

Penalty for wilful Default.

XXIII. And be it enacted, That every Superintendent Registrar and Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, in *England*, and also every Schoolmaster or other Person in *Scotland*, so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Two Pounds.

Penalty for refusing Information or giving false Answers.

XXIV. And be it enacted, for the better enabling the said Secretary of State, Registrar General, Enumerators, Schoolmasters, and other Persons employed in the Execution of this Act, to make the said Inquiries and Returns, That the said Enumerators, Schoolmasters, and other Persons shall be authorized to ask all such Questions as shall be directed in any Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit a Sum not exceeding Five Pounds nor less than Twenty Shillings.

Recovery and Application of Penalties.

XXV. And be it enacted, That Forfeitures imposed by this Act for Offences in *England* shall be recovered in a summary Manner before Two Justices of the Peace having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by Law in this Behalf; and Forfeitures imposed by this Act for Offences in *Scotland* may be recovered before the Sheriff or Two Justices, who may proceed in a summary Way, and grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, he or they may forthwith determine and give Judgment, without any written Pleadings or Record of Evidence, and grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment within Eight Days after Conviction, by Poinding and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Fourteen Days; and Forfeitures recovered in *England* under this Act shall be paid, one Half to the Informer, and the other Half to the Treasurer of the County or Place for which the Justices before whom the Forfeiture is recovered shall have acted, and Forfeitures recovered in *Scotland* under this Act shall be paid, one Half to the Informer, and the other Half to the Collector of the Land Tax of such County wherein the Offence shall be committed, to be by him applied in aid of the Expenditure incurred by reason of this Act.

Explanation Clause.

XXVI. And be it enacted and declared, for Explanation of the full Intent and Meaning of certain Words used in this Act, That the Words "Parish or Place, Parishes or Places," shall include the various Denominations of Townships, Tithings, Hamlets, Villages, Chapelries, Quarters, Wards, Parcels, Lordships, Manors, or Parts of any Parish, and all other Places, whether denominated Vills, Precincts, or otherwise, and whether connected with any Parish or deemed to be extra-parochial.

Act may be amended, &c.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LIV.

An Act to amend the Acts relating to Labour in Factories. [5th *August* 1850.]

'WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, it was enacted, that no Person under the Age of Eighteen Years should be employed in any Mill or Factory as in the said Act mentioned, in any such Description of Work as therein specified, more than Twelve Hours in any One Day, except as therein-after provided: And whereas by an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Labour in Factories*, it was enacted, that the Hours of Work of Children and young Persons in every Factory should be reckoned from the Time when any Child or young Person should first begin to work in the Morning in such Factory; and by the same Act it was enacted, that no Female above the Age of Eighteen Years should be employed in any Factory, save for the same Time and in the same Manner as young Persons might be employed in Factories: And whereas by an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to limit the Hours of Labour of young Persons and Females in Factories*, the Hours of Labour of young Persons and Females in Factories were further restricted as therein is mentioned: And whereas it is expedient to amend the said herein-before recited Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, save as herein-after mentioned, so much of the said Acts as restricts or limits the Hours of the Employment or Labour of young Persons and of Females above the Age of Eighteen Years, shall be repealed, and after the passing of this Act no young Person, and no Female above the Age of Eighteen Years, shall be employed in any Factory before Six of the Clock in the Morning or after Six of the Clock in the Evening of any Day (save to recover lost Time, as herein-after provided), and no young Person, and no Female above the Age of Eighteen Years, shall be employed in any Factory, either to recover lost Time or for any other Purpose, on any *Saturday* after Two of the Clock in the Afternoon.

3 & 4 W. 4. c. 103.

7 & 8 Vict. c. 15.

10 & 11 Vict. c. 29.

No young Person or Female to be employed before Six in the Morning or after Six in the Afternoon, or on Saturdays after Two in the Afternoon.

II. And be it enacted, That so much of the said secondly-recited Act as requires Notice in the Form given in the Schedule (C.) to such Act of the Hours of Work of all young Persons, and Females above the Age of Eighteen Years, employed in the Factory, to be hung or fixed up in any Factory, and so much of the same Act as enacts that in any Complaint of the Employment of any Person in a Factory otherwise than is allowed by that Act the Time of beginning Work in the Morning which shall be stated in any Notice fixed up in the Factory, signed by the Occupier or his Agent, shall be taken to be the Time when all Persons in the Factory, except Children beginning to work in the Afternoon, began Work on any Day subsequent to the Date of such Notice, so long as the same continued fixed up in the Factory, shall be repealed.

Provision of 7 & 8 Vict. c. 15. requiring Notices of Times of beginning and ending Work to be hung up, repealed.

III. 'And whereas by the said secondly-recited Act it was enacted, that the Times allowed for Meal Times, as provided by the said firstly-recited Act, should be taken between the Hours of Half past Seven in the Morning and Half past Seven in the Evening:' Be it enacted, That the Times allowed for such Meal Times as aforesaid shall be taken between the Hours of Half past Seven in the Morning and Six in the Evening; and, subject to such Alteration as aforesaid, all the Provisions of the said firstly and secondly recited Acts concerning Meal Times and Notice of Meal Times shall remain applicable to all young Persons, and to all Females above the Age of Eighteen Years, employed in any Factory.

Meal Times to be taken between Half past Seven in the Morning and Six in the Evening.

IV. 'And whereas by the said secondly-recited Act it was enacted, that in any Factory in which any Part of the Machinery was moved by the Power of Water the Time which should have been lost by Stoppages from Want of Water, or from too much Water, might be recovered within Six Months next after the Stoppage, between the Hours specified in the said firstly-recited Act as those within which Time lost by Drought or Excess of Water might be recovered, and that in order to recover Time so lost any Child or young Person might be employed One Hour in each Day more than the Time to which the ordinary Labour of Children and young Persons respectively was restricted by Law, except on *Saturday*:' Be it enacted, That no young Person, and no Female above the Age of Eighteen Years, shall, in order to recover Time so lost as aforesaid, be employed after Seven of the Clock in the Evening of any Day; and the Times before Six of the Clock in the Morning and after Six of the Clock in the Evening during which any such young Person or Female is so employed in any Day shall not together exceed One Hour.

Young Persons or Females not to be employed under 7 & 8 Vict. c. 15. in recovering lost Time after Seven in the Evening.

V. 'And whereas by the said secondly-recited Act it was enacted, that in any Factory in which any Part of the Machinery was moved by the Power of Water, when the Stream was so diminished by Drought or swollen by Flood during any Part of the Day that any Part of the manufacturing Machinery driven by the Water-wheel had been stopped by reason of such Drought or Flood, the young Persons who would have been employed at such Machinery might recover such lost Time during the Night next following the said Day, unless the said Day were *Saturday*; provided that no such young Person should be employed during any Twenty-four consecutive Hours for a greater Number of Hours than that to which the ordinary daily Labour of such young Persons in Factories was otherwise restricted by Law, and that no young Person so employed in the Night should work more than Five Hours without an entire Cessation from Work of at least Thirty Minutes:' Be it enacted, That for the Purposes of

Time during which young Persons and Females may be employed under 7 & 8 Vict. c. 15. s. 34. in recovering lost Time.

of the last-recited Enactment the Word "Night" shall include the whole Period between Six of the Clock in the Evening and Six of the Clock in the Morning; and no young Person, and no Female above the Age of Eighteen Years, shall be employed to recover such lost Time as last aforesaid during any Twenty-four consecutive Hours for more than Ten Hours and Half of another Hour; and, save as herein-before mentioned, young Persons and Females may be employed to recover lost Time according to the Provisions of the said secondly-recited Act.

Power to employ young Persons from Seven in the Morning to Seven in the Evening from 30th Sept. to 1st April, under certain Regulations.

VI. Provided always, and be it enacted, That during all or Part of the Period between the Thirtieth Day of *September* of any Year and the First Day of *April* of the following Year, young Persons, and Females above the Age of Eighteen Years, may be employed, except on *Saturday*, between the Hours of Seven of the Clock of the Morning and Seven of the Clock of the Evening, instead of the Hours herein-before limited, under the following Regulations and Conditions; (that is to say,) Notice signed by the Occupier of any Factory, or his Agent, of the Intention to employ young Persons and Females under this Provision, specifying the Period, not being less than One Month, during which they are to be so employed in such Factory, shall be given to One of the Inspectors of Factories, and a Notice to the like Effect, in such Form as shall be approved by such Inspector, and signed by such Occupier, or his Agent, and by such Inspector, shall be hung or fixed up, and during the Period specified in the Notice shall be kept fixed up, according to the Directions for other Notices in the said secondly-recited Act, in such Factory; and during the Period specified in such Notice young Persons, and Females above the Age of Eighteen Years, may be employed in such Factory after Six of the Clock and not later than Seven of the Clock in the Evening of any Day, except *Saturday;* and during the Period specified in such Notice (save to recover lost Time as herein provided) no young Person, and no Female above the Age of Eighteen Years, shall be employed in such Factory before Seven of the Clock in the Morning of any Day except *Saturday;* and the Provisions herein-before contained shall, as to every Day, except *Saturday*, during the Period specified in such Notice, take effect as if Seven of the Clock in the Morning and Seven of the Clock in the Evening were throughout substituted for Six of the Clock in the Morning and Six of the Clock in the Evening respectively.

Repeal of Provision in 7 & 8 Vict. c. 15. as to Children above Eleven Years of Age &c., and in lieu thereof Children above Eleven may be employed as young Persons.

VII. 'And whereas by the said secondly-recited Act it was enacted, that any Child above Eleven 'Years of Age, employed solely in the winding and throwing of raw Silk, and who shall have obtained 'the Surgical Certificate required by this Act of his having completed his Eleventh Year, may work, 'without any Proof of having attended a School, for any Time not exceeding Ten Hours on any Working 'Day, but not after Half past Four of the Clock of the Afternoon of any *Saturday:* And whereas it is 'expedient that so much of the said recited Act should be repealed:' Be it therefore enacted, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed; and in lieu thereof it shall be lawful for any Child employed solely in the winding and throwing of raw Silk, who shall have obtained the Surgical Certificate required by the said secondly-recited Act of his having completed his Eleventh Year, to be employed in all respects as young Persons may be employed under this Act.

Young Persons and Females employed during Meal Times, &c. to be held to be employed contrary to Acts.

VIII. And be it enacted, That every young Person, and every Female above the Age of Eighteen Years, who shall be employed in any Factory, or shall be allowed to remain in any Room where any manufacturing Process is then carried on in any Factory, during any Part of the Times which by the Notice then fixed up in such Factory in that Behalf are mentioned as the Times allowed for Meals, shall be deemed to be employed contrary to the Provisions of the said recited Acts as amended by this Act.

Recited Acts and this Act to be construed as One Act.

IX. And be it enacted, That the Three herein-before recited Acts as amended by this Act, and this Act, shall be construed together as One Act, and in all respects as if the Provisions herein-before contained had been contained in the secondly herein-before recited Act: Provided nevertheless, that nothing herein contained shall apply to any Offence committed under the said recited Acts before the passing of this Act, or to any Proceedings taken under any of the said Acts, and pending at the Time of the passing of this Act.

Act may be amended, &c.

X. And be it further enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LV.

An Act to amend an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin*. [5th *August* 1850.]

12 & 13 Vict. c. 85.

'WHEREAS by an Act of the last Session of Parliament, intituled *An Act to amend an Act for the Regulation of Municipal Corporations in* Ireland, *so far as relates to the Borough of* Dublin, it 'is amongst other things enacted, that on the Twenty-fifth Day of *November* in the Year One thousand 'eight hundred and fifty all the Councillors of and in every Ward of the Borough of *Dublin* then in Office 'shall go out of Office, and all and every the Aldermen for each and every Ward of the said Borough 'then in Office shall continue in Office during the said Twenty-fifth Day of *November* in the Year One 'thousand eight hundred and fifty, for the Purpose of holding and presiding at the Elections of Aldermen 'and Councillors in the several Wards of the said Borough to be held on the said Day, as therein-after 'mentioned, and thenceforth until the Names of the Persons so elected shall be published as in the said 'therein first-recited Act directed, not being later than Two of the Clock of the Afternoon of the Day 'next but One following the Day of such Election; subject nevertheless to the Power and Provision for 'the Re-election of any Alderman or Councillor in the said therein first-recited Act contained: And

'whereas

'whereas Provision was made in the said recited Act for the Re-division of the Borough of *Dublin* into 'Wards: And whereas the said Re-division has been made and duly approved by the Lord Lieutenant 'and Privy Council of *Ireland* as by the said Act provided: And whereas the new Wards into which 'the said Borough has been divided do not correspond in Names, or in Extent or Boundaries, with the 'former Wards of the said Borough: And whereas it is doubtful which of the existing Aldermen of 'the said Borough is duly authorized under the Provisions of the said recited Act, and of the Act for 'the Regulation of Municipal Corporations in *Ireland*, to hold and preside at any Election to be held for 'each or any of the said new Wards on the Twenty-fifth Day of *November* in this Year:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Aldermen and Assessors of the said respective former Wards of the said Borough of *Dublin*, specified in the First Column of the Schedule to this Act annexed, shall in this present Year be the Persons to hold and preside at the Elections which shall take place on the said Twenty-fifth Day of *November* in this Year of Aldermen and Councillors, or to act thereat as Assessors respectively, for the said respective new Wards of the said Borough specified in the Second Column of the said Schedule in connexion with the Names of such respective former Wards specified in the said First Column thereof.

Aldermen and Assessors of the old Wards of the Borough of Dublin shall in this Year be the Persons to preside at Elections of Aldermen, &c., and act as Assessors for those new Wards that are respectively specified in the Schedule.

II. And be it enacted, That in case any Vacancy shall occur or shall have occurred before the said Twenty-fifth Day of *November* in this Year in the Office of any Alderman, Councillor, or Assessor of any Ward mentioned in the First Column of the Schedule to this Act annexed, by Death or Resignation, or by reason of any of the Causes of Disqualification of an Alderman or Councillor mentioned in the Eighty-eighth Section of the said Act of the Third and Fourth Years of Her present Majesty's Reign, for the Regulation of Municipal Corporations in *Ireland*, (as such Section is numbered in the Copies of the said Act printed by the Queen's Printers,) such Vacancy shall be filled up and such new Election respectively had for such Ward, under the Provisions of the said Act of the Third and Fourth Years of Her present Majesty's Reign, as if the said Re-division of the City of *Dublin* into new Wards as aforesaid had not taken place, and as if the said recited Act of the last Session of Parliament had not been passed, but such Officers so elected shall go out of Office at the Time in that Behalf appointed as to such Office by the said Act of the last Session: Provided always, that if any such Vacancy has already taken place or shall take place before the passing of this Act, such Election shall be had as if such Vacancy had occurred on the Day of the passing of this Act: Provided also, that if any such Vacancy in the Office of Alderman shall occur on or within Six Days before the said Twenty-fifth Day of *November* in this Year, or in the Case of the Illness or Incapacity to act or the unavoidable Absence of such Alderman on the said last-mentioned Day, then a Councillor for the Ward, according to Seniority (and who shall not be disabled by Illness, Incapacity, or unavoidable Absence to act), or in the Case of a Vacancy in the Office of Assessor for a Ward on or within Six Days before the said Twenty-fifth Day of *November*, then such Person (being a Burgess of the Ward) as the Alderman and Councillors of the Ward, or a Majority of them, shall appoint to act in the Room of such Assessor for such Purpose, shall hold, preside, or act at the Election of Aldermen and Councillors to be held on the said Twenty-fifth Day of *November* in this Year, in the Room of and with like Powers as such Alderman or Assessor respectively, as the Case may be.

Vacancy in the Office of Alderman, &c. of any old Ward before the 25th of November in this Year to be filled up under the 3 & 4 Vict. c. 108. as if the Re-division of the Borough into new Wards had not taken place.

In case of Vacancy on that Day who to hold Elections.

III. And be it enacted, That the said recited Act of the last Session of Parliament, and the said hereinbefore mentioned Act for the Regulation of Municipal Corporations in *Ireland*, and any Act amending the same, and this Act, shall be construed together as One Act.

Recited Acts and this Act to be One Act.

IV. And be it enacted, That the Schedule to this Act annexed shall be deemed and construed as Part of this Act.

Schedule Part of this Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

Former Wards.		New Wards.
Alderman of	Custom House Ward to preside at Elections of	North Dock Ward.
—	Post Office Ward	North City Ward.
—	St. Paul's Ward	Arran Quay Ward.
—	Four Courts Ward	Inn's Quay Ward.
—	Linen Hall Ward	Rotundo Ward.
—	St. George's Ward	Mountjoy Ward.
—	St. James's Ward	Usher's Quay Ward.
—	St. Catherine's Ward	Merchant's Quay Ward.
—	St. Andrew's Ward	Wood Quay Ward.
—	St. Audeon's Ward	South City Ward.
—	Merrion Ward	South Dock Ward.
—	College Ward	Trinity Ward.
—	Castle Ward	Royal Exchange Ward.
—	St. Stephen's Ward	Mansion House Ward.
—	St. Patrick's Ward	Fitzwilliam Ward.

CAP. LVI.

An Act to continue the Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Usury Laws. [5th *August* 1850.]

[2 & 3 *Vict. c.* 37. *continued until* 1st *January* 1856.]

CAP. LVII.

An Act to prevent the holding of Vestry or other Meetings in Churches, and for regulating the Appointment of Vestry Clerks. [5th *August* 1850.]

'WHEREAS the holding of Vestry or other Parochial Meetings in the Parish Church or Chapel, or in the Vestry Room attached to such Church or Chapel, is productive of Scandal to Religion and other great Inconveniences:' For Remedy thereof be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for administering the Laws for Relief of the Poor in *England*, at any Time or Times after the passing of this Act, upon Application in Writing of the Churchwardens, or, where there are no Churchwardens, of the Overseers of any Parish in *England* the Population whereof exceeds Two thousand Persons according to the then last preceding Census, such Application being made pursuant to a Resolution of the Vestry of such Parish, to make an Order under their Seal of Office that this Act or any Part thereof shall be applied to and be put in force within such Parish; and a Copy of such Order shall be published in such Newspaper or Gazette, or both, as the said Commissioners may direct, and shall be deposited with the Churchwardens or Overseers (where there are no Churchwardens) of any such Parish.

Poor Law Commissioners, upon Application of Churchwardens, &c. of any Parish where Population exceeds 2,000, may make an Order to put this Act in force.

II. And be it enacted, That from and after the Expiration of Twelve Calendar Months from the making and publishing of any such Order no Meeting of the Inhabitants of the Parish for the Purpose of holding a Vestry, or for any other Purpose than that of Divine Worship, or some ecclesiastical or charitable Object, or some other Purpose approved by the Bishop of the Diocese, shall be holden in any Parish Church or Chapel, or other consecrated Church or Chapel, nor in the Chancel thereof, nor, except in case of Urgency, and with the previous Approval of the said Commissioners, in the Vestry Room attached to such Church or Chapel, in any Parish or Place named in such Order, any public or private Act of Parliament to the contrary notwithstanding.

After 12 Months from the publishing of any such Order certain Meetings prohibited from being held in Churches and Chapels.

III. And be it enacted, That where any Vestry or other Meeting, by virtue of any Statute, Law, or Custom, has heretofore been holden in the Church or Chapel of any Parish or Place named in any such Order as aforesaid, or in the Vestry Room of such Church or Chapel, any such Vestry or other Meeting shall from and after the making and publishing of such Order be holden in such other Room or Place within the Parish or Place as shall be provided for the holding thereof in pursuance of the Provisions of this Act, and all Acts done in such other Room or Place as aforesaid shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if such Vestry Meeting had been held in the Vestry Room of such Church or Chapel or in the Body of such Church or Chapel as aforesaid.

Power to provide other Places of Meeting.

IV. And be it enacted, That the Churchwardens and Overseers, or Overseers alone, as the Case may require, of any Parish, with the Sanction of the said Commissioners and of a Majority of the Vestry, may by Agreement hire any Room, or purchase or take upon Lease or exchange any Lands or Buildings, or sell Lands belonging to such Parish, and invest the Proceeds of such Sale in the Purchase of other Lands and Buildings, or erect suitable Buildings, for the Purpose of holding of any Vestry and other Meeting for the Transaction of any Business of or relating to the Parish; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purpose thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expressions "the Promoters of the Undertaking" or "the Secretary," whenever used in that Act, shall respectively mean the Churchwardens and Overseers, or Overseers as aforesaid; and the Expression "Tolls or Rates," whenever used in the said first-mentioned Act, shall mean Monies to be raised for the Relief of the Poor mentioned in this Act; and all Lands and Premises which shall be so purchased or taken on Lease by the Churchwardens and Overseers, or Overseers as aforesaid, of any Parish shall be conveyed, demised, and assured to such Churchwardens and Overseers, or Overseers alone as aforesaid, and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate, and the yearly Rent reserved by any Lease shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish, and shall be paid by the Churchwardens and Overseers, or Overseers as aforesaid, of such Parish as such Rent becomes payable; and if at any Time any such Rent be not paid within Thirty Days after it so becomes payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the said Churchwardens and Overseers, or Overseers as aforesaid, with Costs of Suit, by Action of Debt in any Court of Law, or may levy the same by Distress of the Goods and Chattels of any of the said Churchwardens and Overseers, or Overseers as aforesaid.

Power to purchase Lands, &c. under 8 & 9 Vict. c. 18.

V. And

Poor Law Commissioners, on Receipt of a Resolution of the Vestry, authorized to require Money to be borrowed for the Purposes of the Act.

V. And be it enacted, That it shall be lawful for the Poor Law Commissioners, by an Order under their Hands and Seal, upon the Receipt of a Copy under the Hands of the said Churchwardens, or, where there are no Churchwardens, of the Overseers of any Parish, of a Resolution passed at a Vestry duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Vestry shall have been given in like Manner as Notices of Vestry Meetings are published and given, consenting to the Issue of such Order, to direct the Churchwardens and Overseers, or, where there are no Churchwardens, the Overseers, and such Churchwardens and Overseers, as the Case may be, are hereby required, if so directed by such Order and Resolution as aforesaid, to borrow any Sum of Money which may be required for the Purposes of this Act, and to charge the Poor Rates of the said Parish with the Repayment of the Sum borrowed for such Purpose and the Interest thereof, so nevertheless that the Sum so borrowed shall be repaid by equal annual Instalments not exceeding Ten.

Churchwardens, &c. within One Month after Publication of Order, to convene a Meeting for electing a Vestry Clerk.

VI. 'And whereas in Parishes whereof the Population exceeds Two thousand Persons as aforesaid 'various Duties are by Law imposed upon and required to be performed by the Officers of Parishes, and 'much Business is transacted at Vestry Meetings, and the Parish Officers and Vestries require the 'Assistance of a Vestry Clerk in respect of such Duties and Business; and it is expedient that Pro-'vision should be made for regulating the Appointment and for the Payment of such Vestry Clerks;' Be it therefore enacted, That the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in any such Parish shall, within the Space of One Calendar Month from and after the making and publishing of any Order of the Commissioners so applied for, if such Order extend to the Appointment of Vestry Clerk as aforesaid, and also, in case of any subsequent Vacancy in the Office of Vestry Clerk, within One Calendar Month next after such Vacancy, convene a Meeting of the Vestry of any Parish named in such Order, for the special Purpose of electing a Vestry Clerk, to perform such of the Duties herein-after mentioned as shall be applicable to such Parish, in addition to those which are or may be imposed upon Vestry Clerks by any Act or Acts of Parliament; and public Notice of such Vestry, and the Place of holding the same, and the special Purpose thereof, shall be given in the usual Manner in which Notice of the Meetings of the Vestry is now given, at least Seven Days before the Day to be appointed for holding such Vestry; and at such Meeting the Vestry shall proceed to elect some fit and competent Person to be Vestry Clerk, and the Person so elected shall not be removable from Office except by a Resolution passed at a Vestry to be called for that special Purpose in the Manner herein-before mentioned, and with the Consent of the said Commissioners for administering the Laws for the Relief of the Poor in *England*, or by an Order under the Seal of the said Commissioners.

Vestry Clerk not to be removable except by Resolution of Vestry and Consent of Poor Law Board, &c.

Duties of Vestry Clerk.

VII. And be it enacted, That it shall be the Duty of such Vestry Clerk, unless otherwise directed by the Poor Law Commissioners,

To give Notice of and attend the Meetings of Vestry and Committees appointed thereat:

To summon and attend Meetings of the Churchwardens and Overseers, when required, and to enter the Minutes thereof respectively:

To keep the Account of all Charity Monies which the Churchwardens or Overseers are authorized or are accustomed to distribute:

To keep the Vestry Books, and the Parish Deeds and Documents, and the Rate Books and Accounts which are closed, and to give Copies of and Extracts from the same to any Person entitled thereto, such Person paying for the same at the Rate of Four-pence for every Seventy-two Words or Figures, and to permit any Person or Persons rated to the Relief of the Poor of the said Parish, at all reasonable Times, to inspect the same or any of them, on pain of Dismissal for neglecting to give such Copies or permit such Inspection:

To make out, when required by the Vestry, the Church Rate, and procure the same to be signed and completed, and to retain the Custody thereof, and, where there is no Collector of Poor Rates or Assistant Overseer, to make out the Poor Rate, and procure the same to be allowed, and to make all the subsequent Entries in the Rate Books, and to give the Notices thereof required by Law:

To prepare and issue the necessary Process for recovering of Arrears of such Rates respectively before the Justices, and procure the Summons to be served, and to attend the Justices thereon, and advise the Churchwardens and Overseers as to the Recovery of such Arrears:

To keep and make out the Accounts of the Churchwardens, and to present such Accounts to the Vestry or other legal Authority, to be passed, and to examine the Church Rate Collectors Accounts and Returns of Arrears:

To assist the Overseers in making out their Accounts (whenever required by them), and, subject to the Rules and Regulations of the Commissioners for administering the Laws for the Relief of the Poor, to examine from Time to Time the Accounts of the Assistant Overseers or Collectors of Poor Rates, and their Returns of Arrears:

To attend the Audit of Accounts of the Overseers, and conduct all Correspondence arising therefrom:

To assist the Churchwardens or Overseers in preparing and making out all other Parochial Assessments and Accounts, and in examining the Accounts of the Collectors of such Assessments:

To ascertain and make out the List of Persons liable to serve on Juries, and to cause them to be printed and duly published, and returned to the Justices:

To give the Notices for Claims to vote for Members of Parliament, and to make out Lists of Voters, and get the same printed and published, and duly returned, according to Law, and to attend the

Court for revising them, and to prepare, make out, and publish the Burgess Lists and the Lists of Constables:

To make all Returns required of the Churchwardens or of the Overseers by Law or proper Authority:

To advise the Churchwardens and Overseers in all the Duties of their Office; and also to perform such other Duties and Services of a like Nature as the said Commissioners for administering the Laws for the Relief of the Poor in *England*, from Time to Time, at the Request of the Churchwardens or Overseers of any such Parish, or otherwise, shall prescribe and direct to be performed by such Vestry Clerk.

Salary of Vestry Clerk to be fixed by Poor Law Commissioners.

VIII. And be it enacted, That the Amount of Salary or other Remuneration to be paid to the Vestry Clerk, as well as the Days and Times on which and the Persons by whom the same shall be payable, shall be fixed by the said Commissioners, and altered from Time to Time as there shall be Occasion; and such Salary or Remuneration shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish; and where the said Commissioners shall deem requisite, such Vestry Clerk shall give such Security and to such Persons as the said Commissioners shall by their Order under Seal direct: Provided always, that where, under the Provisions of any local Act or Acts of Parliament, any Person or Persons shall be paid for the Performance of any of the Duties of Vestry Clerk, or for assisting in the Performance of any of the Duties of Churchwardens or Overseers of the Poor, nothing herein contained respecting the Duties of the Vestry Clerk shall apply to or be deemed to apply to the Performance of such Duties while the same are so performed, or while Payment shall be made for the Performance of them as aforesaid.

Churchwardens, &c. not to be discharged from Performance of Duty.

IX. And be it enacted, That nothing herein contained shall exempt or discharge, or be construed to exempt or discharge, any Churchwarden or Overseer of the Poor from the Performance of any Duty required of him by Law, nor oblige him to avail himself of the Assistance of any Vestry Clerk to be appointed as aforesaid in the Performance of his Duties, unless he shall think fit so to do.

Interpretation of Terms.

X. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) "Parish" shall mean every Place having separate Overseers of the Poor and maintaining its own Poor, and also every Parish or Place having a separate Ecclesiastical Jurisdiction, and in which a Vestry shall have been heretofore constituted and held for parochial as well as ecclesiastical Purposes, either separately or jointly with any other Parish; "Churchwarden" shall mean also Chapelwardens or other Persons discharging the Duties of Churchwardens in any Parish or Place as last aforesaid; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes in* England *and* Wales, or elected under the Provisions of any local Act of Parliament for the Government of any Parish by Vestries, or under or by virtue of any prescriptive Custom or otherwise, in which Parishes it shall mean Select Vestry; "Lands" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure; Words importing the Masculine Gender shall include the Feminine; Words of the Plural Number shall include the Singular; Words of the Singular Number shall include the Plural.

59 G. 3. c. 12.
1 & 2 W. 4. c. 60.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LVIII.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads. [5th *August* 1850.]

[4 & 5 *Vict. c.* 59. *continued until* 1st *October* 1851, *and to the End of the then next Session.*]

CAP. LIX.

An Act for the better Government of Her Majesty's *Australian* Colonies. [5th *August* 1850.]

5 & 6 Vict. c. 76.

'WHEREAS by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the Government of* New South Wales *and* Van Diemen's Land, it was enacted, that there should be within the Colony of *New South Wales* a Legislative Council, to consist of Thirty-six Members, and that Twelve of the Members of the said Council should from Time to Time, in the Manner therein mentioned, be appointed by Her Majesty, and that Twenty-four of the Members of the said Council should from Time to Time, in the Manner therein mentioned, be elected by the Inhabitants of the said Colony: And whereas an Act was passed in the Eighth Year of the Reign of Her Majesty, intituled

7 & 8 Vict. c. 72.

An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in New

7 & 8 Vict. c. 74.

South Wales, and another Act was passed in the same Year, intituled *An Act to explain and amend the Act for the Government of* New South Wales *and* Van Diemen's Land: And whereas by an Act

9 G. 4. c. 83.

passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto*, His said Majesty,

'His

'His Heirs and Successors, were empowered to appoint in *Van Diemen's Land* a Legislative Council, to 'consist of such Persons resident in the said Colony, not exceeding Fifteen nor less than Ten, as His 'Majesty, His Heirs and Successors, should be pleased to nominate: And whereas the Provisions of 'the last-mentioned Act, so far as respects the Council of *Van Diemen's Land*, have been made per- 'manent by the said Act of the Sixth Year of Her Majesty: And whereas by an Act passed in the 'Sixth Year of the Reign of Her Majesty, intituled *An Act to provide for the better Government of* 5 & 6 Vict. c. 61. 'South Australia, Her Majesty is empowered, in manner therein mentioned, to constitute within the 'said Colony of *South Australia* a Legislative Council, consisting of the Governor and Seven other 'Persons at the least: And whereas by an Act passed in the Tenth Year of the Reign of His late 'Majesty King *George* the Fourth, intituled *An Act to provide until the Thirty-first Day of* December 10 G. 4. c. 22. '*One thousand eight hundred and thirty-four for the Government of His Majesty's Settlements in* 'Western Australia *on the Western Coast of* New Holland, His said Majesty, His Heirs and Successors, 'with the Advice of His or their Privy Council, were empowered to make, ordain, and (subject to such 'Conditions and Restrictions as to him or them should seem meet) to authorize and empower any Three 'or more Persons resident and being within the said Settlements to make, ordain, and constitute, Laws, 'Institutions, and Ordinances for the Peace, Order, and good Government of His Majesty's Subjects and 'others within the said Settlements: And whereas the last-mentioned Act has been from Time to Time 'continued, and ultimately, by an Act of the Tenth Year of Her Majesty, was continued until the Thirty- 9 & 10 Vict. 'first Day of *December* One thousand eight hundred and forty-eight, and to the End of the then next c. 35. 'Session of Parliament: And whereas it is expedient that the District of *Port Phillip*, now Part of the 'Colony of *New South Wales*, should be erected into a separate Colony, and that further Provision should 'be made for the Government of Her Majesty's *Australian* Colonies:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after such Provisions as herein-after mentioned shall have been made by the Governor and Council of *New South Wales*, and upon the issuing of the Writs for the first Election in pursuance thereof, as herein-after mentioned, the Territories now comprised within the said District of *Port Phillip*, including the Town of *Melbourne*, and bounded on the North and North-east by a straight Line drawn from *Cape How* to the nearest Source of the River *Murray*, and thence by the Course of that River to the Eastern Boundary of the Colony of *South Australia*, shall be separated from the Colony of *New South Wales*, and shall cease to return Members to the Legislative Council of such Colony, and shall be erected into and thenceforth form a separate Colony, to be known and designated as the Colony of *Victoria*.

District of Port Phillip to form a separate Colony, to be known as the Colony of Victoria.

II. And be it enacted, That the Number of Members of which, after such Separation as aforesaid, the Legislative Council of the Colony of *New South Wales* shall consist, shall, in manner herein-after mentioned, be determined by the Governor and Council of *New South Wales*; and there shall be within and for the Colony of *Victoria* a separate Legislative Council, to consist of such Number of Members as shall in like Manner be determined by the said Governor and Council; and such Number of the Members of the Legislative Council of each of the said Colonies respectively as is equal to One Third Part of the whole Number of Members of such Council, or, if such whole Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council of each of the said Colonies shall be elected by the Inhabitants of such Colony.

The Number of Legislative Council of New South Wales may be varied.

A separate Legislative Council for the Colony of Victoria.

III. And be it enacted, That after the Proclamation of this Act in the Colony of *New South Wales* it shall be lawful for the Governor and Legislative Council of such Colony, by an Act to be for that Purpose made and enacted in the Manner and subject to the Conditions now by Law required in respect of Acts made and enacted by the said Governor and Council, to determine the Number of Members of which, after such Separation as aforesaid of the said District of *Port Phillip* therefrom, the Legislative Council of the Colony of *New South Wales* shall consist, and also to determine the Number of Members of which the Legislative Council of the said Colony of *Victoria* shall consist, and also to make all necessary Provisions for dividing the Territories which after such Separation will be comprised within the Colony of *New South Wales* into convenient Electoral Districts, or for continuing such of the existing Electoral Districts as shall be deemed convenient, and for appointing and declaring the Number of Members of the Council of the Colony of *New South Wales* after such Separation to be elected for each such District, and for dividing the Territories to be comprised in the Colony of *Victoria* into convenient Electoral Districts, and for appointing and declaring the Number of Members of the Council of the Colony of *Victoria* to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within the several Districts of the said Colonies respectively, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections; provided that the Writs to be issued for the first Election of Members of the Legislative Council of the Colony of *Victoria* shall be issued by the Governor of *New South Wales* or by such Person as Her Majesty for that Purpose, by Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State, shall appoint.

Governor and Council of New South Wales to establish Electoral Districts, &c.

IV. And be it enacted, That every Man of the Age of Twenty-one Years, being a natural-born or naturalized Subject of Her Majesty, or legally made a Denizen of *New South Wales*, and having a Freehold Estate in possession situate within the District for which his Vote is to be given, of the clear Value of

Qualification of Voters at Elections for Members of the

Legislative Council.

of One hundred Pounds Sterling Money above all Charges and Incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the Date of the Writ of such Election, or in case a Registration of Electors shall be established next before the last Registration of Electors, or, being a Householder within such District, occupying a Dwelling House of the clear annual Value of Ten Pounds Sterling Money, and having resided therein Six Calendar Months next before such Writ or Registration as aforesaid, or holding at the Date of such Writ or at the Time of such Registration a Licence to depasture Lands within the District for which his Vote is to be given from the Government of *New South Wales*, or having a Leasehold Estate in possession situate within such District of the Value of Ten Pounds Sterling Money *per Annum*, held upon a Lease which at the Date of such Writ or at the Time of Registration has not less than Three Years to run, shall be entitled to vote at the Election of a Member of the Legislative Council: Provided always, that no Man shall be entitled to vote who has been attainted or convicted of Treason, Felony, or other infamous Offence in any Part of Her Majesty's Dominions, unless he have received a free Pardon or one conditional on not leaving the Colony for such Offence, or have undergone the Sentence passed on him for such Offence; and provided also, that no Man shall be entitled to vote unless at the Time of such Election or Registration of Electors (as the Case may be) he shall have paid up all Rates and Taxes which shall have become payable by him as Owner or Leaseholder in respect of such Estate, or as Occupier in respect of such Occupancy, or as the Holder of a Licence in respect of such Licence, except such as shall have become payable during Three Calendar Months next before such Election or Registration respectively.

Authority of Governor, &c. of New South Wales over Colony of Victoria to cease.

V. And be it enacted, That upon the issuing of such Writs for the first Election of Members of the Legislative Council of the said Colony of *Victoria* such Colony shall be deemed to be established, and the Legislative Authority of the Governor and Council of *New South Wales*, and the Powers of such Governor, over and in respect of the Territories comprised in the said Colony of *Victoria* and the Revenues thereof, shall cease.

Three first-recited Acts to apply to New South Wales after Separation.

VI. And be it enacted, That, subject to the Provisions herein contained, the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said Acts of the Eighth Year of Her Majesty, shall remain applicable to the said Colony of *New South Wales* after such Separation as aforesaid, and to the Governor and Legislative Council thereof.

Legislative Councils may be established in Van Diemen's Land and South Australia.

VII. And be it enacted, That it shall be lawful for the Legislatures now by Law established within the Colonies of *Van Diemen's Land* and *South Australia* respectively, by Laws or Ordinances to be for that Purpose made and enacted in the Manner and subject to the Conditions now by Law required in respect of Laws or Ordinances made by such Legislatures, to establish within the said Colonies of *Van Diemen's Land* and *South Australia* respectively a Legislative Council, to consist of such Number of Members, not exceeding Twenty-four, as they shall think fit; and that such Number of the Members of each Council so to be established as is equal to One Third Part of the whole Number of Members of such Council, or if such whole Number be not exactly divisible by Three such Number as is next greater than One Third of the whole Number, shall be appointed by Her Majesty, and the remaining Members of such Council shall be elected by the Inhabitants of the Colony in which such Council shall be established; and it shall be lawful for such Legislatures respectively, by such Laws or Ordinances as aforesaid, to make all necessary Provisions for dividing the said Colony of *Van Diemen's Land* and the said Colony of *South Australia* into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections.

Present Councils in Van Diemen's Land and South Australia to cease on the Issue of the first Writs for the new Councils.

VIII. And be it enacted, That immediately after the Issue of the Writs for the first Election of Members of a Legislative Council for *Van Diemen's Land* established by Law or Ordinance under the Powers herein contained, such of the Provisions of the Acts herein recited or referred to, or any of them, as relate to the Constitution, Appointment, and Powers of a Council in *Van Diemen's Land*, shall be repealed; and immediately after the Issue of the Writs for the first Election of Members of a Legislative Council for *South Australia* established by Law or Ordinance under the Powers herein contained, such of the Provisions of the secondly herein recited Act of the Sixth Year of the Reign of Her present Majesty as relate to the Constitution, Appointment, and Powers of a Council in *South Australia* shall be repealed.

A Legislative Council may be established in Western Australia.

IX. And be it enacted, That upon the Presentation of a Petition signed by not less than One Third in Number of the Householders within the Colony of *Western Australia*, praying that a Legislative Council according to the Provisions of this Act be established within such Colony, and that Provision be made for charging upon the Revenues of such Colony all such Part of the Expenses of the Civil Establishment thereof as may have been previously defrayed by Parliamentary Grants, it shall be lawful for the Persons authorized and empowered to make, ordain, and establish Laws and Ordinances for the Government of the said Colony, by any Law or Ordinance to be made for that Purpose, subject to the Conditions and Restrictions to which Laws or Ordinances made by such Persons are now subject, to establish a Legislative Council within such Colony, to consist of such Number of Members as they shall think fit, and such Number of the Members of such Council as is equal to One Third Part of the whole Number of Members of such Council, or if such Number be not exactly divisible by Three, One Third of the next greater

Number

Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council shall be elected by the Inhabitants of the said Colony; and it shall be lawful for such Persons as aforesaid, by such Law or Ordinance as aforesaid, to make all necessary Provisions for dividing *Western Australia* into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise ensuring the orderly, effective, and impartial Conduct of such Elections; provided that no Law or Ordinance establishing such Legislative Council within the said Colony of *Western Australia* shall have any Force or Effect unless Provision be thereby made for permanently granting to Her Majesty, Her Heirs and Successors, out of the Revenues of the said Colony, towards defraying such of the Expenses of the Establishments of the said Colony as may have been previously defrayed in whole or in part by Parliamentary Grants, a yearly Sum not less in Amount than the Sum which may have been lastly before the making of such Law or Ordinance authorized by Parliament to be issued and applied out of the Aids or Supplies granted by Parliament to defray the Charge for One Year of the said Colony, and for raising the yearly Sum so granted by means of sufficient Taxes, Duties, Rates, or Imposts to be levied on Her Majesty's Subjects within such Colony.

10 G. 4. c. 22. to continue in force till the Issue of the first Writs for the Council in Western Australia.

X. And be it enacted, That the said recited Act of the Tenth Year of the Reign of King *George* the Fourth shall be revived and continue in force until the Issue of the Writs for the first Election of Members of the Legislative Council of the said Colony of *Western Australia*, and from and after the issuing of such Writs such Act shall be repealed; and all Laws, Institutions, and Ordinances made, ordained, and established, and all other Acts done, in the said Colony of *Western Australia*, by the Persons authorized and empowered, or who if the said recited Act had not expired would have been authorized and empowered, in that Behalf, shall be and be deemed to have been as valid and effectual as if this Act had passed before the Expiration of the said recited Act.

Power to alter Electoral Districts, and Number of Members, &c.

XI. And be it enacted, That it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, after the Separation of the Colony of *Victoria* therefrom, and also for the Governors and Legislative Councils of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, after the Establishment of Legislative Councils therein under this Act, from Time to Time by any Act or Acts to establish new Electoral Districts in any Parts of the said Colonies respectively, and to alter the Divisions and Extent of the Electoral Districts of the said Colonies, and to alter and appoint the Number of Members of Council to be chosen by the said Districts, and to increase the whole Number of Members of such Legislative Councils respectively, and to alter and regulate the Appointment of Returning Officers, and make Provision in such Manner as they may deem expedient for the Issue and Return of Writs for the Election of Members to serve in such Legislative Councils respectively, and the Time and Place for holding such Elections: Provided always, that where the whole Number of Members of Council shall be increased such Number of the additional Councillors as is equal to One Third Part of the whole Increase, or if such whole Increase shall not be exactly divisible by Three such Number as is next greater than One Third of the whole Increase, shall be appointed by Her Majesty, and the remaining additional Members of Council shall be elected by the Inhabitants of the Colony.

Certain Provisions of 5 & 6 Vict. c. 76. and 7 & 8 Vict. c. 74. to apply to Victoria, Van Diemen's Land, South Australia, and Western Australia.

XII. And be it enacted, That all the Provisions herein contained concerning the Qualification and Disqualification of Electors in *New South Wales*, and, subject to the Provisions herein contained, all the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said secondly-recited Act of the Eighth Year of Her Majesty, concerning the Election of the elective Members of the Legislative Council of *New South Wales*; the Qualification and Disqualification of elective Members; the Appointment of the non-elective Members of such Council, and the Tenure of their Seats, and their holding of Offices; the Resignation of Members of such Council, and the Causes by which their Seats may be vacated; the Authority of the Governor upon and in respect of Vacancies; the Hearing and Determination of Questions respecting Vacancies; the Places and Times of holding such Council; the Duration, Prorogation, and Dissolution thereof; the Election, Allowance, and Disallowance of the Speaker; the Number or Portion of Members competent to the Despatch of Business; the Decision of Questions; the Oath or Affirmation to be taken or made and subscribed, and the Declaration of Qualification to be made, by Members; the Preparation, Adoption, Approval, and Confirmation or Disallowance of Standing Rules and Orders; the Issue of Writs for Elections upon Vacancies and upon a Dissolution or other Determination of such Council; the Proposal of Drafts of Laws and Amendments to such Council; the giving and withholding of Her Majesty's Assent to Bills, and the Reservation of Bills for the Signification of Her Majesty's Pleasure thereon, and the Bills so reserved; the Instructions to be conveyed to the Governor for his Guidance in relation to the Matters aforesaid; and the Disallowance of Bills by Her Majesty, shall apply to and be in force in the Colony of *Victoria*, and in each of the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia*, in which a Legislative Council shall be established under this Act, as if all such Provisions were here repeated, the Name of such respective Colony being substituted for the Name of the Colony of *New South Wales*.

Repeal of so much of 5 & 6 Vict. c. 76. as requires all

XIII. Provided always, and be it enacted, That so much of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty as requires that all Bills altering the Salaries of the Judges, or any of them,

Bills altering Judges Salaries to be reserved.

them, shall in every Case be reserved for the Signification of Her Majesty's Pleasure thereon, shall not apply to or be in force in the Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, or any of them, and after the Establishment of the said Colony of *Victoria* shall be repealed.

Governors, &c. of Victoria, Van Diemen's Land, South Australia, and Western Australia to make Laws.

XIV. And be it enacted, That the Governors of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, with the Advice and Consent of the Legislative Councils to be established in the said Colonies under this Act, shall have Authority to make Laws for the Peace, Welfare, and good Government of the said Colonies respectively, and, with the Deductions and subject to the Provisions herein contained, by such Laws to appropriate to the public Service within the said Colonies respectively the whole of Her Majesty's Revenue within such Colonies arising from Taxes, Duties, Rates, and Imposts levied on Her Majesty's Subjects within such Colonies: Provided always, that no such Law shall be repugnant to the Law of *England*, or interfere in any Manner with the Sale or other Appropriation of the Lands belonging to the Crown within any of the said Colonies, or with the Revenue thence arising; and that it shall not be lawful for any such Council to pass, or for any such Governor to assent to, any Bill appropriating to the public Service any Sums or Sum of Money, unless the Governor on Her Majesty's Behalf shall first have recommended to the Council to make Provision for the specific public Service towards which such Money is to be appropriated; and that no Part of Her Majesty's Revenue in any of the said Colonies arising from the Sources aforesaid shall be issued, or shall be made by any such Law issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony, directed to the public Treasurer thereof.

Appropriation of Taxes and Issue of public Money.

Revenues to be charged with Expenses of Collection and Management.

XV. And be it enacted, That the Revenues of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expenses of Duties of Import and Export to be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and all such Costs, Charges, and Expenses of other Branches of the said Revenue which are subject to be appropriated by the Governors and Councils of such Colonies being subject to be regulated and audited in such Manner as shall be directed by Laws of such Governors and Councils.

Provisions of 5 & 6 Vict. c. 76. as to Grants for Civil and Judicial Services repealed.

XVI. And be it enacted, That after the Establishment of the said Colony of *Victoria* so much of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty as makes payable to Her Majesty, Her Heirs and Successors, out of the Revenue Fund of the said Colony of *New South Wales*, the Sums therein mentioned for defraying the Expenses of the Services and Purposes named in the Schedules to the said Act, and the Provisions concerning the Appropriation of such Sums, shall be repealed.

Grants for Civil and Judicial Services.

XVII. And be it enacted, That there shall be payable to Her Majesty, every Year, out of the Revenue Funds arising from Taxes, Duties, Rates, and Imposts levied within the said Colony of *New South Wales* after the Establishment of the Colony of *Victoria*, the several Sums mentioned in the Schedule (A.) to this Act; and out of the like Revenue Fund levied within the said Colony of *Victoria* after the Establishment thereof, the several Sums mentioned in the Schedule (B.) to this Act; and out of the like Revenue Fund levied within the Colony of *Van Diemen's Land* after the Establishment of a Legislative Council therein under this Act, the several Sums mentioned in the Schedule (C.) to this Act; and out of the like Revenue Fund levied within the Colony of *South Australia* after the Establishment of a Legislative Council therein under this Act, the several Sums mentioned in the Schedule (D.) to this Act; such several Payments to be made for defraying the Expenses of the Services and Purposes mentioned in the said Schedules respectively, and the said several Sums to be issued by the Treasurers of the said Colonies respectively in discharge of such Warrants as shall be from Time to Time directed to them under the Hands and Seals of the Governors of such Colonies; and the said Treasurers shall account to Her Majesty for the same through the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

How the Appropriation of Sums granted may be varied.

XVIII. And be it enacted, That it shall be lawful for the Governors and Legislative Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, and *South Australia* respectively, by any Act or Acts, to alter all or any of the Sums mentioned in the said Schedules respectively, and the Appropriation of such Sums to the Services and Purposes therein mentioned, but every Bill which shall be passed by the Council in any of the said Colonies altering the Salary of the Governor, or altering the Sums mentioned in the Third Part of any of the said Schedules (A.), (B.), and (C.), shall be reserved for the Signification of Her Majesty's Pleasure thereon, and until and subject to such Alteration by Act or Acts as aforesaid the Salaries of the Governors and Judges shall be those respectively set against their several Offices in the First Parts of the said several Schedules; and Accounts in Detail of the Expenditure of the several Sums for the Time being appropriated under this Act, or such Act or Acts as aforesaid of the Governor and Legislative Council, to the several Services and Purposes mentioned in the said Schedules, shall be laid before the Legislative Councils of such Colonies respectively within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made: Provided always, that it shall not be lawful for the Governor and Legislative Council of any of the said Colonies, by any such Act as aforesaid, to make any Diminution in the Salary of any Judge to take effect during the Continuance in Office of any Person being such Judge at the Time of the passing of such Act; and provided also, that it shall be lawful for the Governors of the said Colonies respectively (either before or after such Sums have been altered by Act or Acts of the Governor and Legislative Council as aforesaid) to alter from Time to Time the Sums appropriated to any of the Services and

Purposes

Purposes mentioned in the First Parts of the said Schedules, except the Salaries of the Governors and Judges, and also the Sums appropriated to any of the Services and Purposes mentioned in the Second Parts of the said Schedules, but such Governors respectively shall not by such Alteration increase the total Amount for the Time being appropriated under this Act, or such Act or Acts of the Governor and Legislative Council, to the Services and Purposes mentioned in either of such Parts of the said Schedules, nor contravene any Provision made by Act or Acts of the Governor and Legislative Council for the permanent Appropriation of any Sum to any of such Services and Purposes.

Governors to intimate intended Appropriation.

XIX. And be it enacted, That within Thirty Days after the Beginning of the first Session in each Year of the Legislative Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, and *South Australia*, the Governors of such Colonies respectively shall make known by Message to such Legislative Councils the Amount of the Sums intended to be appropriated out of the Sums applicable thereto to the several Services and Purposes named in the Second Parts of the said several Schedules for the Service of the Year then next ensuing.

5 & 6 Vict. c. 76. s. 41.

XX. 'And whereas by the said firstly-recited Act of the Sixth Year of Her Majesty it was enacted 'that it should be lawful for the Governor, by Letters Patent under the Great Seal of the Colony of 'New South Wales, to incorporate the Inhabitants of every County within the said Colony, or of such 'Parts of Counties or other Divisions as to him should seem fit, to form Districts for the Purposes of 'that Act, and by such Letters Patent to establish a Council in every such District for the local Govern-'ment thereof, subject to certain Provisions in the same Act contained:' Be it enacted, That where under any Letters Patent issued under the Provision lastly herein-before recited there has not been before the Proclamation of this Act in the said Colony of *New South Wales* any Election of Councillors for the District formed by such Letters Patent, such Letters Patent shall from and after such Proclamation be void; and where before such Proclamation there has been an Election of Councillors for the District formed by any such Letters Patent, it shall be lawful for the Governor of the said Colony of *New South Wales*, and after the Establishment of the Colony of *Victoria* in the Case of a District within the Territories comprised in such Colony, for the Governor of such Colony, upon the Petition of the Council in such District, or if there be no such Council existing, then, upon the Petition of the inhabitant Householders of such District, by Letters Patent under the Great Seal of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require), wholly to revoke the Letters Patent forming such District; and it shall be lawful for the Governor of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require), upon the Petition of the inhabitant Householders of any District heretofore formed by any such Letters Patent as aforesaid which shall become void or be revoked under this Act, or of any County, Part of a County, or other Division comprised in any such District, or in more than One such District, or of any other County, Part of a County, or other Division not comprised in any District formed by any such Letters Patent as aforesaid which shall continue in force, or by any Letters Patent to be issued as herein-after mentioned, by Letters Patent under the Great Seal of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require) to incorporate the Inhabitants of such District or of such County, Part of a County, or other Division to form a District for the Purposes of the said firstly-recited Act of the Sixth Year of Her Majesty, and of this Act, and by such Letters Patent to establish a Council in every such District for the local Government thereof; provided always, that Notice of every such Petition for the Grant of such Letters Patent for forming a District and establishing a Council therein, and of the Time when the Governor intends to take the same into consideration, shall be published by Proclamation One Month at least before the Consideration of such Petition; and the Provisions of the said firstly-recited Act of the Sixth Year of Her Majesty, concerning the Provisions to be contained in Letters Patent issued under that Act for forming Districts and establishing a Council in every such District, shall extend and be applicable to all Letters Patent issued under this Act for forming Districts and establishing District Councils as if such Provisions of the said Act were here repeated, the Name of the Colony of *Victoria*, where the Case may require, being substituted for the Name of the Colony of *New South Wales*; and, save as herein provided, it shall not be lawful for the Governor of the said Colony of *New South Wales* to form Districts and establish Councils in such Districts as by the lastly herein-before recited Enactment authorized or required.

Certain Charters establishing District Councils avoided, and certain others authorized to be revoked on Petition.

Governors of New South Wales and Victoria may grant Charters on Petition, but not otherwise.

Preceding Enactment extended to Van Diemen's Land, &c. after Establishment of Legislative Councils.

XXI. And be it enacted, That the Provision of the said firstly-recited Act of the Sixth Year of Her Majesty as amended by this Act, authorizing the Governor of the said Colony of *New South Wales*, upon such Petition as herein mentioned, to form Districts, and establish a Council in every such District, shall apply to and be in force in each of the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia*, in which a Legislative Council shall be established under this Act, as if such Provision were here repeated, the Name of such respective Colony being substituted for the Name of the Colony of *New South Wales*.

Provisions of 5 & 6 Vict. c. 76. concerning District Councils, &c. extended to District Councils established under this Act.

XXII. And be it enacted, That all the Provisions of the said firstly-recited Act of the Sixth Year of Her Majesty, concerning the Authority of District Councils to make Bye Laws, the Transmission of a Copy of every such Bye Law to the Governor of the Colony, the Disallowance and the Time of coming into effect of such Bye Law, the Authority of the Governor to specify the Metes and Bounds of Districts, the Number of Councillors for every District, and the Time and Manner of their Election, to fix the Qualification of the Councillors, to nominate the Councillors who shall form the First Councils in every District, to appoint the Order and Manner of their going out of Office, to fix Penalties for qualified Persons refusing to take Office in the Council, and to make all other necessary Provisions for establishing District Councils, for defining their Powers, and enabling them to exercise their Functions, and the

Authority of the Governor in every Case of Vacancy of the Office of District Councillor, if a new Election be not made within the Time in the same Act mentioned, to nominate a Person to fill the Vacancy, shall extend and be applicable to all Letters Patent issued under this Act for forming Districts and establishing District Councils, and to such Districts and District Councils, as if all such Provisions were here repeated, the Name of the Colony in which such District is formed being (where the Case may require) substituted for the Name of the Colony of *New South Wales*.

Certain Provision of 5 & 6 Vict. c. 76., requiring Half the Expense of the Police Establishment to be borne by the several Districts, repealed.

XXIII. 'And whereas by the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty 'it was enacted, that one Half of the Expense of the Police Establishment of the said Colony of *New* '*South Wales* (exclusive of the Convict Establishment) should be defrayed out of the general Revenue 'arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half should be 'defrayed by Assessment upon the several Districts of the Colony, in such Proportions as should be 'from Time to Time fixed by the Governor and Legislative Council:' Be it enacted, That so much of the Provision lastly herein-before recited as requires that Half of the Expense of such Police Establishment as aforesaid shall be defrayed by Assessment upon the several Districts of the Colony shall be repealed.

Governors and Legislative Councils may regulate Tolls and Rates in Districts, alter Constitution and Duties of District Councils and Number and Boundaries of Districts.

XXIV. And be it enacted, That, notwithstanding any Letters Patent issued under the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, or to be issued under this Act, or anything in either of such Acts contained, it shall be lawful for the Governors and Councils of the said Colonies of *New South Wales, Victoria, Van Diemen's Land, South Australia,* and *Western Australia* respectively by any Act or Acts to make such Regulations and Provisions for or concerning the raising, assessing, and levying of Tolls, Rates, and Assessments within or on or in respect of any public Works or any Property within Districts formed in such Colonies respectively under the said Act or this Act, and the Appropriation of such Tolls, Rates, and Assessments, and to make such Alterations and Provisions in and concerning the Constitution, Duties, and Powers of District Councils, and such Alterations in the Number and Boundaries of Districts, and such Provisions for establishing District Councils in new or altered Districts, as to such respective Governors and Councils may seem meet.

Existing Laws to remain in force.

XXV. And be it enacted, That all Laws and Ordinances made under the Provisions hereby repealed or otherwise, and which shall be in force in the Territories comprised in the said Colony of *Victoria*, and in the said Colonies of *Van Diemen's Land, South Australia,* and *Western Australia* respectively, at the Time of the Issue of the Writs for the first Election of Legislative Councils in the said Colonies respectively under this Act, so far as the same are consistent with the Provisions of this Act, shall continue in force in the said Colonies respectively, subject, as to such Laws or Ordinances as would then have remained subject to be disallowed by Her Majesty, to the Authority of Her Majesty to disallow the same within the Time within which such Disallowance might have been signified in case this Act had not been passed, and subject to the Power of the Governors and Legislative Councils of the said respective Colonies, in the Manner and subject to the Rules and Restrictions herein prescribed, to repeal or vary such Laws or Ordinances; and where under any Law which shall be in force at the Time aforesaid in the Territories to be comprised in the Colony of *Victoria* any Powers are vested in or may be delegated to the Governor of *New South Wales*, the same, so far as respects all Territories to be comprised within the Colony of *Victoria*, and so far as the same are consistent with the Provisions of this Act, shall thenceforth be vested in and may be delegated to the Governor of the said Colony of *Victoria*.

Removing Doubts as to certain Taxes imposed by Governor and Council of Van Diemen's Land.

XXVI. And be it enacted, That so much of the said Act of the Ninth Year of the Reign of King *George* the Fourth as requires that the Purposes for which every such Tax or Duty as therein mentioned may be imposed, and to or towards which the Amount thereof is to be appropriated and applied, shall be distinctly and plainly stated in the Body of every Law or Ordinance imposing every such Tax or Duty, shall be repealed; and no such Law or Ordinance made or to be made by the Governor and Council of *Van Diemen's Land,* and enrolled and recorded in the Supreme Court of the said Colony, shall be or deemed to have been invalid by reason of such Purposes not being so stated in the Body of such Law or Ordinance.

Customs Duties may be imposed on any Goods.

XXVII. And be it enacted, That, subject to the Provisions of this Act, and notwithstanding any Act or Acts of Parliament now in force to the contrary, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, and after the Establishment of Legislative Councils therein respectively under this Act for the respective Governors and Legislative Councils of the Colonies of *Victoria, Van Diemen's Land, South Australia,* and *Western Australia,* to impose and levy such Duties of Customs as to such respective Governors and Councils may seem fit on the Importation into such respective Colonies of any Goods, Wares, and Merchandize whatsoever, whether the Produce or Manufacture of or imported from the United Kingdom, or any of the Colonies or Dependencies of the United Kingdom, or any Foreign Country: Provided always, that no new Duty shall be so imposed upon the Importation into any of the said Colonies of any Article the Produce or Manufacture of or imported from any particular Country or Place which shall not be equally imposed on the Importation into the same Colony of the like Article the Produce or Manufacture of or imported from all other Countries and Places whatsoever.

A Supreme Court may be erected in the Colony of Victoria.

XXVIII. 'And whereas under an Act of the Governor and Council of *New South Wales* passed in the 'Fourth Year of the Reign of Her Majesty, intituled *An Act to provide for the more effectual Adminis-* '*tration of Justice in* New South Wales *and its Dependencies*, the Number of the Judges of the 'Supreme Court of *New South Wales* constituted under the said Act of the Ninth Year of King *George* 'the Fourth has been increased to Five, and One of such Judges is resident, and has such Power, Juris-'diction, and Authority within the District of *Port Phillip*, subject to such Appeal to the said Supreme 'Court,

'Court, as by the said Act of the Governor and Council of *New South Wales* is provided:' Be it enacted, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect and appoint a Court of Judicature in the said Colony of *Victoria*, which shall be styled "The Supreme Court of the Colony of *Victoria*;" and such Court shall be holden by One or more Judge or Judges, and shall have such ministerial and other Officers as shall be necessary for the Administration of Justice in the said Court, and for the Execution of the Judgments, Decrees, Orders, and Process thereof; and all the Provisions of the said Act of the Ninth Year of the Reign of King *George* the Fourth, concerning the Appointment and Removal of Judges and Officers of the Supreme Court of *New South Wales*, and for appointing Persons to act in the Place and Stead of Judges being absent, resigning, dying, or becoming incapable to act, and concerning Appeals to Her Majesty in Council from Judgments, Decrees, Orders, or Sentences of such Court, shall apply to the said Supreme Court to be erected in the said Colony of *Victoria*, but so that the Powers of the Governor of *New South Wales* in relation to the Matters aforesaid shall be vested in the Governor of the Colony of *Victoria*; and from such Time as shall be mentioned in such Letters Patent all the Authorities, Powers, and Jurisdiction of the Supreme Court of *New South Wales*, and of any Judge thereof, over or to be exercised within or in relation to the said Colony of *Victoria*, including all Admiralty Jurisdiction exercisable within the Limits thereof, shall cease to be had and exercised by such last-mentioned Supreme Court and Judge respectively, and shall thenceforth be vested in and exercisable by the Supreme Court erected by such Letters Patent; provided that in the meantime the said Authorities, Powers, and Jurisdiction of the said Supreme Court of *New South Wales* and of the Judges thereof, within and in respect of the said Colony of *Victoria* shall remain as if this Act had not been passed, unless or until the same shall be varied by Act of the Governor and Council of the said Colony of *Victoria*.

Legislatures of New South Wales, Van Diemen's Land, and Victoria empowered to make further Provisions for Administration of Justice.

XXIX. And be it enacted, That it shall be lawful for the Governors and Councils of the said Colonies of *New South Wales*, *Van Diemen's Land*, and *Victoria* respectively, from Time to Time, by any Act or Acts, to make such Provision as to them may seem meet for the better Administration of Justice, and for defining the Constitution of the Courts of Law and Equity and of Juries, within the said Colonies respectively, or within any present or future Dependencies thereof respectively, anything in the said Act of the Ninth Year of King *George* the Fourth, or in this Act, or in any Charter of Justice or Order in Council made or issued in pursuance thereof respectively, or in any Law, Statute, or Usage, to the contrary thereof notwithstanding.

Boundaries of New South Wales and Victoria may be altered by Order in Council.

XXX. And be it enacted, That in case at any Time hereafter the Legislative Councils of the said Colonies of *New South Wales* and *Victoria*, or the Legislative Council of one of the said Colonies, shall petition Her Majesty to alter the Boundaries of the said Colonies of *New South Wales* and *Victoria*, so as to transfer to one of such Colonies a Portion of the Territories which, after the Separation authorized by this Act, shall be comprised in the other of them, it shall be lawful for Her Majesty, if She shall think fit, by any Order to be made with the Advice of Her Privy Council, to alter such Boundaries in pursuance of the Prayer of such Petitions or Petition, or in such varied Manner as Her Majesty with such Advice shall think fit: Provided always, that unless the Councils of both the said Colonies shall Petition for an Alteration of such Boundaries, Notice of the Petition, and of the Intention of Her Majesty to order the same to be taken into consideration by Her Privy Council, shall be given in such Manner as Her Majesty shall direct to the Legislative Council which shall not have petitioned, Six Months at least before such Petition shall be so considered.

Duties not to be levied on Supplies for Troops; nor any Duties, &c. inconsistent with Treaties.

XXXI. Provided also, and be it enacted, That it shall not be lawful for the Legislatures of any of the said Colonies to levy any Duty upon Articles imported for the Supply of Her Majesty's Land or Sea Forces, nor to levy any Duty, impose any Prohibition or Restriction, or grant any Exemption, Bounty, Drawback, or other Privilege, upon the Importation or Exportation of any Articles, nor to impose any Dues or Charges upon Shipping, contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

Power to Governors and Councils, with Assent of Her Majesty in Council, to alter the Constitution of the Legislative Councils.

XXXII. And be it enacted, That, notwithstanding anything herein-before contained, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, after the Separation therefrom of the Colony of *Victoria*, and for the Governors and Legislative Councils of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, after the Establishment of Legislative Councils therein under this Act, from Time to Time, by any Act or Acts to alter the Provisions or Laws for the Time being in force under this Act, or otherwise, concerning the Election of the elective Members of such Legislative Councils respectively, the Qualification of Electors and elective Members, or to establish in the said Colonies respectively, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist respectively of such Members to be appointed or elected respectively by such Persons and in such Manner as by such Act or Acts shall be determined, and to vest in such Council and House of Representatives or other separate Legislative Houses the Powers and Functions of the Legislative Council for which the same may be substituted: Provided always, that every Bill which shall be passed by the Council in any of the said Colonies for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon; and a Copy of such Bill shall be laid before both Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Provision as to the Reservation of Bills for Signification of Her Majesty's Pleasure.

XXXIII. Provided always, and be it enacted, That the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said secondly-recited Act of the Eighth Year of the Reign of Her Majesty, concerning Bills reserved for the Signification of Her Majesty's Pleasure thereon, shall be applicable to every Bill so reserved under the Provisions of this Act.

XXXIV. 'And

Provision of 5 & 6 Vict. c. 76. reserving Powers to define Limits, &c. of New South Wales extended.

XXXIV. 'And whereas by the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty 'Power is reserved to Her Majesty by Letters Patent to be from Time to Time issued under the Great 'Seal of *Great Britain* and *Ireland* to define the Limits of the said Colony of *New South Wales*, and 'to erect into a separate Colony or Colonies any Territories which then were or were reputed to be or 'thereafter might be comprised within the said Colony of *New South Wales*, provided that no Part of 'the Territories lying Southward of the Twenty-sixth Degree of South Latitude in the said Colony of '*New South Wales* should by any such Letters Patent as aforesaid be detached from the said Colony: 'And whereas it is expedient that the Power reserved to Her Majesty as aforesaid should be extended 'over certain Parts of the said Territories lying Southward of the Twenty-sixth Degree of South 'Latitude, upon the Application of the Inhabitants thereof:' Be it enacted, That it shall be lawful for Her Majesty from Time to Time, upon the Petition of the Inhabitant Householders of any such of the Territories in the said recited Proviso mentioned as lie Northward of the Thirtieth Degree of South Latitude, to detach such Territories from the Colony of *New South Wales*, and to erect such Territories into a separate Colony or Colonies, or to include the same in any Colony or Colonies to be established under the Powers of the last-mentioned Act; and all the Powers and Provisions of the last-mentioned Act in respect to any new Colony or Colonies to be established under such Act shall extend to any new Colony or Colonies to be established under this Enactment.

Upon Petition of Inhabitants, Territories lying Northward of Thirtieth Degree of South Latitude may be detached from New South Wales.

Legislative Councils may be established in the newly erected Colonies.

XXXV. Provided always, and be it enacted, That it shall be lawful for the Legislature which may be constituted according to the Provisions of the last-mentioned Act in any Colony established under such Act, or under the Enactment herein-before contained, by any Ordinance or Ordinances to be made for that Purpose, subject to the Conditions and Restrictions to which Ordinances to be made by such Legislature may by Law be subject, to establish a Legislative Council within such Colony, to consist of such Number of Members as they shall think fit; and such Number of the Members of such Council as is equal to One Third Part of the whole Number of Members of such Council, or if such Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council shall be elected by the Inhabitants of such Colony; and it shall be lawful for such Legislature, by such Law or Ordinance as aforesaid, to make all necessary Provisions for dividing such Colony into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise ensuring the orderly, effective, and impartial Conduct of such Elections; and upon the Establishment in such Colony of a Legislative Council under this Provision, all the Provisions of this Act and of the said firstly-recited Act of the Sixth Year of Her Majesty, and of the said secondly-recited Act of the Eighth Year of Her Majesty, which are hereby made applicable to the Colony of *Western Australia*, after the Establishment under this Act of a Legislative Council therein, shall become applicable to the Colony in which a Legislative Council is established under this Provision, as if all such Provisions were here repeated and applied to every such Colony.

Interpretation of "Governor."

XXXVI. And be it enacted, That by the Term "Governor" of the Colonies mentioned in this Act, as used in this Act, shall be understood the Persons for the Time being lawfully administering the Government of such Colonies respectively, and until Her Majesty shall issue a Commission appointing a Governor of the Colony of *Victoria*, the Superintendent of *Port Phillip* shall be deemed the Person administering the Government of the Colony of *Victoria*.

Commencement of this Act.

XXXVII. And be it enacted, That this Act shall be proclaimed in *New South Wales*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, by the respective Governors thereof, within Six Weeks after a Copy of such Act shall have been received by such Governors respectively, and, save as herein expressly provided, shall take effect within such Colonies respectively from the Day of such Proclamation thereof.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES referred to in the foregoing Act.

NEW SOUTH WALES.

SCHEDULE (A.) Part 1.

	£
Governor	5,000
Chief Justice	2,000
Two Puisne Judges	3,000
Salaries of the Attorney and Solicitor General, Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony	19,000
	29,000

SCHE-

SCHEDULE (A.) Part 2.

	£
Colonial Secretary, and his Department	6,500
Colonial Treasurer, and his Department	4,000
Auditor General, and his Department	3,000
Salary of Clerk, and miscellaneous Expenses of Executive Council	500
Pensions	2,500
	16,500

SCHEDULE (A.) Part 3.

	£
Public Worship	28,000

VICTORIA.

SCHEDULE (B.) Part 1.

	£
Governor	2,000
Judge	1,500
Salaries of Attorney General and Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony	5,000
	8,500

SCHEDULE (B.) Part 2.

	£
Colonial Secretary, and his Department	2,000
Colonial Treasurer, and his Department	1,500
Auditor General and his Department	1,100
Salary of Clerk of Executive Council, and miscellaneous Expenses	400
Pensions	500
	5,500

SCHEDULE (B.) Part 3.

	£
Public Worship	6,000

VAN DIEMEN'S LAND.

SCHEDULE (C.) Part 1.

	£
Governor	2,000
Chief Justice	1,500
Puisne Judge	1,200
Salaries of Attorney and Solicitor General, Crown Solicitors, and contingent and miscellaneous Expenses of Administration of Justice throughout the Colony	13,300
	18,000

SCHEDULE (C.) Part 2.

	£
Colonial Secretary, and his Department	2,800
Colonial Treasurer, and his Department	1,800
Auditor General, and his Department	1,600
Salary of Clerk of Executive Council, and miscellaneous Expenses	700
Pensions	2,000
	8,900

SCHEDULE (C.) Part 3.

	£
Public Worship	15,000

SOUTH

SOUTH AUSTRALIA.

SCHEDULE (D.) Part 1.

	£
Governor	2,000
Judge	1,000
Salaries of the Advocate General and Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony	5,000
	8,000

SCHEDULE (D.) Part 2.

	£
Colonial Secretary, and his Department	2,000
Colonial Treasurer, and his Department	1,500
Auditor General, and his Department	1,000
Salary of Clerk of Executive Council, and miscellaneous Expenses	500
	5,000

CAP. LX.

An Act to consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees. [5th *August* 1850.]

11 G. 4. & 1 W. 4. c. 60. 4 & 5 W. 4. c. 23. 1 & 2 Vict. c. 69.

'WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain Cases:* And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in trust:* And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to remove Doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgagees:* And whereas it is expedient that the Provisions of the said Acts should be consolidated and enlarged:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Proceedings under the said Acts or any of them commenced before the passing of this Act may be proceeded with under the said recited Acts, or according to the Provisions of this Act, as shall be thought expedient, and, subject as aforesaid, that the said recited Acts shall be and the same are hereby repealed: Provided always, that the several Acts repealed by the said recited Acts shall not be revived, and that such Repeal shall only be on and after this Act coming into operation.

Interpretation of Terms.

II. 'And whereas it is expedient to define the Meaning in which certain Words are hereafter used;' it is declared, That the several Words herein-after named are herein used and applied in the Manner following respectively; (that is to say,)

The Word "Lands" shall extend to and include Manors, Messuages, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure or Description, whatever may be the Estate or Interest therein:

The Word "Stock" shall mean any Fund, Annuity, or Security transferable in Books kept by any Company or Society established or to be established, or transferable by Deed alone, or by Deed accompanied by other Formalities, and any Share or Interest therein:

The Word "seised" shall be applicable to any vested Estate for Life or of a greater Description, and shall extend to Estates at Law and in Equity, in possession or in futurity, in any Lands:

The Word "possessed" shall be applicable to any vested Estate less than a Life Estate, at Law or in Equity, in possession or in expectancy, in any Lands:

The Words "contingent Right," as applied to Lands, shall mean a contingent or executory Interest, a Possibility coupled with an Interest, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent:

The Words "convey" and "Conveyance," applied to any Person, shall mean the Execution by such Person of every necessary or suitable Assurance for conveying or disposing to another Lands whereof such Person is seised or entitled to a contingent Right, either for the whole Estate of the Person conveying or disposing, or for any less Estate, together with the Performance of all Formalities required by Law to the Validity of such Conveyance, including the Acts to be performed by married Women and Tenants in Tail in accordance with the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and the Substitution of more simple Modes of Assurance*, and including also Surrenders and other Acts which a Tenant of Customary or Copyhold Lands

3 & 4 W. 4. c. 74.

Lands can himself perform preparatory to or in aid of a complete Assurance of such Customary or Copyhold Lands:

The Words "assign" and "Assignment" shall mean the Execution and Performance by a Person of every necessary or suitable Deed or Act for assigning, surrendering, or otherwise transferring Lands of which such Person is possessed, either for the whole Estate of the Person so possessed or for any less Estate:

The Word "transfer" shall mean the Execution and Performance of every Deed and Act by which a Person entitled to Stock can transfer such Stock from himself to another:

The Words "Lord Chancellor" shall mean as well the Lord Chancellor of *Great Britain* as any Lord Keeper or Lords Commissioners of the Great Seal for the Time being:

The Words "Lord Chancellor of *Ireland*" shall mean as well the Lord Chancellor of *Ireland* as any Keeper or Lords Commissioners of the Great Seal of *Ireland* for the Time being:

The Word "Trust" shall not mean the Duties incident to an Estate conveyed by way of Mortgage; but, with this Exception, the Words "Trust" and "Trustee" shall extend to and include implied and constructive Trusts, and shall extend to and include Cases where the Trustee has some beneficial Estate or Interest in the Subject of the Trust, and shall extend to and include the Duties incident to the Office of personal Representative of a deceased Person:

The Word "Lunatic" shall mean any Person who shall have been found to be a Lunatic upon a Commission of Inquiry in the Nature of a Writ De lunatico inquirendo:

The Expression "Person of unsound Mind" shall mean any Person, not an Infant, who, not having been found to be a Lunatic, shall be incapable from Infirmity of Mind to manage his own Affairs:

The Word "Devisee" shall, in addition to its ordinary Signification, mean the Heir of a Devisee and the Devisee of an Heir, and generally any Person claiming an Interest in the Lands of a deceased Person, not as Heir of such deceased Person, but by a Title dependent solely upon the Operation of the Laws concerning Devise and Descent:

The Word "Mortgage" shall be applicable to every Estate, Interest, or Property in Lands or Personal Estate which would in a Court of Equity be deemed merely a Security for Money:

The Word "Person" used and referred to in the Masculine Gender shall include a Female as well as a Male, and shall include a Body Corporate:

And generally, unless the contrary shall appear from the Context, every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to one Person or Thing, and every Word importing the Masculine Gender only shall extend to a Female.

Lord Chancellor may convey Estates of Lunatic Trustees and Mortgagees;

III. And be it enacted, That when any Lunatic or Person of unsound Mind shall be seised or possessed of any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care of the Persons and Estates of Lunatics, to make an Order that such Lands be vested in such Person or Persons in such Manner and for such Estate as he shall direct; and the Order shall have the same Effect as if the Trustee or Mortgagee had been sane, and had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

may convey contingent Rights.

IV. And be it enacted, That when any Lunatic or Person of unsound Mind shall be entitled to any contingent Right in any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Lord Chancellor shall direct; and the Order shall have the same Effect as if the Trustee or Mortgagee had been sane, and had duly executed a Deed so releasing or disposing of the contingent Right.

Lord Chancellor may transfer Stock of Lunatic Trustees and Mortgagees.

V. And be it enacted, That when any Lunatic or Person of unsound Mind shall be solely entitled to any Stock or to any Chose in Action upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order vesting in any Person or Persons the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof; and when any Person or Persons shall be entitled jointly with any Lunatic or Person of unsound Mind to any Stock or Chose in Action upon any Trust or by way of Mortgage, it shall be lawful for the said Lord Chancellor to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, either in such Person or Persons so jointly entitled as aforesaid, or in such last-mentioned Person or Persons together with any other Person or Persons the said Lord Chancellor may appoint.

Power to transfer Stock of deceased Person.

VI. And be it enacted, That when any Stock shall be standing in the Name of any deceased Person whose personal Representative is a Lunatic or Person of unsound Mind, or when any Chose in Action shall be vested in any Lunatic or Person of unsound Mind as the personal Representative of a deceased Person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action or any Interest in respect thereof, in any Person or Persons he may appoint.

Court of Chancery may convey Estates of infant Trustees and Mortgagees.

VII. And be it enacted, That where any Infant shall be seised or possessed of any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the infant Trustee or Mortgagee had been Twenty-one Years of

of Age, and had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

Contingent Rights of infant Trustees and Mortgagees.

VIII. And be it enacted, That where any Infant shall be entitled to any contingent Right in any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Court of Chancery to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Court shall direct; and the Order shall have the same Effect as if the Infant had been Twenty-one Years of Age, and had duly executed a Deed so releasing or disposing of the contingent Right.

Court of Chancery may convey the Estate of a Trustee out of the Jurisdiction of the Court.

IX. And be it enacted, That when any Person solely seised or possessed of any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands in the same Manner and for the same Estate.

Court may make Order in Cases where Persons are seised of Lands jointly with Parties out of Jurisdiction of Court, &c.

X. And be it enacted, That when any Person or Persons shall be seised or possessed of any Lands jointly with a Person out of the Jurisdiction of the Court of Chancery, or who cannot be found, it shall be lawful for the said Court to make an Order vesting the Lands in the Person or Persons so jointly seised or possessed, or in such last-mentioned Person or Persons together with any other Person or Persons, in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee out of the Jurisdiction, or who cannot be found, had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

Contingent Rights of Trustees.

XI. And be it enacted, That when any Person solely entitled to a contingent Right in any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance so releasing or disposing of the contingent Right.

Court may make Order where Persons jointly entitled with others out of Jurisdiction of Court to contingent Right in Lands.

XII. And be it enacted, That when any Person jointly entitled with any other Person or Persons to a contingent Right in any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery or cannot be found, it shall be lawful for the said Court to make an Order disposing of the contingent Right of the Person out of the Jurisdiction, or who cannot be found, to the Person or Persons so jointly entitled as aforesaid, or to such last-mentioned Person or Persons together with any other Person or Persons; and the Order shall have the same Effect as if the Trustee out of the Jurisdiction, or who cannot be found, had duly executed a Conveyance so releasing or disposing of the contingent Right.

When it is uncertain which of several Trustees was the Survivor.

XIII. And be it enacted, That where there shall have been Two or more Persons jointly seised or possessed of any Lands upon any Trust, and it shall be uncertain which of such Trustees was the Survivor, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Survivor of such Trustees had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

When it is uncertain whether the last Trustee be living or dead.

XIV. And be it enacted, That where any One or more Person or Persons shall have been seised or possessed of any Lands upon any Trust, and it shall not be known, as to the Trustee last known to have been seised or possessed, whether he be living or dead, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the last Trustee had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

When Trustee dies without an Heir.

XV. And be it enacted, That when any Person seised of any Lands upon any Trust shall have died intestate as to such Lands without an Heir, or shall have died and it shall not be known who is his Heir or Devisee, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Heir or Devisee of such Trustee had duly executed a Conveyance of the Lands in the same Manner for the same Estate.

Contingent Right of unborn Trustee.

XVI. And be it enacted, That when any Lands are subject to a contingent Right in an unborn Person or Class of unborn Persons who upon coming into existence would in respect thereof become seised or possessed of such Lands upon any Trust, it shall be lawful for the Court of Chancery to make an Order which shall wholly release and discharge such Lands from such contingent Right in such unborn Person or Class of unborn Persons, or to make an Order which shall vest in any Person or Persons the Estate or Estates which such unborn Person or Class of unborn Persons would upon coming into existence be seised or possessed of in such Lands.

Power to convey in place of a refusing Trustee.

XVII. And be it enacted, That where any Person jointly or solely seised or possessed of any Lands upon any Trust shall, after a Demand by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey or assign the same, or shall neglect or refuse to convey or assign such Lands for the Space of Twenty-eight Days next after a proper Deed for conveying or assigning the same shall have been tendered to him by any Person entitled to require the same, or by a duly authorized Agent of such last-mentioned Person, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order

shall

shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

Power to convey in place of Person entitled to contingent Right.

XVIII. And be it enacted, That where any Person jointly or solely entitled to a contingent Right in any Lands upon any Trust shall, after a Demand for a Conveyance or Release of such contingent Right by a Person entitled to require the same, or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey or release such contingent Right, or shall neglect or refuse to convey or release such contingent Right for the Space of Twenty-eight Days next after a proper Deed for conveying or releasing the same shall have been tendered to him by any Person entitled to require the same, or by a duly authorized Agent of such last-mentioned Person, it shall be lawful for the Court of Chancery to make an Order releasing or disposing of such contingent Right in such Manner as it shall direct; and the Order shall have the same Effect as if the Trustee so neglecting or refusing had duly executed a Conveyance so releasing or disposing of the contingent Right.

Power to convey in place of Mortgagee.

XIX. And be it enacted, That when any Person to whom any Lands have been conveyed by way of Mortgage shall have died without having entered into the Possession or into the Receipt of the Rents and Profits thereof, and the Money due in respect of such Mortgage shall have been paid to a Person entitled to receive the same, or such last-mentioned Person shall consent to an Order for the Reconveyance of such Lands, then in any of the following Cases it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; that is to say,

When an Heir or Devisee of such Mortgagee shall be out of the Jurisdiction of the Court of Chancery, or cannot be found:

When an Heir or Devisee of such Mortgagee shall, upon a Demand by a Person entitled to require a Conveyance of such Lands or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey the same, or shall not convey the same for the Space of Twenty-eight Days next after a proper Deed for conveying such Lands shall have been tendered to him by a Person entitled as aforesaid, or a duly authorized Agent of such last-mentioned Person:

When it shall be uncertain which of several Devisees of such Mortgagee was the Survivor:

When it shall be uncertain as to the Survivor of several Devisees of such Mortgagee, or as to the Heir of such Mortgagee whether he be living or dead:

When such Mortgagee shall have died intestate as to such Lands, and without an Heir, or shall have died and it shall not be known who is his Heir or Devisee:

And the Order of the said Court of Chancery made in any One of the foregoing Cases shall have the same Effect as if the Heir or Devisee or surviving Devisee, as the Case may be, had duly executed a Conveyance or Assignment of the Lands in the same Manner and for the same Estate.

Power to appoint a Person to convey in certain Cases.

XX. And be it enacted, That in every Case where the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, shall, under the Provisions of this Act, be enabled to make an Order having the Effect of a Conveyance or Assignment of any Lands, or having the Effect of a Release or Disposition of the contingent Right of any Person or Persons, born or unborn, it shall also be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, as the Case may be, should it be deemed more convenient, to make an Order appointing a Person to convey or assign such Lands, or release or dispose of such contingent Right; and the Conveyance or Assignment, or Release or Disposition, of the Person so appointed, shall, when in conformity with the Terms of the Order by which he is appointed, have the same Effect, in conveying or assigning the Lands, or releasing or disposing of the contingent Right, as an Order of the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, would in the particular Case have had under the Provisions of this Act; and in every Case where the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, shall under the Provisions of this Act be enabled to make an Order vesting in any Person or Persons the Right to transfer any Stock transferrable in the Books of the Governor and Company of the Bank of *England*, or of any other Company or Society established or to be established, it shall also be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, if it be deemed more convenient, to make an Order directing the Secretary, Deputy Secretary, or Accountant General for the Time being of the Governor and Company of the Bank of *England*, or any Officer of such other Company or Society, at once to transfer or join in transferring the Stock to the Person or Persons to be named in the Order; and this Act shall be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and all other Companies or Societies, and their Officers and Servants, for all Acts done or permitted to be done pursuant thereto.

As to Lands in Lancaster and Durham.

XXI. And be it enacted, That as to any Lands situated within the Duchy of *Lancaster* or the Counties Palatine of *Lancaster* or *Durham*, it shall be lawful for the Court of the Duchy Chamber of *Lancaster*, the Court of Chancery in the County Palatine of *Lancaster*, or the Court of Chancery in the County Palatine of *Durham*, to make a like Order in the same Cases as to any Lands within the Jurisdiction of the same Courts respectively as the Court of Chancery has under the Provisions herein-before contained been enabled to make concerning any Lands; and every such Order of the Court of the Duchy Chamber of *Lancaster*, the Court of Chancery in the County Palatine of *Lancaster*, or the Court of Chancery in the County Palatine of *Durham*, shall, as to such Lands, have the same Effect as an Order of the Court of Chancery: Provided always, that no Person who is anywhere within the Limits of the Jurisdiction of the High Court of Chancery shall be deemed by such local Courts to be an absent Trustee or Mortgagee within the Meaning of this Act.

When Trustees of Stock out of the Jurisdiction.

XXII. And be it enacted, That when any Person or Persons shall be jointly entitled with any Person out of the Jurisdiction of the Court of Chancery, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any Stock or Chose in Action upon any Trust, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action, or any Interest in respect thereof, either in such Person or Persons so jointly entitled as aforesaid, or in such last-mentioned Person or Persons together with any Person or Persons the said Court may appoint; and when any sole Trustee of any Stock or Chose in Action shall be out of the Jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in any Person or Persons the said Court may appoint.

When Trustee of Stock refuses to transfer.

XXIII. And be it enacted, That where any sole Trustee of any Stock or Chose in Action shall neglect or refuse to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action, or any Interest in respect thereof, according to the Direction of the Person absolutely entitled thereto, for the Space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him by the Person absolutely entitled thereto, it shall be lawful for the Court of Chancery to make an Order vesting the sole Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in such Person or Persons as the said Court may appoint.

When One of several Trustees of Stock refuses to transfer or receive and pay over Dividends.

XXIV. And be it enacted, That where any One of the Trustees of any Stock or Chose in Action shall neglect or refuse to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action according to the Directions of the Person absolutely entitled thereto, for the Space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him or her by such Person, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, in the other Trustee or Trustees of the said Stock or Chose in Action, or in any Person or Persons whom the said Court may appoint jointly with such other Trustee or Trustees.

When Stock is standing in the Name of a deceased Person.

XXV. And be it enacted, That when any Stock shall be standing in the sole Name of a deceased Person, and his or her personal Representative shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, or it shall be uncertain whether such personal Representative be living or dead, or such personal Representative shall neglect or refuse to transfer such Stock, or receive the Dividends or Income thereof, according to the Direction of the Person absolutely entitled thereto, for the Space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him by the Person entitled as aforesaid, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, in any Person or Persons whom the said Court may appoint.

Effect of an Order vesting the legal Right to transfer Stock.

XXVI. And be it enacted, That where any Order shall have been made under any of the Provisions of this Act vesting the Right to any Stock in any Person or Persons appointed by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, such legal Right shall vest accordingly, and thereupon the Person or Persons so appointed are hereby authorized and empowered to execute all Deeds and Powers of Attorney and to perform all Acts relating to the Transfer of such Stock into his or their own Name or Names or otherwise, or relating to the Receipt of the Dividends thereof, to the Extent and in conformity with the Terms of such Order; and the Bank of *England*, and all Companies and Associations whatever, and all Persons, shall be equally bound and compellable to comply with the Requisitions of such Person or Persons so appointed as aforesaid, to the Extent and in conformity with the Terms of such Order, as the said Bank of *England*, or such Companies, Associations, or Persons, would have been bound and compellable to comply with the Requisitions of the Person in whose Place such Appointment shall have been made, and shall be equally indemnified in complying with the Requisition of such Person or Persons so appointed as they would have been indemnified in complying with the Requisition of the Person in whose Place such Appointment shall have been made; and after Notice in Writing of any such Order of the Lord Chancellor, intrusted as aforesaid, or of the Court of Chancery, concerning any Stock, shall have been given, it shall not be lawful for the Bank of *England*, or any Company or Association whatever, or any Person having received such Notice, to act upon the Requisition of the Person in whose Place an Appointment shall have been made in any Matter whatever relating to the Transfer of such Stock, or the Payment of the Dividends or Produce thereof.

Effect of an Order vesting legal Right in a Chose in Action.

XXVII. And be it enacted, That where any Order shall have been made under the Provisions of this Act, either by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, vesting the legal Right to sue for or recover any Chose in Action or any Interest in respect thereof in any Person or Persons, such legal Right shall vest accordingly, and thereupon it shall be lawful for the Person or Persons so appointed to carry on, commence, and prosecute, in his or their own Name or Names, any Action, Suit, or other Proceeding at Law or in Equity for the Recovery of such Chose in Action, in the same Manner in all respects as the Person in whose Place an Appointment shall have been made could have sued for or recovered such Chose in Action.

Effect of an Order vesting

XXVIII. And be it enacted, That whensoever, under any of the Provisions of this Act, an Order shall be made, either by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, vesting any Copyhold

Copyhold or Customary Lands in any Person or Persons, and such Order shall be made with the Consent of the Lord or Lady of the Manor whereof such Lands are holden, then the Lands shall, without any Surrender or Admittance in respect thereof, vest accordingly; and whenever, under any of the Provisions of this Act, an Order shall be made either by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, appointing any Person or Persons to convey or assign any Copyhold or Customary Lands, it shall be lawful for such Person or Persons to do all Acts and execute all Instruments for the Purpose of completing the Assurance of such Lands; and all such Acts and Instruments so done and executed shall have the same Effect, and every Lord and Lady of a Manor, and every other Person, shall, subject to the Customs of the Manor and the usual Payments, be equally bound and compellable to make Admittance to such Lands, and to do all other Acts for the Purpose of completing the Assurance thereof, as if the Persons in whose Place an Appointment shall have been made, being free from any Disability, had duly done and executed such Acts and Instruments.

Copyhold Lands, or appointing any Person to convey Copyhold Lands.

XXIX. And be it enacted, That when a Decree shall have been made by any Court of Equity directing the Sale of any Lands for the Payment of the Debts of a deceased Person, every Person seised or possessed of such Lands, or entitled to a contingent Right therein, as Heir, or under the Will of such deceased Debtor, shall be deemed to be so seised or possessed or entitled, as the Case may be, upon a Trust within the Meaning of this Act; and the Court of Chancery is hereby empowered to make an Order wholly discharging the contingent Right, under the Will of such deceased Debtor, of any unborn Person.

When a Decree is made for Sale of Real Estate for Payment of Debts.

XXX. And be it enacted, That where any Decree shall be made by any Court of Equity for the specific Performance of a Contract concerning any Lands, or for the Partition or Exchange of any Lands, or generally when any Decree shall be made for the Conveyance or Assignment of any Lands, either in Cases arising out of the Doctrine of Election or otherwise, it shall be lawful for the said Court to declare that any of the Parties to the said Suit wherein such Decree is made are Trustees of such Lands or any Part thereof, within the Meaning of this Act, or to declare concerning the Interests of unborn Persons who might claim under any Party to the said Suit, or under the Will or voluntary Settlement of any Person deceased who was during his Lifetime a Party to the Contract or Transactions concerning which such Decree is made, that such Interests of unborn Persons are the Interests of Persons who, upon coming into existence, would be Trustees within the Meaning of this Act, and thereupon it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, as the Case may be, to make such Order or Orders as to the Estates, Rights, and Interests of such Persons, born or unborn, as the said Court or the said Lord Chancellor might under the Provisions of this Act make concerning the Estates, Rights, and Interests of Trustees born or unborn.

Court to declare what Parties are Trustees of Lands comprised in any Suit, and as to the Interests of Persons unborn.

XXXI. And be it enacted, That it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, to make Declarations and give Directions concerning the Manner in which the Right to any Stock or Chose in Action vested under the Provisions of this Act shall be exercised; and thereupon the Person or Persons in whom such Right shall be vested shall be compellable to obey such Directions and Declarations by the same Process as that by which other Orders under this Act are enforced.

Power to make Directions how the Right to transfer Stock to be exercised.

XXXII. And be it enacted, That whenever it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult, or impracticable so to do without the Assistance of the Court of Chancery, it shall be lawful for the said Court of Chancery to make an Order appointing a new Trustee or new Trustees either in substitution for or in addition to any existing Trustee or Trustees.

Power to Court to make Order appointing new Trustees.

XXXIII. And be it enacted, That the Person or Persons who, upon the making of such Order as last aforesaid, shall be Trustee or Trustees, shall have all the same Rights and Powers as he or they would have had if appointed by Decree in a Suit duly instituted.

Powers of new Trustees.

XXXIV. And be it enacted, That it shall be lawful for the said Court of Chancery, upon making any Order for appointing a new Trustee or new Trustees, either by the same or by any subsequent Order to direct that any Lands subject to the Trust shall vest in the Person or Persons who upon the Appointment shall be the Trustee or Trustees, for such Estate as the Court shall direct; and such Order shall have the same Effect as if the Person or Persons who before such Order were the Trustee or Trustees (if any) had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

Power to Court to vest Lands in new Trustees.

XXXV. And be it enacted, That it shall be lawful for the said Court of Chancery, upon making any Order for appointing a new Trustee or new Trustees, either by the same or by any subsequent Order, to vest the Right to call for a Transfer of any Stock subject to the Trust, or to receive the Dividends or Income thereof, or to sue for or recover any Chose in Action, subject to the Trust, or any Interest in respect thereof, in the Person or Persons who upon the Appointment shall be the Trustee or Trustees.

Power to Court to vest Right to sue at Law in new Trustees.

XXXVI. And be it enacted, That any such Appointment by the Court of new Trustees, and any such Conveyance, Assignment, or Transfer as aforesaid, shall operate no further or otherwise as a Discharge to any former or continuing Trustee than an Appointment of new Trustees under any Power for that Purpose contained in any Instrument would have done.

Old Trustees not to be discharged from Liability.

XXXVII. And be it enacted, That an Order, under any of the herein-before contained Provisions, for the Appointment of a new Trustee or Trustees, or concerning any Lands, Stock, or Chose in Action subject to a Trust, may be made upon the Application of any Person beneficially interested in such Lands, Stock, or Chose in Action, whether under Disability or not, or upon the Application of any Person duly appointed as a Trustee thereof; and that an Order under any of the Provisions herein-before contained concerning any Lands, Stock, or Chose in Action subject to a Mortgage may be made on the Application

Who may apply.

of any Person beneficially interested in the Equity of Redemption, whether under Disability or not, or of any Person interested in the Monies secured by such Mortgage.

Power to go before the Master in the first instance.

XXXVIII. And be it enacted, That when any Person shall deem himself entitled to an Order under any of the Provisions herein-before contained, either from the Lord Chancellor, intrusted as aforesaid, or from the Court of Chancery, it shall be lawful for him to exhibit before any One of the Masters of the High Court of Chancery a Statement of the Facts whereon such Order is sought to be obtained, and adduce Evidence in support thereof; and if such Evidence shall be satisfactory to the said Master, he shall, at the Request of the Person adducing such Evidence, give a Certificate under his Hand of the several material Facts found by him to be true, and of his Opinion that such Person is entitled to an Order in the Form set forth in such Certificate.

Power to petition the Court or the Lord Chancellor.

XXXIX. And be it enacted, That any Person who shall have obtained such Certificate may apply by Motion to the Court of Chancery, or to the Lord Chancellor, intrusted as aforesaid, for an Order to the Effect set forth in such Certificate, or for such other Order as such Person may deem himself entitled to upon the Facts found by the Master.

Power to present Petition in the first instance.

XL. And be it enacted, That any Person or Persons entitled in manner aforesaid to apply for an Order from the said Court of Chancery, or from the Lord Chancellor, intrusted as aforesaid, may, should he so think fit, present a Petition in the first instance to the Court of Chancery, or to the Lord Chancellor, intrusted as aforesaid, for such Order as he may deem himself entitled to, and may give Evidence by Affidavit or otherwise in support of such Petition before the said Court, or the Lord Chancellor, intrusted as aforesaid, and may serve such Person or Persons with Notice of such Petition as he may deem entitled to Service thereof.

What may be done upon Petition.

XLI. And be it enacted, That upon the Hearing of any such Motion or Petition it shall be lawful for the said Court or for the said Lord Chancellor, should it be deemed necessary, to direct a Reference to One of the Masters in Ordinary of the Court of Chancery to inquire into any Facts which require such an Investigation, or it shall be lawful for the said Court or for the said Lord Chancellor to direct such Motion or Petition to stand over, to enable the Petitioner or Petitioners to adduce Evidence or further Evidence before the said Court or before the said Lord Chancellor, or to enable Notice or any further Notice of such Motion or Petition to be served upon any Person or Persons.

Court may dismiss Petition with or without Costs.

XLII. And be it enacted, That upon the Hearing of any such Motion or Petition, whether any Certificate or Report from a Master shall have been obtained or not, it shall be lawful for the Court, or the Lord Chancellor, intrusted as aforesaid, to dismiss such Motion or Petition, with or without Costs, or to make an Order thereupon in conformity with the Provisions of this Act.

Power to make an Order in a Cause.

XLIII. And be it enacted, That whensoever in any Cause or Matter, either by the Evidence adduced therein, or by the Admissions of the Parties, or by a Report of One of the Masters of the Court of Chancery, the Facts necessary for an Order under this Act shall appear to such Court to be sufficiently proved, it shall be lawful for the said Court, either upon the Hearing of the said Cause or of any Petition or Motion in the said Cause or Matter, to make such Order under this Act.

Orders made by the Court of Chancery, founded on certain Allegations, to be conclusive Evidence of the Matter contained in such Allegations.

XLIV. And be it enacted, That whenever any Order shall be made under this Act, either by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, for the Purpose of conveying or assigning any Lands, or for the Purpose of releasing or disposing of any contingent Right, and such Order shall be founded on an Allegation of the personal Incapacity of a Trustee or Mortgagee, or on an Allegation that a Trustee or the Heir or Devisee of a Mortgagee is out of the Jurisdiction of the Court of Chancery or cannot be found, or that it is uncertain which of several Trustees, or which of several Devisees of a Mortgagee, was the Survivor, or whether the last Trustee, or the Heir or last surviving Devisee of a Mortgagee, be living or dead, or on an Allegation that any Trustee or Mortgagee has died intestate without an Heir, or has died and it is not known who is his Heir or Devisee, then in any of such Cases the Fact that the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, has made an Order upon such an Allegation, shall be conclusive Evidence of the Matter so alleged in any Court of Law or Equity upon any Question as to the legal Validity of the Order: Provided always, that nothing herein contained shall prevent the Court of Chancery directing a Re-conveyance or Re-assignment of any Lands conveyed or assigned by any Order under this Act, or a Re-disposition of any contingent Right conveyed or disposed of by such Order; and it shall be lawful for the said Court to direct any of the Parties to any Suit concerning such Lands or contingent Right to pay any Costs occasioned by the Order under this Act, when the same shall appear to have been improperly obtained.

Trustees of Charities.

XLV. And be it enacted, That it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, to exercise the Powers herein conferred for the Purpose of vesting any Lands, Stock, or Chose in Action in the Trustee or Trustees of any Charity or Society over which Charity or Society the said Court of Chancery would have Jurisdiction upon Suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any Power contained in any Deed or Instrument, or by the Decree of the said Court of Chancery, or by Order made upon a Petition to the said Court under any Statute authorizing the said Court to make an Order to that Effect in a summary Way upon Petition.

No Escheat of Property held upon Trust or Mortgage.

XLVI. And be it enacted, That no Lands, Stock, or Chose in Action vested in any Person upon any Trust or by way of Mortgage, or any Profits thereof, shall escheat or be forfeited to Her Majesty, Her Heirs or Successors, or to any Corporation, Lord or Lady of a Manor, or other Person, by reason of the Attainder or Conviction for any Offence of such Trustee or Mortgagee, but shall remain in such Trustee

Trustee or Mortgagee, or survive to his or her Co-Trustee, or descend or vest in his or her Representative, as if no such Attainder or Conviction had taken place.

Act not to prevent Escheat or Forfeiture of beneficial Interest.

XLVII. And be it enacted, That nothing contained in this Act shall prevent the Escheat or Forfeiture of any Lands or Personal Estate vested in any such Trustee or Mortgagee, so far as relates to any beneficial Interest therein of any such Trustee or Mortgagee, but such Lands or Personal Estate, so far as relates to any such beneficial Interest, shall be recoverable in the same Manner as if this Act had not passed.

Money of Infants and Persons of unsound Mind to be paid into Court.

XLVIII. And be it enacted, That where any Infant or Person of unsound Mind shall be entitled to any Money payable in discharge of any Lands, Stock, or Chose in Action conveyed, assigned, or transferred under this Act, it shall be lawful for the Person by whom such Money is payable to pay the same into the Bank of *England*, in the Name and with the Privity of the Accountant General, in trust in any Cause then depending concerning such Money, or, if there shall be no such Cause, to the Credit of such Infant or Person of unsound Mind, subject to the Order or Disposition of the said Court; and it shall be lawful for the said Court, upon Petition in a summary Way, to order any Money so paid to be invested in the Public Funds, and to order Payment or Distribution thereof, or Payment of the Dividends thereof, as to the said Court shall seem reasonable; and every Cashier of the Bank of *England* who shall receive any such Money is hereby required to give to the Person paying the same a Receipt for such Money, and such Receipt shall be an effectual Discharge for the Money therein respectively expressed to have been received.

Court may make a Decree in the Absence of a Trustee.

XLIX. And be it enacted, That where in any Suit commenced or to be commenced in the Court of Chancery it shall be made to appear to the Court by Affidavit that diligent Search and Inquiry has been made after any Person made a Defendant, who is only a Trustee, to serve him with the Process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such Cause, and to make such absolute Decree therein against every Person who shall appear to them to be only a Trustee, and not otherwise concerned in Interest in the Matter in question, in such and the same Manner as if such Trustee had been duly served with the Process of the Court, and had appeared and filed his Answer thereto, and had also appeared by his Counsel and Solicitor at the Hearing of such Cause: Provided always, that no such Decree shall bind, affect, or in anywise prejudice any Person against whom the same shall be made, without Service of Process upon him as aforesaid, his Heirs, Executors, or Administrators, for or in respect of any Estate, Right, or Interest which such Person shall have at the Time of making such Decree for his own Use or Benefit, or otherwise than as a Trustee as aforesaid.

Powers of the Master.

L. And be it enacted, That when any Person shall, under the Provisions of this Act, apply to One of the Masters of the Court of Chancery in the first instance, and adduce Evidence, for the Purpose of obtaining the Certificate of such Master as a Foundation for an Order of the said Lord Chancellor, intrusted as aforesaid, or the said Court of Chancery, it shall be lawful for the said Master to order Service of such Application upon any Person, or to dismiss such Application, and to direct that the Costs of any Persons consequent thereon shall be paid by the Person making the same; and all Orders of the Master under this Act shall be enforced by the same Process as Orders of the Court made in any Suit against a Party thereto.

Costs may be paid out of the Estate.

LI. And be it enacted, That the Lord Chancellor, intrusted as aforesaid, and the Court of Chancery, may order the Costs and Expenses of and relating to the Petitions, Orders, Directions, Conveyances, Assignments, and Transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the Lands or Personal Estate, or the Rents or Produce thereof, in respect of which the same respectively shall be made, or in such Manner as the said Lord Chancellor or Court shall think proper.

Commission concerning Person of unsound Mind.

LII. And be it enacted, That upon any Petition being presented under this Act to the Lord Chancellor, intrusted as aforesaid, concerning a Person of unsound Mind, it shall be lawful for the said Lord Chancellor, should he so think fit, to direct that a Commission in the Nature of a Writ De lunatico inquirendo shall issue concerning such Person, and to postpone making any Order upon such Petition until a Return shall have been made to such Commission.

Suit may be directed.

LIII. And be it enacted, That upon any Petition under this Act being presented to the Lord Chancellor, intrusted as aforesaid, or to the Court of Chancery, it shall be lawful for the said Lord Chancellor or the said Court of Chancery to postpone making any Order upon such Petition until the Right of the Petitioner or Petitioners shall have been declared in a Suit duly instituted for that Purpose.

Powers of Court of Chancery to extend to the Colonies; and to Ireland.

LIV. And be it enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall extend to all Lands and Personal Estate within the Dominions, Plantations, and Colonies belonging to Her Majesty (except *Scotland*).

LV. And be it enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall and may be exercised in like Manner and are hereby given and extended to the Court of Chancery in *Ireland* with respect to all Lands and Personal Estate in *Ireland*.

Powers of Lord Chancellor to extend to the Colonies;

LVI. And be it enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall extend to all Lands and Personal Estate within any of the Dominions, Plantations, and Colonies belonging to Her Majesty (except *Scotland* and *Ireland*).

and to be exercised by the Lord Chancellor of Ireland with respect to Lands &c. in Ireland

LVII. And be it enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall and may be exercised in like Manner by and are hereby given to the Lord Chancellor of *Ireland*, intrusted as aforesaid, with respect to all Lands and Personal Estate in *Ireland*.

LVIII. And

Short Title.

LVIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Trustee Act, 1850."

Commencement of Act.

LIX. And be it enacted, That this Act shall come into operation on the First Day of *November* One thousand eight hundred and fifty.

Act may be amended, &c.

LX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXI.

An Act to extend the Act for the more easy Recovery of Small Debts and Demands in *England*, and to amend the same. [14th *August* 1850.]

9 & 10 Vict. c. 95.

12 & 13 Vict. c. 101.

'WHEREAS by an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled '*An Act for the more easy Recovery of Small Debts and Demands in* England, Jurisdiction is 'given to the Courts holden under the said Act for the Recovery of certain Debts, Damages, and Demands 'therein mentioned not exceeding Twenty Pounds: And whereas it is expedient to extend the Provisions 'of the said Act, and also of a certain other Act passed in the Thirteenth Year of the Reign of Her said 'Majesty, intituled *An Act to amend the Act for the more easy Recovery of Small Debts and Demands 'in* England, *and to abolish certain Inferior Courts of Record*, to Debts, Damages, and Demands not 'exceeding the Sum of Fifty Pounds, and to alter and amend the said first-mentioned Act in manner 'herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Jurisdiction of the several Courts holden or to be holden under the said Act of the Tenth Year of Her Majesty shall extend to the Recovery of any Debt, Damage, or Demand not exceeding the Sum of Fifty Pounds, and to all Actions in respect thereof (save and except the several Actions specified in the Proviso in Section Fifty-eight of the same Act); and that the several Powers and Provisions of the said several Acts of the Tenth and Thirteenth Years of Her Majesty, and all Rules, Orders, and Regulations which have been or may be made in pursuance of the said Acts or either of them, shall extend to all Debts, Damages, and Demands which may be sued for in the said Courts or any of them not exceeding the Sum of Fifty Pounds, and to all Proceedings and Judgments for the Recovery of the same, or otherwise in relation thereto respectively, as fully and effectually, to all Intents and Purposes, as the same respectively are now or may be applicable to Debts, Damages, and Demands within the present Jurisdiction of the said Courts.

Extension of Jurisdiction.

This Act to be construed with recited Acts.

II. And be it enacted, That this Act and the said recited Acts of the Tenth and Thirteenth Years of Her Majesty shall be read and construed as One Act, as if the several Provisions in the said recited Acts contained, not inconsistent with the Provisions of this Act, were repeated and re-enacted in this Act.

Deputy Judge not to practise in his District.

III. And be it enacted, That no Deputy Judge of any such County Court, save and except the *Westminster* County Court of *Middlesex*, shall, during the Time he acts or shall be entitled to act as such Deputy, practise as a Barrister in any Court within the District for which he acts or shall be entitled to act as such Deputy; and that every Clerk and Assistant Clerk appointed after the passing of this Act to any of such Courts shall reside within the District of the Court or Courts for which he shall have been appointed.

Clerks, &c. to reside in District.

Power to remove Clerks, High Bailiffs, or Assistant Clerks.

IV. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as relates to the Removal of Clerks or High Bailiffs of the Courts holden under the said Act shall be repealed; and it shall be lawful for the Lord Chancellor, or, where the whole of the District of the Court or Courts for which the Clerk or High Bailiff shall have been appointed is within the Duchy of *Lancaster*, for the Chancellor of the Duchy of *Lancaster*, when such Lord Chancellor or Chancellor of the Duchy shall in his Discretion think fit, to remove the Clerk, High Bailiff, or any Assistant Clerk of any such Court or Courts from his Office, and from Time to Time to make such Order as to the Attendance of any Clerk, Deputy Clerk, or Assistant Clerk, during the Sitting of the Court or otherwise, as he shall think fit: Provided always, that nothing herein contained shall affect the Tenure of Office of any Person who before the passing of the said Act held an Office in any of the Courts mentioned in the Schedule (A.) annexed to the said Act.

Fees to be taken according to Schedule.

V. And be it enacted, That there shall be payable on every Proceeding in the Courts holden under the said Act of the Tenth Year of Her Majesty, to the Judges, Clerks, and High Bailiffs of the several Courts, in every Case where the Sum sought to be recovered shall exceed Twenty Pounds, such Fees as are set down in the Schedule marked D. to the said Act of the Tenth Year of Her Majesty annexed as Fees payable upon Demands exceeding the Sum of Ten Pounds; and the Fees on every Proceeding shall be paid in the first instance by the Plaintiff or Party on whose Behalf such Proceeding is to be had on or before such Proceeding, and in default Payment thereof shall be enforced by Order of the Judge by such Ways and Means as any Debt or Damage ordered to be paid by the Court can be recovered; and the Fees upon Executions shall be paid into Court at the Time of the Issue of the Warrant of Execution, and shall be paid by the Clerk of the Court to the Bailiff upon the Return of the Warrant of Execution, and not before: Provided always, that it shall be lawful for One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to regulate or vary, lessen or increase, the Fees payable under this Act or the said recited Acts, or either of them, in such Manner as to him shall seem fit: Provided also, that all Sums payable in the Name of Fees to such Officers of the Court as shall be paid by Salaries shall be paid from Time to Time to the Treasurer

Power to Secretary of State, with Consent of the Treasury, to alter Fees.

Treasurer of the Court, and shall be applied by such Treasurer in the Manner provided by the said Act of the Tenth Year of Her Majesty.

Fees to be taken by Barristers and Attornies.

VI. And be it enacted, That the Fees to be taken by Barristers at Law and Attornies practising in the said Courts, in Cases brought within the Jurisdiction given by this Act, shall be as follows; an Attorney shall be entitled to have or recover a Sum not exceeding One Pound Ten Shillings for his Fees and Costs, where the Debt, Damage, or Demand claimed in any Plaint in Covenant, Debt, Detinue, or Assumpsit shall not exceed Thirty-five Pounds, or Two Pounds in any other Case, within the Jurisdiction given by this Act; and in no Case shall any Fee exceeding Two Pounds Four Shillings and Sixpence be allowed for employing a Barrister as Counsel in the Cause; and the Expense of employing a Barrister or an Attorney, either by Plaintiff or Defendant, shall not be allowed on Taxation of Costs, unless by Order of the Judge; and the Judges of the said Courts respectively shall from Time to Time determine in what Cases such Expenses shall be so allowed.

Power of paying Judges, &c. by Salary instead of Fees given to the Lords of the Treasury and the Secretary of State.

VII. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as enacts that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Judges, Clerks, Bailiffs, and Officers of the Courts holden under that Act, or any of them, shall be paid by Salaries instead of Fees, or in any Manner other than is provided by that Act, shall be repealed; and that it shall be lawful for the Commissioners of Her Majesty's Treasury, with the Consent of One of Her Majesty's Principal Secretaries of State, from Time to Time to order that the Judges, Clerks, Bailiffs, and Officers of the said Courts, or any of them, shall be paid by Salaries instead of Fees, or in any Manner other than is provided by the said Act.

Confession of Debts or Parts of Debts, &c., and Judgment thereupon.

VIII. And be it enacted, That any Person against whom a Plaint shall be entered in any County Court may, if he think fit, whether he be summoned upon such Plaint or not, in the Presence of the Clerk or Assistant Clerk of the Court in which such Plaint shall have been entered, or One of their Clerks respectively, or in the Presence of an Attorney of One of the Superior Courts, sign a Statement confessing and admitting the Amount of the Debt or Demand or Part of the Amount of the Debt or Demand for which such Plaint shall have been entered, and such Clerk or Assistant Clerk shall, as soon as conveniently may be after receiving such Statement, send Notice thereof to the Plaintiff, by the Post or by causing the same to be delivered at his usual Place of Abode or Business, and thereupon it shall not be necessary for the said Plaintiff to prove the Debt or Demand so confessed and admitted as aforesaid, but the Judge of such Court, at the next Sitting of such Court, whether the Parties or either of them attend such Court or not, shall, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, proceed to give Judgment for the Debt or Demand so confessed and admitted, in the same Manner, and subject to the same Conditions, as if he had tried the Cause and given Judgment thereupon, under the Provisions of the said first-recited Act.

Agreement as to the Amount of Debt, &c., and Conditions of Payment.

IX. And be it enacted, That if the Person against whom a Plaint shall be entered in any County Court can agree with the Person on whose Behalf such Plaint shall have been entered upon the Amount of the Debt or Demand in respect of which such Plaint shall have been entered, and upon the Terms and Conditions upon which the same shall be paid or satisfied, it shall be lawful for such Persons respectively, in the Presence of the Clerk or Assistant Clerk of the Court in which such Plaint shall have been entered, or One of their Clerks respectively, or in the Presence of an Attorney of One of the Superior Courts, to sign a Statement of the Amount of the Debt or Demand so agreed upon between such Persons respectively, and of the Terms and Conditions upon which the same shall be paid or satisfied, such Clerk or Assistant Clerk shall receive such Statement, and shall thereupon, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, enter up Judgment for the Plaintiff for the Amount of the Debt or Demand so agreed on, and upon the Terms and Conditions mentioned in such Statement; and such Judgment shall to all Intents and Purposes be the same, and have the same Effect, and shall be enforced and enforceable in the same Manner, as if it had been a Judgment of the Judge of the said Court.

If Plaintiff or his Attorney do not appear on Day of Hearing, Costs may be awarded to Defendant for his Trouble and Attendance.

X. And be it enacted, That in every Case where the Plaintiff shall not appear, either by himself or his Attorney, upon the Day of the Return of any Summons for Hearing, or at any Continuation or Adjournment of the said Hearing, and the Defendant shall appear either by himself or his Attorney upon such Day of Hearing, Continuation, or Adjournment, it shall be lawful for the Judge to award to the Defendant or to his Attorney, by way of Costs for his Attendance and Satisfaction for his Trouble, such Sum as the Judge in his Discretion shall think fit; and the Sum so awarded shall be recoverable from the Plaintiff by such Ways and Means as any Debt or Damage ordered to be paid by the same Court can be recovered.

Plaintiffs recovering in the Superior Courts Sums not exceeding 20*l.* in Actions of Contract, or 5*l.* in Actions of Tort, over which the County Court has Jurisdiction, to have no Costs.

XI. And be it enacted, That if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum not exceeding Twenty Pounds, or if, in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Trespass, Trover, or Case, not being an Action for malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum not exceeding Five Pounds, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, except in the Cases herein-after provided, and except in the Case of a Judgment by Default; and it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled to Costs by reason of any Privilege as Attorney or Officer of such Court or otherwise.

XII. Pro-

Judge at the Trial may certify, to entitle the Plaintiff to Costs.

XII. Provided always, and be it enacted, That if the Plaintiff shall in any such Action as aforesaid recover a Sum less than the Sum in that Behalf herein-before mentioned, by Verdict, and the Judge or other presiding Officer before whom such Verdict shall be obtained shall certify on the Back of the Record that it appeared to him at the Trial that the Cause of Action was one for which a Plaint could not have been entered in any such County Court as aforesaid, or that it appeared to him at the Trial that there was a sufficient Reason for bringing the said Action in the Court in which the said Action was brought, the Plaintiff in such Case shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

If the Court, or a Judge at Chambers, make an Order, the Plaintiff to have Costs.

XIII. Provided also, and be it enacted, That if in any such Action, whether there be a Verdict in such Action or not, the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge at Chambers upon Summons, that the said Action was brought for a Cause in which concurrent Jurisdiction is given to the Superior Courts by the Hundred and twenty-eighth Section of the said recited Act of the Tenth Year of Her Majesty, or for which no Plaint could have been entered in any such County Court, or that the said Cause was removed from a County Court by Certiorari, then and in any of such Cases the Court in which the said Action is brought or the said Judge at Chambers, may thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

Parties aggrieved may appeal.

XIV. And be it enacted, That if either Party in any Cause of the Amount to which Jurisdiction is given to the County Courts by this Act shall be dissatisfied with the Determination or Direction of the said Court in Point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any of the Superior Courts of Common Law at *Westminster*, Two or more of the Puisne Judges whereof shall sit out of Term as a Court of Appeal for that Purpose, provided that such Party shall, within Ten Days after such Determination or Direction, give Notice of such Appeal to the other Party, or his Attorney, and also give Security, to be approved by the Clerk of the Court, for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant and the Appeal be dismissed; provided nevertheless, that such Security, so far as regards the Amount of the Judgment, shall not be required in any Case where the Judge of the County Court shall have ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Clerk of the County Court in which such Action shall have been tried, and the same shall have been paid accordingly; and the said Court of Appeal may either order a new Trial on such Terms as it thinks fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper; and such Orders shall be final.

Appeal to be in Form of Case agreed on, but if Parties disagree Judge to settle and sign it.

XV. And be it enacted, That such Appeal shall be in the Form of a Case agreed on by both Parties or their Attornies, and if they cannot agree the Judge of the County Court, upon being applied to by them or their Attornies, shall settle the Case and sign it; and such Case shall be transmitted by the Appellant to the Rule Department of the Master's Office of the Court in which the Appeal is to be brought.

No Certiorari, &c. to be allowed.

XVI. And be it enacted, That no Judgment, Order, or Determination given or made by any Judge of a County Court, nor any Cause or Matter brought before him or pending in his Court shall be removed by Appeal, Motion, Writ of Error, Certiorari, or otherwise, into any other Court whatever, save and except in the Manner and according to the Provisions herein-before mentioned.

In certain Cases, on Agreement of the Parties, Court shall have Power to try Causes although the Matters be beyond its Jurisdiction.

XVII. And be it enacted, That if both Parties shall agree, by a Memorandum signed by them or by their Attornies, that the County Court shall have Power to try any of the Actions herein-before respectively mentioned in which the Sum sought to be recovered shall exceed the Sum of Five Pounds by the said recited Act or Fifty Pounds by this Act limited in the Case of such Actions respectively, or any Action in which the Title to Land, whether of Freehold, Copyhold, Leasehold, or other Tenure, or to any Tithe, Toll, Market, Fair, or other Franchise, shall be in question, then and in such Case the said Court shall have Jurisdiction and Power to try such Action: Provided always, that the said Parties or their Attornies shall state in their said Memorandum of Agreement, that they know such Cause of Action to be above the said Sums respectively, or that they know such Title to come in question in such Action, and provided that such Memorandum shall be filed with the Clerk of the said Court at the Time of filing the Demand of the Plaintiff: Provided also, that all local Actions to be tried before any County Court with the Consent of the Parties shall be brought and tried in that Jurisdiction only in which the Lands, Tenements, or Hereditaments or some Part thereof are situate are in respect whereof such Actions shall be brought.

No Second Suit in Second Court for the same Cause. Treble Costs.

XVIII. And be it enacted, That if any Party shall sue another in any County Court for any Debt or other Cause of Action for which he hath already sued him, and obtained Judgment, in any other Court, the Proof of such former Suit having been brought and Judgment obtained may be given, and the Party so suing shall not be entitled to recover in such Second Suit, and shall be adjudged to pay Three Times the Costs of such Second Suit to the opposite Party.

No Action to be brought against Bailiff, &c. acting under Order of the Court

XIX. And be it enacted, That from and after the passing of this Act no Action shall be brought against any High Bailiff or Bailiff, or against any Person or Persons acting by the Order and in aid of any High Bailiff, for anything done in obedience to any Warrant under the Hand of the Clerk or Clerks of the said Court and the Seal of the said Court, until Demand hath been made or left at the Office of such High Bailiff by the Party or Parties intending to bring such Action, or by his, her, or their Attorney

or

or Agent in Writing, signed by the Party demanding the same, of the Perusal and Copy of such Warrant, and the same hath been refused or neglected by the Space of Six Days after such Demand; and in case after such Demand and Compliance therewith, by showing the said Warrant to and permitting a Copy to be taken thereof by the Party demanding the same, any Action shall be brought against such High Bailiff, Bailiff, or other Person or Persons acting in his Aid for any such Cause as aforesaid, without making the Clerk or Clerks of the said Court who signed or sealed the said Warrant Defendant or Defendants, that on producing or proving such Warrant at the Trial of such Action, the Jury shall give their Verdict for the Defendant or Defendants, notwithstanding any Defect of Jurisdiction or other Irregularity in the said Warrant; and if such Action be brought jointly against such Clerk or Clerks, and also against such High Bailiff or Bailiff, or Person or Persons acting in his or their Aid as aforesaid, then on Proof of such Warrant the Jury shall find for such High Bailiff or Bailiff, and for such Person or Persons so acting as aforesaid, notwithstanding such Defect or Irregularity as aforesaid; and if the Verdict shall be given against the said Clerk or Clerks, that in such Case the Plaintiff or Plaintiffs shall recover his, her, or their Costs against him or them, to be taxed in such Manner by the proper Officer as to include such Costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants for whom such Verdict shall be found as aforesaid; and if any Action shall be brought the Defendant or Defendants shall and may plead the General Issue, and give the special Matter in Evidence at any Trial had thereupon.

without Notice; and Clerk of the Court to be made Defendant in the Suit.

XX. 'And whereas by the said Act passed in the Tenth Year of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, it is enacted, that in Cases of Rent being in arrear in respect of Premises wherein Goods may have been taken in Execution under and by virtue of the said Act it should be lawful for the Landlord, by Writing to be delivered to the Bailiff or Officer making the Levy, which Writing should state the Terms of Holding and Rent payable for the same, to claim any Rent in arrear as therein mentioned: And whereas so much of the said Enactment as requires that the Claim of Rent to be made by Writing stating the Terms of Holding may lead to technical Objections and unnecessary Prolixity: And whereas also it is expedient to obviate certain Difficulties which have arisen as to the Landlord's Right to Priority of Payment upon the Construction of the said Enactment:' Be it therefore enacted, That so much of the said Act as requires that the said Writing and Claim should state the Terms of Holding shall be and is hereby repealed, and that it shall be a sufficient Notice of Claim, to entitle the Landlord to all the Benefit given to Landlords under the said Act, that such Writing and Claim shall state the Amount of the Rent claimed to be in arrear and unpaid, and the Time for and in respect of which such Rent is claimed to be due, in like Manner as is now required by Law in Cases of ordinary Distress for Rent, and no further or otherwise; and also that no Execution Creditor under the said Act or this Act shall be satisfied his Debt out of the Proceeds of such Execution and Distress, or Execution only where the Tenant shall replevy, until the Landlord who shall conform to the Provisions of the said Act as amended by this Act shall have been paid the Rent in arrear for the Periods in the said Act limited.

So much of 9 & 10 Vict. c. 95. as requires a Landlord, where Rent is in arrear for Premises wherein Goods have been taken in Execution, to state the Terms of Holding, &c. repealed.

It shall be sufficient to state the Amount of Rent claimed, &c.

XXI. And be it enacted, That the Enactments contained in the said Act, as altered and amended in this Act, relating to the Claims of Landlords for Rent in arrear where Goods on the Premises demised have been taken in Execution, shall apply and extend to Goods taken in Execution under the Authority of this Act, in as full and beneficial a Manner as if the same Enactments were re-enacted in the like Terms in this Act.

Recited Act as hereby altered to extend to Goods taken in Execution under this Act.

XXII. And be it enacted, That it shall be lawful for any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, as well in Term Time as in Vacation, to hear and determine Applications for Writs of Prohibition directed to the Judges of the said County Courts, and to make such Rules or Orders for the issuing of such Writs as might have been made by the Court, and all such Rules or Orders so made by any such Judge shall have the same Force and Effect as Rules of Court for such Purposes now have, and such Writs shall be issued by virtue of such Rules or Orders as well in Term Time as in Vacation: Provided always, that any Rule or Order made by any such Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto by any Party dissatisfied with such Rule or Order.

Judges may hear Applications for Writs of Prohibition either in Term or in Vacation.

XXIII. And be it enacted, That all Affidavits to be used in the Courts holden under the said Act of the Tenth Year of Her Majesty shall and may be sworn before any Judge of the said Courts, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster*, or before a Magistrate of the County, City, Town, or Place where any such Affidavit may be sworn.

Before whom Affidavits may be sworn.

XXIV. And be it enacted, That in every Town or Place where there shall be a Court holden under the Provisions of the said Act of the Tenth Year of Her Majesty, the Town Hall, Court House, or other public Building belonging to any County, City, Borough, or Town shall be used for the Purposes of holding the Courts under the said Act, without any Charge for Rent or other Payment, save and except the reasonable and necessary Charges for lighting, warming, and cleaning when such public Building is used for the Purpose of the Courts, and for all other Expenses necessarily incidental to the Use of the said Building for the Purposes of the Courts: Provided always, that the necessary Arrangements shall be made so that the Sittings of the said Courts shall not interfere with the Business of the County, City, Borough, or Town usually transacted in such Town Hall, Court House, or other public Building, or with any Purposes for which such Town Hall, Court House, or other public Building may be used by virtue of

Town Halls, &c. to be used free of Rent-charge for Sittings of County Court.

any Local Act in that Behalf: Provided also, that this Enactment shall not apply to any City, Borough, or Town in which a Building hath previously to the passing of this Act been erected for the Purposes of holding the Courts under the said Act and for the Business connected with such Courts, nor shall anything in this Act contained be held, deemed, or taken to prejudice, affect, or otherwise interfere with any Lease, Contract, Agreement, or Engagement already entered into for the Leasing, Erection, Hiring, or Occupation of any Building for the Purposes of holding such Courts therein and transacting therein the Business relating to such Courts.

Act may be amended, &c.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXII.

An Act to alter and extend an Act passed in the Eleventh Year of King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy. [14th *August* 1850.]

11 G. 4. c. 20.

'WHEREAS by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy*, it is enacted, that all Months mentioned in the said Act shall be deemed to be Calendar Months, except only in the Computation of Wages and of the Time for which Officers shall be allowed to draw their Pay, which shall be cast and computed by the Lunar Month of Twenty-eight Days, according to the Custom of the Navy: And whereas it is deemed expedient that it should not be compulsory to compute such Wages by the Lunar Month of Twenty-eight Days, and is also deemed expedient otherwise to alter and extend the Provisions of the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding anything in the recited Act contained, or any Custom to the contrary, it shall be lawful to cast and compute Naval Pay and Wages by the Day or for such other Period of Time as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, for the Time being, may at any Time or Times fix and determine.

Naval Pay and Wages may be computed by the Day or any other Period of Time.

Clerks who have passed Examination, &c. may draw Bills for personal Pay at Times to be appointed, notwithstanding recited Act.

II. And be it enacted, That, notwithstanding anything in the recited Act contained, it shall be lawful for Clerks who have passed their Examination for Paymasters and Pursers, under such Regulations, Limitations, and Restrictions as have now or may at any Time or Times hereafter be established by the said Lord High Admiral or the said Commissioners for the Time being, to draw a Bill of Exchange or a Set of Bills of the same Tenor and Date, upon the Accountant General of the Navy, for the net personal Pay which shall be due to them, at such Times, and for such Periods of Time, either at the Expiration of every Three Calendar Months or otherwise, as the said Lord High Admiral or the said Commissioners shall at any Time or Times appoint in that Behalf.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LXIII.

An Act to provide for the Redemption of an Annuity of Ten thousand Pounds payable to the "Equivalent Company." [14th *August* 1850.]

5 G. 1. c. 20.

'WHEREAS by an Act passed in the Fifth Year of King *George* the First, intituled *An Act for settling certain yearly Funds payable out of the Revenue of* Scotland, *to satisfy public Debts in* Scotland, *and other Uses mentioned in the Treaty of Union, and to discharge the Equivalents claimed on behalf of* Scotland *in the Terms of the same Treaty, and for obviating all future Disputes, Charges, and Expenses concerning those Equivalents*, it was enacted, that every Year the full Sum of Ten thousand Pounds should be One yearly Fund for the several Purposes in such Act expressed, and should continue payable for ever, subject nevertheless to Redemption by Parliament according to the Proviso therein-after contained, and that the said yearly Fund, during the Continuance thereof, should be charged upon and be paid out of the Monies arisen and to arise from Time to Time of or for any the Customs, Duties, Excises, or Revenues therein mentioned; and it was further enacted, that it should be lawful for the King's Majesty to incorporate all the Proprietors of certain Debts and Sums of Money therein mentioned, making Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and all Persons, Bodies Politic and Corporate, which at any Time or Times thereafter should have or be entitled to any Part, Share, or Interest of or in the said Capital Sums amounting to Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, so long as they respectively should have any Part, Share, or Interest therein, to be One Body Politic and Corporate by such Name as the King's Majesty should think most proper, and that the said Corporation should have perpetual Succession (subject nevertheless to such Redemption as therein-after appointed in that Behalf); and it was by the said Act enacted, that the said Capital Sums amounting to Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny should be

'and

'and be deemed to be the Capital or Joint Stock of the said Corporation, and that the Shares and 'Interests of the particular Members of and in the same from Time to Time should be assignable, trans- 'ferable, and deviseable in such Manner as the King's Majesty by the said Letters Patent should pre- 'scribe and appoint, until the Redemption thereof; and it was thereby enacted, that from and after the 'granting such Letters Patent the said Fund of Ten thousand Pounds *per Annum* should be paid to the 'same Corporation, or to their Cashier for the Time being for their Use, and to be divided and distributed 'to and amongst the several Members thereof according and in proportion to their respective Shares of 'and in the said Capital or Joint Stock of the same; and it was thereby provided, that at any Time, upon 'Payment by the Parliament of *Great Britain* of the said Capital Sum of Two hundred and forty-eight 'thousand five hundred and fifty Pounds and Nine-pence Halfpenny, without any Deduction or Abate- 'ment whatsoever to be made out of the same or any Part thereof, and of all Arrears of the said yearly 'Fund of Ten thousand Pounds then due, computing the same quarterly till the End of the then next pre- 'ceding Quarter of a Year, and from thenceforth by the Day until the Day of such Payment made, (if 'any such Arrears were,) then and from thenceforth the said Fund of Ten thousand Pounds *per Annum* 'should cease and determine; and by the said Act Provision is made for Payment to the said Corporation, 'until the said annual Sum of Ten thousand Pounds should be redeemed, of the further annual Sum of 'Six hundred Pounds, for and towards the Charge of Management and other necessary Charges in 'receiving and distributing of the said Annuity of Ten thousand Pounds payable to the said Corporation 'and the several Members thereof: And whereas in pursuance of the said Act His said Majesty King 'George the First did, by Letters Patent under the Great Seal, bearing Date at *Westminster* the Twenty- 'first Day of *November* in the Eleventh Year of the Reign of His said Majesty, grant and appoint that 'all Persons, Bodies Politic and Corporate, who then were Proprietors of the Debts and Sums of Money 'stated to amount to the said Principal Sum of Two hundred and forty-eight thousand five hundred and 'fifty Pounds and Nine-pence Halfpenny, and who thereafter should have or be entitled to any Part, 'Share, or Interest of or in the said Capital Sum, should be One Body Politic and Corporate by the Name 'of the Equivalent Company, and by that Name should have perpetual Succession, subject to such Redemp- 'tion as in the said Act and therein appointed in that Behalf; and in such Letters Patent it is provided, 'that upon Payment by the Parliament of *Great Britain* of the said Capital Sum of Two hundred and 'forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and of all Arrears of the 'said yearly Fund of Ten thousand Pounds, then and from thenceforth the Grant now in recital, and the 'Corporation thereby created, should cease, determine, and be utterly void: And whereas it is desirable 'that the said yearly Fund should be redeemed, and that the said Equivalent Company should be enabled 'to receive the said Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and 'Nine-pence Halfpenny, and to distribute the same among the Persons entitled to Shares in their Capital 'or Joint Stock, according to their respective Rights and Interests:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to cause to be paid into the Bank of *England*, to the Credit of the said Equivalent Company, the Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and all Arrears (if any) of the said yearly Fund of Ten thousand Pounds until the Day of such Payment into the said Bank, which Payment shall be deemed a due Payment by Parliament of the said Capital Sum and Arrears, according to the Provisions of the said recited Act; and upon such Payment as aforesaid, the said Fund of Ten thousand Pounds, and the said further annual Sum of Six hundred Pounds, shall cease to be payable.

Redemption Money to be paid into the Bank of England.

II. And be it enacted, That the said Equivalent Company shall, during Twelve Calendar Months next after Payment as aforesaid of the said Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and of such Arrears (if any) as aforesaid, continue to be a Body Politic and Corporate for the Purpose of winding up the Affairs of the said Company, realizing the Property and Effects thereof, discharging its Liabilities, and dividing and distributing the Money to be paid into the said Bank as aforesaid, and other the clear Property and Effects of the said Company or the Produce thereof, to and amongst the several Members thereof, according and in proportion to their respective Shares of and in the Capital or Joint Stock of the said Company; and the Persons who at the Time of such Payment as aforesaid into the said Bank are Members of the said Corporation, and the Persons who at such Time are the Directors of the said Corporation, or the Survivors of them, shall during the said Period continue such Members and Directors respectively, notwithstanding the Receipt by any of them of their Shares or Proportions of or in the said Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and the said Company and such Members and Directors respectively shall, during the Period and for the Purposes aforesaid, have, exercise, and enjoy all such Powers and Privileges as by and under the said recited Act and Letters Patent are conferred on such Company and the Directors and other Members thereof, anything in the said recited Act or Letters Patent to the contrary notwithstanding.

Equivalent Company to continue a Corporation for the Purpose of Distribution of Redemption Money.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. LXIV.

An Act to provide for more effectually maintaining, repairing, improving, and rebuilding Bridges in Cities and Boroughs. [14th *August* 1850.]

'WHEREAS it is expedient that all Bridges in any City or Borough which such City or Borough, and not the County in which such City or Borough is situate, is legally bound to maintain and repair should be under the sole Management and Control of the Council of such City or Borough: And whereas it is also expedient that such Council of such City or Borough should in certain Cases be empowered to borrow on the Security of the Rate of such City or Borough the Money which may from Time to Time be required for the Purpose of maintaining, altering, widening, repairing, improving, and rebuilding such Bridges:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Bridge which is either wholly or in part within the Limits of any City or Borough in which there is or shall be a Body Corporate, of Mayor, Aldermen, and Burgesses, under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that or of any subsequent Act, and which Bridge such City or Borough, and not the County in which such City or Borough is situate, is legally bound to maintain or repair, shall, as to the whole of such Bridge, if the same is wholly within the Limits of such City or Borough, or as to such Part as is within the Limits of such City or Borough, if Part only is within such Limits, be maintained, altered, widened, repaired, improved, or rebuilt under the sole Management and Control of the Council of such City or Borough.

Providing for the Repairs and rebuilding of Bridges within Limits of Corporate Cities or Boroughs. 5&6 W.4. c.76.

II. And be it enacted, That for the Purposes of this Act such Council of any such City or Borough, at any Meeting of such Council, shall have and may exercise all the Powers which the Justices of the Peace of any County at their General or Quarter Session of the Peace, or at any other Time, now have and may exercise with respect to any County Bridge, or as near thereto as the Nature of the Case will admit; and that it shall and may be lawful for such Council, and they are hereby empowered, to order and direct that such Sum or Sums of Money as shall be necessary for the Purposes aforesaid shall be paid out of the Rate of such City or Borough, by the Treasurer for the Time being of such City or Borough, at such Times and in such Manner as to the said Council shall seem fit: Provided always, that it shall not be necessary for the Council of any such City or Borough to cause any Notice to be given or published in any Newspaper in any Case in which Notice is required to be given or published with respect to County Bridges.

Councils may direct Payment of necessary Amount of Money out of Rates.

III. And be it enacted, That when and so often as it shall appear to the Council of any such City or Borough, at any Meeting of such Council holden at any Time after the passing of this Act, that the Amount of any Estimate approved of by such Council for the maintaining, altering, widening, repairing, improving, or rebuilding of any such Bridge or Bridges, or any Part thereof, or the Approaches thereto, which any such City or Borough, and not the County in which such City or Borough is situate, is legally bound to maintain and repair shall exceed the Sum of One hundred and fifty Pounds, it shall and may be lawful for such Council and they are hereby empowered, after having first entered a Statement of the Amount of such Estimate in the Minute Book of the Council, to borrow and take up on Mortgage of the Rate of such City or Borough, by an Instrument in the Form contained in the Schedule to this Act annexed marked (A.), or to the like Effect, any Sum or Sums of Money not exceeding the Amount of such Estimate, in Sums of not less than Fifty Pounds each, at Interest, as to the said Council shall appear necessary and expedient, for the Purposes aforesaid or any of them, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and it shall and may be lawful for such Council at any such Meeting, and they are hereby authorized and empowered, to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money; and every such Instrument under the Hand of the Mayor or other Member of the Council who shall happen to preside at any such Meeting as aforesaid, and under the Corporate Seal of the said City or Borough, shall be and the same is hereby declared to be effectual for securing the Money therein expressed to be advanced, with Interest thereon, to the Person or Persons advancing the same, on such Terms as in and by such Instrument shall be stipulated; and a Copy of every such Instrument shall be kept by the Town Clerk of any such City or Borough as aforesaid; and it shall and may be lawful for any Person or Persons who shall be entitled to the Money thereby secured, and for his, her, or their Executors or Administrators, and such Person or Persons, and his, her, or their Executors or Administrators, are hereby empowered, by endorsing his, her, or their Name or Names on the Back of any such Instrument, and by giving Notice of such Endorsement to the Town Clerk for the Time being, to transfer the same, and his, her, or their Right to the Principal Money and Interest thereby secured, unto any Person or Persons; and every such Assignee or Assignees, his, her, or their Executors or Administrators, may in like Manner transfer the same again, and so *toties quoties*; and the Person or Persons to whom any such Transfer thereof shall be made, and his, her, or their Executors, Administrators, or Assigns, shall be a Creditor or Creditors upon the said Rate in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced as aforesaid.

Councils may borrow Money for the Purpose of maintaining or rebuilding Bridges.

IV. And

IV. And be it enacted, That it shall and may be lawful for such Council and they are hereby authorized and required to charge the Rate to be raised in such City or Borough, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as shall ensure the Payment of the whole of the Sum borrowed within Fourteen Years from the Time of borrowing the same, and such Sums shall be assessed on such City or Borough in such Manner as Borough Rates are directed to be assessed under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of such Council, in discharge of the Interest, and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the Council shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall give Directions for Assessments to be made in due Time, so as to provide for the regular Payment thereof; and the Treasurer of such City or Borough shall and he is hereby required to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books, separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due and what Principal Money has been discharged, and what remains due, and the Books or Book so adjusted and settled to lay before the Council at every quarterly Meeting of such Council; and such Council shall also and they are hereby required, at every such quarterly Meeting, carefully to inspect all such Accounts, and to give such Orders and Directions for carrying the Purposes of this Act into execution, in such Manner as to them shall seem meet; and such Council at such quarterly Meeting as aforesaid shall direct in what Order such Securities shall be discharged, by drawing Lots or otherwise, as they shall think fit: Provided always, that they shall in the first place discharge all such Securities as shall bear the highest Rate of Interest.

Interest on Monies borrowed to be a Charge upon the Rates.

V. 'And whereas by the Extension of the Boundaries of certain Boroughs under the Provision of the 'Act of the Fifth and Sixth Year of King *William* the Fourth, intituled *An Act to provide for the Regu-* 'lation of Municipal Corporations *in* England *and* Wales, certain Bridges and Parts of Bridges have 'been included within the Boundaries of those Cities and Boroughs, and are thereby subject to the Juris- 'diction of such Cities or Boroughs, which Bridges before the passing of such Act were maintained as 'to the whole or such Parts thereof as were within the Limits of such Cities and Boroughs by the Inha- 'bitants thereof, and the remaining Bridges and Parts of Bridges which were not situate within such 'Limits were maintained by the Inhabitants of the Counties or Ridings respectively adjoining thereto: 'And whereas Doubts have arisen respecting the future Repairs and Maintenance of such Bridges:' Be it therefore enacted, That every Bridge which is wholly or in part included within the Boundary of any such City or Borough the Inhabitants whereof, before the passing of the said recited Act, were by Prescription or otherwise liable to and did maintain the Bridges and Parts of Bridges within their respective Cities and Boroughs, shall as to the whole of such Bridges, if the same is wholly within the Limits of such City or Borough, or as to such Part as is within the Limits of such City or Borough if Part only is within such Limits, be maintained, altered, widened, and repaired, improved or rebuilt, under the sole Management and Control of the Council of such City or Borough.

Repair of Bridges included within Boundaries of Municipal Boroughs. 5 & 6 W. 4. c. 76.

VI. And be it enacted, That this Act may be amended or repealed by any Act passed in this present Session of Parliament.

Act may be amended, &c.

The SCHEDULE to which this Act refers.

(A.)

Form of Mortgage and Charge upon the Borough Rate for securing Money borrowed.

I *A.B.* [Mayor, Alderman, *or* Councillor, *as the Case may be,*] of the [City *or* Borough of], and Chairman of a certain Meeting of the Council of the said [City *or* Borough of *as the Case may be,*] duly holden at aforesaid on the Day of in the Year of our Lord in pursuance of the Powers to me given by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*insert Title of Act*], do hereby mortgage and charge all the Rates to be raised within the said [City *or* Borough] under the Description of Borough Rates by the Laws now in being with the Payment of the Sum of Pounds, which *C.D.* of hath proposed and agreed to lend, and hath now actually advanced and paid, towards defraying the Expenses of [maintaining, altering, widening, repairing, improving, *or* rebuilding, *as the Case may be,*] a certain Bridge called [*or*] certain Bridges called and within the said [City *or* Borough], and the Approaches thereto [*as the Case may be*]; and I do hereby assign the same unto the said *C.D.*, his Executors, Administrators, and Assigns, for securing the Payment of the Sum of Pounds, and Interest for the same after the Rate of Pounds per Centum per Annum, and do order the Treasurer for the said [City *or* Borough] to pay the Interest of the said Sum of after the Rate aforesaid, half-yearly as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

CAP. LXV.

An Act for enabling Town Councils to establish Public Libraries and Museums.

[14th *August* 1850.]

'WHEREAS it is expedient to promote the Establishment and Extension of Public Libraries, and to give greater Facilities than now exist for establishing and extending Public Museums of Art and Science, in Municipal Boroughs, for the Instruction and Recreation of the People:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in a Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for encouraging the Establishment of Museums in large Towns*, shall from and after the passing of this Act be repealed; and that it shall be lawful for the Mayor, upon the Request of the Town Council of any Municipal Borough (the Population of which, according to the last Account taken thereof by Authority of Parliament, exceeds Ten thousand Persons), to ascertain whether the Provisions of this Act shall be adopted for such Borough, in manner following; that is to say, by causing a Notice to be affixed on or near the Door of the Town Hall of the said Borough, and on or near the Door of every Church or Chapel within the said Borough, and to be inserted in some Newspaper published in such Borough, or, if there be none such, in some Newspaper published in the County in which such Borough is situate, and circulating in such Borough, specifying on what Day, not earlier than Ten Days after the affixing and Publication of such Notices, and at what Place or Places within the said Borough, the Burgesses are required to signify their Votes for or against the Adoption of this Act; which Votes shall be received on such Day, commencing at Nine of the Clock in the Forenoon and ending at Four of the Clock in the Afternoon of such Day; and the said Notice shall be to the Effect of Form No. 1. in the Schedule hereto annexed.

8 & 9 Vict. c. 43. repealed, and this Act may be adopted in any Municipal Borough.

Mayor to appoint Places for taking the Votes.

II. And be it enacted, That the Mayor shall appoint Places and Persons for taking the said Votes, and they shall be there taken by such Persons, and such Questions may be put to each Voter, and with such Liability in case of a false Answer, as at Elections under the Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*; and the Declaration of Vote of the Voters shall be to the Effect of Form No. 2. in the said Schedule.

Burgesses on the Burgess Roll entitled to vote.

III. And be it enacted, That every Burgess who shall be enrolled on the Burgess Roll for the Time being of such Borough shall be entitled to vote for or against the Adoption of this Act, and no Person who shall not be enrolled on such Burgess Roll for the Time being shall be entitled so to vote; and the Mayor, in the Presence of Two or more Members of the Town Council of such Borough, shall examine the Votes, and shall by public Notice in manner herein-after mentioned declare whether Two Thirds of the Votes given have been given in favour of the Adoption of the said Act; and the Adoption or Non-adoption of this Act shall be decided by such Number of Votes as aforesaid; and Notice of the Adoption of this Act by the Borough shall be forthwith given by affixing the same at or near the Door of the Town Hall of the said Borough, to the Effect of Form No. 3. in the said Schedule; and if it shall be determined in manner aforesaid that the Provisions of this Act shall be adopted for such Borough, then it shall be lawful for the Town Council to purchase or take on Rent, with or without Payment of Fine, any Lands or Buildings for the Purpose of forming Public Libraries or Museums of Art and Science, or both, and to erect, alter, and extend any Buildings for such Purpose, and to maintain and keep the same in good Repair; and that for the Purchase, building, extending, altering, and repairing such Lands and Buildings, and Payment of such Rent and Fines, and for other Purposes of this Act, and for the Payment of any Principal Money and Interest borrowed under the Authority of this Act, it shall be lawful for the Council to levy, with and as Part of the Borough Rate, or by a separate Rate to be levied in like Manner as the Borough Rate, such Sums of Money as shall be from Time to Time needed: Provided always, that the whole Amount of Rate levied for the Purposes of this Act do not in any One Year amount to more than One Halfpenny in the Pound on the annual Value of the Property in the Borough rateable to the Borough Rate.

Town Councils to provide the Things necessary for the Enjoyment of such Museums and Libraries, and to appoint proper Officers.

IV. And be it enacted, That out of the Monies to be raised under the Provisions of this Act it shall be lawful for the Town Council, or for such Committees as they shall appoint for all or any such Purposes, from Time to Time to purchase and provide such Fuel, Lighting, Fixtures, Furniture, and other similar Matters, for the convenient and useful Occupation and Enjoyment of such Libraries, Museums, and Premises, and to appoint such Officers and Servants, with Salaries and Remuneration, and to make such Rules and Regulations for the Safety and Use of the said Libraries and Museums, and for the Admission of Visitors and others, as to them shall seem fit; and that any such Committee may be appointed for such Times only and composed of such Persons (whether Members of the Council or not) as the Council may think fit, and may at any Time be dissolved by the said Council.

Council, with Approbation of Treasury, may borrow Money, &c.

V. And be it enacted, That for the Purchase of such Lands, and the erecting, extending, altering, and repairing of such Buildings, it shall be lawful for the Council of any such Municipal Borough as aforesaid, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to borrow at Interest such Sums of Money as may be required for the same, on the Security of the said yearly Amount of Borough Rate authorized by this Act.

Buildings for Museums and

VI. And be it enacted, That the Lands and Buildings so purchased, erected, extended, or altered as aforesaid, and also all Books, Maps, and Specimens of Art and Science which may be presented to, and

all

all Fixtures, Furniture, and Articles of every Description which may be presented to or purchased for any such Library or Museum, or to or for the said Council for the Purposes of such Library or Museum, or to or for any Committee appointed by them, shall be vested in and held upon trust for ever by the Mayor, Aldermen, and Burgesses of the Borough in which such Library or Museum shall be situated, and shall be managed by the Council of the Borough (or by a Committee or Committees appointed by them), and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough and others resorting thereto. Libraries, and the Property therein, to be held by the Council in trust for the Inhabitants.

VII. And be it enacted, That Admission to such Libraries and Museums shall be free of all Charge. Admission free.

VIII. And be it enacted, That if the Burgesses shall determine in the Manner aforesaid against the Adoption of this Act, it shall not be lawful within Two Years after such Determination again to take the Votes of the Burgesses of the said Borough in manner aforesaid for the Purpose of ascertaining whether the Provisions of this Act shall be adopted for such Borough. If Burgesses do not adopt Act, it shall not again be proposed for Two Years.

IX. And be it enacted, That, notwithstanding the Repeal of the said Act hereby repealed, all Museums established or begun under the Provisions of the said repealed Act may be lawfully maintained, completed, and managed by the Ways and Means in this Act provided, in all respects as if such Museums had been established and begun under the Sanction and Provisions of this Act. Providing for Museums established under repealed Act.

X. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "Public Libraries Act, 1850." Short Title.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULE.

No. 1.

In pursuance of the Provisions of an Act of Victoria, Chapter , for enabling Town Councils to establish Public Libraries and Museums, the Burgesses of this Borough are hereby required, on the Day of to signify by a Declaration, either printed or written, or partly printed and partly written, and to be delivered to the Mayor or his Deputy at the Places under mentioned, their Votes for or against the Adoption of the aforesaid Act. (Signed) *A.B.*, Mayor.

N.B.—The Situation, Division, and Allotments of the different Places for delivering the said Votes are as follows: [*Here insert the Place or Places at which the Burgesses are to vote, in like Manner as in Elections under the Act to provide for the Regulation of Municipal Corporations in England and Wales.*]

No. 2.

I do hereby vote [for *or* against, *as the Case may be*,] the Adoption of the Act of the Year of the Reign of Queen Victoria, Chapter , for enabling Town Councils to establish Public Libraries and Museums. (Signed) *A.B.*

[*Here insert the Name of the Street, Lane, or other Place in which the Property for which the Voter appears to be rated on the Burgess Roll is situated.*]

No. 3.

Notice is hereby given, that this Borough has adopted the Provisions of an Act of the Victoria, Chapter , for enabling Town Councils to establish Public Libraries and Museums, and that the Numbers of the Majority and Minority of Votes given for or against the Adoption of the said Act are as follow; that is to say, Votes for the Adoption of the said Act, and Votes against it.

Dated this Day of A.D.

(Signed) *A.B.*, Mayor.

CAP. LXVI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [14th *August* 1850.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been duly given: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. 8 & 9 Vict. c. 118. Inclosures mentioned in Schedule to be proceeded with.

II. And

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Second Annual Inclosure Act, 1850."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Runhall Commons	Norfolk	18th December 1849.
Bainbridge	York	18th January 1850.
Picton Marsh	Flint	28th June 1849.
Shipton-under-Wychwood	Oxford	7th February 1850.
Nantcwnlle	Cardigan	7th February 1850.
Little Drayton Heath	Salop	7th February 1850.
Over Staveley	Westmorland	7th February 1850.
Burn Common	York	9th March 1850.
Mepal	Cambridge	15th February 1850.
Fountains Earth Moor	York	9th March 1850.
Llanycrwys	Carmarthen	9th March 1850.
Garsdale	York	28th February 1849.
Warkworth	Northumberland	19th April 1850.
Wattesfield	Suffolk	9th May 1850.
Coven	Stafford	9th May 1850.
Southstoke-cum-Woodcote	Oxford	4th April 1850.
Haughley	Suffolk	18th December 1849.
Little Musgrave	Westmorland	4th April 1850.
Talkin Fell	Cumberland	24th January 1850.
Hitchenden	Bucks	17th May 1850.
Farnham Manor	Surrey	22d June 1849.
Pencarreg	Carmarthen	7th February 1850.
Salthouse and Kelling	Norfolk	29th June 1850.
Litcham	Norfolk	20th July 1850.

CAP. LXVII.

An Act to reduce the Duty of Excise on Sugar manufactured in the United Kingdom, and to impose a countervailing Duty on Sugar used in the brewing of Beer for Sale; and also to amend the Laws relating to the Licences granted to Brewers and Distillers.

[14th *August* 1850.]

8 & 9 Vict. c. 13.

'WHEREAS by an Act passed in the Eighth Year of Her present Majesty's Reign, intituled *An Act to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof*, the following Duty of Excise was granted and is now payable; (that is to say,) for and upon every Hundred Weight of Sugar manufactured in the United Kingdom, from whatever Materials made, and so in proportion for any greater or less Quantity than One Hundred Weight, the Sum of Fourteen Shillings: And whereas it is expedient to reduce the said Duty:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, and until and upon the Fifth Day of *July* One thousand eight hundred and fifty-one, the Duty of Excise on Sugar manufactured in the United Kingdom shall be charged, raised, levied, collected, and paid at and after the reduced Rate of Eleven Shillings *per* Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight; and from and after the said Fifth Day of *July* One thousand eight hundred and fifty-one the said Duty shall be further reduced, and shall be charged, raised, levied, collected, and paid at and after the Rate of Ten Shillings *per* Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight.

Excise Duty on Sugar manufactured in the United Kingdom reduced.

Reduced Duties on Sugar to be charged, &c. in like Manner as the former Duty.

II. And be it enacted, That the said reduced Duties of Excise on Sugar manufactured in the United Kingdom shall respectively be charged, raised, levied, collected, and recovered, applied and accounted for, by the same Means, Ways, and Methods, and under and subject to the like Rules, Regulations, and Provisions, Fines, Penalties, and Forfeitures, by and under and subject to which the said Duty of Excise on Sugar could or might be charged, raised, levied, collected, and recovered, applied and accounted for, immediately before the passing of this Act.

10 & 11 Vict. c. 5.

III. 'And whereas under and by virtue of an Act passed in the Tenth Year of Her present Majesty's Reign Brewers of Beer for Sale are allowed to make use of Sugar in the brewing or making of Beer: And whereas at the Time of the passing of the said Act the Duties of Customs payable on the

'Importation

'Importation of Sugar, and the Duties of Excise on Sugar manufactured in the United Kingdom, were 'respectively equivalent to the Duty of Excise which would have been payable on the Malt for which any 'such Sugar might be substituted in the brewing or making of Beer; but by an Act subsequently passed in 11 & 12 Vict. 'the Twelfth Year of Her present Majesty's Reign, and by this Act, the said respective Duties on Sugar c. 97. 'will, on or before the Fifth Day of *July* One thousand eight hundred and fifty-one, be reduced so and in 'such Manner as to cease to be equivalent to the Duty of Excise on the Malt for which such Sugar may 'be substituted as aforesaid, and it is expedient to impose such a Duty on all Sugar to be used in the 'brewing or making of Beer for Sale as with the said Duties of Customs or Excise payable on Sugar 'under any former Act or Acts or this Act may be equivalent to such Excise Duty on Malt as aforesaid:' Be it therefore enacted, That from and after the Fifth Day of *July* One thousand eight hundred and fifty-one there shall be granted, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for and upon all Sugar to be used by any Brewer of Beer for Sale in the brewing or making of Beer, the Duty (over and above all other Duties, whether of Customs or Excise,) of One Shilling and Four-pence for every Hundred Weight, and at and after the like Rate for any greater or less Quantity than a Hundred Weight of such Sugar, to be payable and paid by such Brewer.

Grant of a Duty on Sugar used in the brewing of Beer.

IV. And be it enacted, That the said Duty granted and imposed by this Act shall be denominated and deemed to be a Duty of Excise, and shall be under the Care and Management of the Commissioners of Inland Revenue, and shall be raised, levied, collected, secured, recovered, and paid at such Times and in such Manner, and under such Rules and Directions, as the said Commissioners may in that Behalf appoint, and also under and subject to such Rules, Regulations, Conditions, Penalties, and Forfeitures, and with and subject to such Powers, and by such Methods, and in such Manner and Form by which other Duties of Excise may be raised, levied, collected, secured, recovered, and paid, as fully and effectually to all Intents and Purposes as if the same and every of them were particularly repeated and re-enacted in the Body of this Act.

Duty granted to be deemed an Excise Duty, and under Management of Commissioners of Inland Revenue, and to be levied under the Excise Laws.

V. 'And whereas by the said Act of the Tenth Year of Her present Majesty's Reign, herein-before 'mentioned or referred to, every Brewer of Beer for Sale who makes use of Sugar in the brewing or 'making of Beer is required, under the Penalty of Two hundred Pounds, to enter or cause to be entered 'in the Book in the said Act described or mentioned the Quantity in Pounds Weight Avoirdupois of 'Sugar which he intends to use in his next Brewing, together with other Particulars relating thereto:' Be it enacted, That if any Brewer shall neglect or omit to enter or cause to be entered in such Book as aforesaid, and at the Time and in the Manner by the said Act directed, the full and true Quantity of all Sugar which he shall use in the brewing or making of Beer, or if he shall make use of any Sugar in or towards the brewing or making of Beer before such Sugar and the full and true Quantity thereof shall have been duly entered in the said Book in manner aforesaid, or if he shall make, or cause, permit, or suffer to be made, in any such Book, any Entry which shall be untrue in any Particular, he shall for every such Offence forfeit and lose the Sum of Two hundred Pounds, over and above any Penalty to which he may be liable under the said former or any other Act or Acts of Parliament.

Brewers to make true Entries of the Quantity of Sugar used in brewing.

Penalty for omitting to make such Entries, or for making any false Entry.

VI. 'And whereas by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, 'intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and* 6 G. 4. c. 81. '*to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences,* certain 'Duties of Excise were granted and made payable in and throughout the United Kingdom of *Great* '*Britain* and *Ireland* for and upon every Licence to be taken out by any Maker, Manufacturer, Trader, 'Dealer, Retailer, or Person in the same Act mentioned, and, amongst others, by every Brewer of Beer 'for Sale, and by every Brewer of Beer for Sale who shall retail such Beer to be consumed elsewhere than 'on his, her, or their Premises, and by every Person, not being a Brewer of Beer for Sale, who shall sell 'strong Beer only in Casks containing not less than Four and a Half Gallons Imperial Standard Gallon 'Measure, or in not less than Two Dozen reputed Quart Bottles at One Time, to be drunk or consumed 'elsewhere than on his, her, or their Premises: And whereas by the said last-recited Act it is enacted 'that no Licence taken out under or by the Authority of the said Act by any Person or Persons, except 'Auctioneers and Maltsters, shall authorize or empower such Person or Persons to exercise or carry on 'the Trade or Business mentioned in such Licence in more than One separate and distinct Set of Premises, 'such Premises being all adjoining or contiguous to each other, and situate in One Place, and held 'together for the same Trade or Business, and of which he, she, or they shall have made lawful Entry, 'to exercise or carry on therein his, her, or their Trade or Business as aforesaid at the Time of granting 'such Licence; but that a separate and distinct Licence shall be taken out by all and every such Person 'or Persons as aforesaid, except as aforesaid, to exercise or carry on his, her, or their Trade or Business 'as aforesaid at or in any other or different Premises than as before mentioned: And whereas a Practice 'has arisen amongst certain licensed Brewers of Beer for Sale of selling Beer at or in other or different 'Premises or Places than the Premises in which such Brewers exercise or carry on their Trade or 'Business of Brewers of Beer under or by virtue of the Licence granted to them respectively in that 'Behalf, and Doubts are entertained as to the Duties and Liabilities incurred by such Persons by reason 'of such Practice; and it is expedient to remove such Doubts:' Be it therefore enacted, That from and after the Tenth Day of *October* One thousand eight hundred and fifty it shall not be lawful for any Brewer of Beer for Sale to retail Beer at any Place other than the Premises mentioned in a separate and distinct Licence granted to him for that Purpose, and expressly authorizing him in that Behalf, or to sell at any Place other than the Premises mentioned in such Licence as last aforesaid, or the Premises in which he shall be licensed to exercise or carry on and shall actually and *bonâ fide* exercise and carry on the Trade

Brewers not to retail or sell Beer at any other Place than their licensed Brewing Premises, or on Premises li-

censed for the express Purpose.

Trade or Business of a Brewer of Beer, Beer in any Quantity amounting to or exceeding Four and a Half Gallons or Two Dozen reputed Quart Bottles of Beer, to be drunk or consumed elsewhere than on the Premises where sold; and if any Brewer of Beer shall retail or sell any Beer at any Place other than such licensed Premises as aforesaid, contrary to the true Intent and Meaning hereof, he shall be subject and liable to and shall forfeit and lose the same Penalty and Penalties as any other Person, not being a Brewer of Beer, is or would be subject or liable to for doing the like Act without being duly licensed in that Behalf.

Brewers may take out Licence for the Sale of Beer at any other Place than their licensed Brewing Premises.

Taking Orders not to be deemed selling Beer at any other than licensed Premises.

VII. Provided always, and be it enacted, That it shall be lawful for any Brewer of Beer to take out any separate Licence or Licences for the Sale or Retail of Beer at any other Place than the Premises in which he shall be licensed to exercise and carry on the Trade or Business of a Brewer, as well as a Licence to retail Beer in or upon such last-mentioned Premises, and such Brewer, so far as regards the Sale or any Licence to be taken out for the Sale by him of Beer at any other Place than such last-mentioned Premises, shall be on the same Footing as and shall be deemed and held to be a Person not being a Brewer of Beer: Provided also, that the taking or receiving of Orders at any Place whatever by any licensed Brewer of Beer, or his Servant or Agent, for the Sale of Beer in any Quantity amounting to or exceeding Four and a Half Gallons or Two Dozen reputed Quart Bottles at One Time, which shall be sent to the Purchaser direct from the Premises in which such Brewer shall be licensed to brew or sell Beer, shall not be deemed or held to be a selling of Beer at any other Place than such licensed Premises.

4 G. 4. c. 94.

6 G. 4. c. 80.

VIII. 'And whereas by an Act passed in the Fourth Year of the Reign of King *George* the Fourth, 'intituled *An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in* Scotland 'and Ireland, *and upon Licences for Stills for making such Spirits, and to provide for the better col-* 'lecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty, 'certain Enactments and Provisions were made in respect of Licences to be granted in *Scotland* and 'Ireland under the Authority of the same Act, and certain Restrictions and Penalties were imposed upon 'Persons licensed under the Provisions of the same Act: And whereas by an Act passed in the Sixth 'Year of the Reign of King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect* 'of Spirits distilled in England, *and of Licences for distilling, rectifying, or compounding such Spirits,* 'and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations 'for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such 'Spirits without Payment of Duty for Exportation, certain Enactments and Provisions were made in 'respect of Licences to be granted in *England* under the Authority of the last-mentioned Act, and 'certain Restrictions and Penalties were imposed upon Persons licensed under the Provisions of the said 'last-mentioned Act: And whereas by the said firstly-recited Act passed in the Sixth Year of the Reign 'of the said King *George* the Fourth, it was enacted, that the Duties granted or payable for or in respect 'of Excise Licences in *England*, *Scotland*, or *Ireland*, or for or upon the granting thereof, by any Act 'or Acts of Parliament in force at and immediately before the Fifth Day of *July* One thousand eight 'hundred and twenty-five, should cease and determine, and in lieu and instead thereof certain other 'Duties were by the said last-mentioned Act granted for and upon every Licence to be taken out by any 'Maker, Manufacturer, Trader, Dealer, Retailer, or Person therein mentioned, and, amongst others, by 'every Distiller or Maker of Low Wines or Spirits, and certain Regulations and Provisions are by the 'said last-mentioned Act enacted respecting the granting and issuing of such Licences, as well as of 'various other Licences specified in the same Act: And whereas Doubts have arisen whether the Regu- 'lations and Provisions of the said last-mentioned Act may not have repealed and rendered void or be 'deemed to have repealed and rendered void the said Enactments, Provisions, Restrictions, and Penalties 'contained in the said Two other recited Acts passed respectively in the Fourth and Sixth Years of the 'Reign of King *George* the Fourth as aforesaid, and whether the Regulations and Provisions, Restric- 'tions and Penalties, contained in the said Two other recited Acts, with regard to Distillers and other 'Persons therein mentioned or referred to as licensed or required to be licensed under the said Two 'other recited Acts respectively or either of them, are in force and applicable by Law to Distillers and 'such other Persons if licensed under the said firstly-recited Act of the Sixth Year of the Reign of King 'George the Fourth, and it is expedient to remove all such Doubts:' Be it therefore declared and enacted,

Provisions of 4 G. 4. c. 94. and 6 G. 4. c. 80. to be deemed to apply to Distillers licensed under 6 G. 4. c. 81.

That nothing in the said Act of the Sixth Year of the Reign of King *George* the Fourth, herein-before firstly-recited, contained, shall be deemed or construed to repeal or in any way affect any of the Regulations or Provisions contained in either of the said Two other recited Acts of the Fourth and Sixth Years of the Reign of the said King respectively, save and except as to the Manner of granting and issuing such Licence, and as to the Duty payable thereon, and as to the Penalty to be incurred for making use of a Still without being licensed for that Purpose, and save and except so far as the express Provisions of the said Two last-mentioned Acts or either of them are inconsistent with the Provisions of the said firstly-recited Act of the Sixth Year of the said King's Reign; and that every Distiller or Maker of Low Wines or Spirits in *England*, *Scotland*, and *Ireland* respectively, to whom a Licence in that Behalf hath been or shall be granted under the Provisions of the said last-mentioned Act, shall for all Purposes be deemed and considered to be and to have been licensed, as well under the said other recited Acts respectively of the Fourth and Sixth Years of the said King's Reign as under the said firstly-recited Act of the Sixth Year of the said King's Reign, and that all Enactments, Provisions, Restrictions, and Penalties contained in the said Two other recited Acts respectively of the Fourth and Sixth Years of the said King's Reign, or either of them, save and except in the Particulars herein-before mentioned with regard

to

to Distillers and other Persons therein mentioned or referred to as licensed or required to be licensed under them or either of them respectively, shall be deemed and construed to apply to every Distiller or Maker of Low Wines or Spirits in *England, Scotland,* and *Ireland* respectively to whom any Licence in that Behalf hath been or shall be granted under the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of King *George* the Fourth, in like Manner as if such Persons had been licensed respectively under either of the said Two other recited Acts.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. LXVIII.

An Act to shorten the Duration of Elections in *Ireland,* and for establishing additional Places for taking the Poll thereat. [14th *August* 1850.]

'WHEREAS it is expedient to shorten the Time now allowed by Law for taking the Polls at contested Elections of Members to serve in Parliament for the serveral Counties, Cities, Towns, and Boroughs in *Ireland,* and to divide the same into Districts for the Purpose of Polling, and to establish a separate Polling Place within each such District:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at every contested Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* which shall take place after the Fifteenth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-one the Polling shall commence on the next Day but Two after the Day fixed for the Election, save in the Cases herein-after mentioned, at the principal Place of Election, and also at the several Places to be appointed as herein-after directed for taking the Polls; and such Polling shall continue for Two Days only, such Days being successive Days, save in the Cases herein-after mentioned, and shall commence at the Hour of Nine of the Clock in the Morning of the First Day and at Eight of the Clock in the Morning of the Second Day, and be kept open only between the Hours of Nine in the Morning and Four in the Afternoon for the First Day, and between the Hours of Eight in the Morning and Four in the Afternoon of the Second Day; and no Poll shall be kept open later than Four of the Clock in the Afternoon of the Second Day, any Statute to the contrary notwithstanding: Provided always, that when such Day next but Two after the Day fixed for the Election shall be *Saturday, Sunday, Good Friday,* or *Christmas Day,* then in case it be *Saturday* or *Sunday* the Poll shall be on the *Monday* next following, and in case it be *Good Friday* then on the *Monday* next following, and in case it be *Christmas Day* then on the next following Day, if the same shall not be *Saturday* or *Sunday,* and if it be *Saturday* or *Sunday* on the next following *Monday:* Provided also, that when the Day following the First Day of Polling shall be *Good Friday* or *Christmas Day,* then in case it be *Good Friday* the Second Day of Polling shall be on the *Saturday* next following, and in case it be *Christmas Day* then on the next following Day, if the same shall not be *Sunday,* and if it be *Sunday* then on the next following *Monday.* At contested Elections for Counties, Polling to continue for Two Days only.

II. And be it enacted, That the several Counties in *Ireland,* as mentioned in the Schedule (A.) to this Act annexed, shall from and after the said Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one be divided into Districts for Polling, according to the Arrangement specified in the said Schedule; and that in each such District the Poll shall be taken in the Town or Place specified in the said Schedule, and that each Polling District shall include the several Baronies or Divisions connected with the Name of the same Polling Place in the said Schedule; and each such District shall, for the Purposes of this Act, be called after the Name of such Polling Place: Provided always, that so far as may be necessary for the Purposes of Registration of Electors under an Act of the present Session to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in *Ireland,* and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs, and not otherwise, such Division as aforesaid shall take effect from the Ninth Day of *September* in the Year One thousand eight hundred and fifty. Counties to be divided into Districts for Polling according to the Schedule to this Act.

III. And be it enacted, That at every such contested Election for any County in *Ireland* after the Fifteenth Day of *March* One thousand eight hundred and fifty-one the Sheriff shall, at the Place appointed for taking the Poll for each such District as aforesaid, cause to be erected or provided a separate Booth for each Barony or Half Barony in such District, and shall cause to be affixed on the most conspicuous Part of each such Booth the Name of the Barony or Half Barony for which such Booth is respectively allotted, and no Person shall be admitted to vote at any such Election in any Booth except that allotted for the Barony or Half Barony upon the Register of which his Name shall appear: Provided always, that if in any Barony or Half Barony there shall appear upon the Register thereof the Names of more than Six hundred Electors, the Sheriff shall cause so many separate Booths to be erected or provided for such Barony or Half Barony that not more than Six hundred shall be required to poll in any One Booth; and the Sheriff shall, in case of such separate Booths for the same Barony or Half Barony, declare the Initial Letters of the Surnames of the Voters who are to vote at the same, and have such Initial Letters placed on the said Booths under the Name of the Barony or Half Barony: Provided also, that on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, at any such contested Election after the Day last aforesaid, such Requisition to be made At contested Elections for Counties Booths to be erected so that not more than Six hundred be required to poll in One Booth.

made or given at or before Twelve of the Clock at Noon on the Day of Nomination, the Booths shall be so arranged by the Sheriff that not more than Three hundred Electors shall be allotted to poll at each such Booth: Provided also, that the Candidate or Elector making such Requisition shall pay all additional Expenses occasioned by such Division or Arrangement.

Sheriff to appoint Deputies and Poll Clerks for each Polling Booth.

IV. And be it enacted, That at every such contested Election as aforesaid for any County in *Ireland* the Sheriff shall have Power to appoint, and shall appoint, Deputies to preside, and Clerks to take the Poll at the several Places appointed for Polling for the several Baronies or Half Baronies as mentioned in the said Schedule, and in the several Polling Booths, not exceeding One Deputy and One Poll Clerk for each Polling Booth; and that the Poll Clerks employed at such several Places shall at the Close of each Day's Poll enclose and seal their several Books, and shall publicly deliver them so enclosed and sealed to the Sheriff or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same, and shall on the Commencement of the Poll on the Second Day deliver them back so enclosed and sealed to the Person from whom he shall have received them; and on the final Close of the Poll every such Deputy who shall have received any such Poll Books shall forthwith deliver the same so enclosed and sealed to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll Books unopened until the re-assembling of the Court on the Day next but One after the Close of the Poll, unless such Day shall be *Sunday*, and then on the *Monday* following, at an Hour not earlier than Eleven of the Clock, when he shall openly break the Seals thereon, and cast up the Number of Votes as they appear on the said several Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before Two of the Clock in the Afternoon of the said Day.

Poll when to be declared.

Cities and Boroughs in Schedule (B.) to be divided into Polling Districts.

V. And be it enacted, That each of the Cities, Towns, and Boroughs in *Ireland* mentioned in the Schedule (B.) to this Act annexed shall from and after the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one be divided into Polling Districts, and that each of the Wards into which the said Cities, Towns, and Boroughs shall have been respectively divided for Municipal Purposes under the Provisions of the Act for the Regulation of Municipal Corporations in *Ireland*, or any Act amending the same, shall be a separate Polling District.

List of Electors of such Cities Towns, &c. to be divided by Wards, &c., and so printed in the Register.

VI. And be it enacted, That the Clerk of the Peace of or acting in or for each of the said Cities, Towns, and Boroughs mentioned in the said Schedule (B.) shall before the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one cause the List of Voters for such City, Town, or Borough, duly signed by the Assistant Barrister, Chairman, or Revising Barrister, upon the Revision of the same, to be divided, arranged, and printed in the Book of the Register of Voters for such City, Town, or Borough in manner following; (that is to say,) the Names of all Persons appearing upon the said List as Resident Freemen shall be placed upon a separate List, to be entitled "The List of Resident Freemen," and shall be arranged therein in strict alphabetical Order according to the First, Second, and other Letters of their Surnames, and the Names in such List of Freemen shall be numbered consecutively, beginning with Number One, and the Names of all Persons appearing on the said List of Voters, signed as aforesaid, as qualified in respect of any Property Qualification, or as Occupiers of any Lands, Tenements, or Hereditaments, shall be divided into Lists for the respective Wards, according to the Number and Names of the Municipal Wards into which each such City, Town, or Borough shall have been divided under the said Act for the Regulation of Municipal Corporations in *Ireland*, or any Act amending the same; and each of such Ward Lists shall be headed with the Name of the Ward, and shall contain the Names of all Persons appearing upon the said List of Voters signed as aforesaid as qualified in respect of any Property situate within such Ward, or as Occupiers of any Lands, Tenements, or Hereditaments situate within such Ward; and in each such Ward List the Names of the Persons appearing thereon shall be arranged in strict alphabetical Order, according to the First, Second, and other Letters of the Surnames, and the Names in each such Ward List shall be numbered consecutively, beginning with Number One.

Electors in respect of Property not situate in any Ward to be inserted in List of adjoining Ward.

VII. And be it enacted, That in the Case of any Persons appearing on the said List of Voters signed as aforesaid for any such City, Town, or Borough mentioned in the said Schedule (B.) as qualified in respect of any Property Qualification, or as Occupiers of any Lands, Tenements, or Hereditaments, not situate within the Limits of any of such Wards, such Clerk of the Peace shall insert the Name of each of such last-mentioned Persons in the List for the Ward which the said Property, or the said Lands, Tenements, or Hereditaments, in respect of which he may be so qualified, shall most nearly adjoin; or in case the said Property, Lands, Tenements, or Hereditaments in respect of which any Person may be qualified shall be situate in more than One Ward, or partly within One or more Ward or Wards and partly without the Limits of any Ward, the Clerk of the Peace shall insert the Name of any such last-mentioned Person in the List of such One Ward in which such Property, Lands, Tenements, or Hereditaments shall be partly situate, as such Clerk of the Peace shall think fit.

Electors for such Cities, &c. hereafter to be arranged and printed in like Manner.

VIII. And be it enacted, That the Names of all Persons who shall at any Time after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one be on the List of Voters signed as aforesaid in each Year for any such City, Town, or Borough mentioned in the said Schedule (B.) shall be divided, arranged, and printed by the said Clerk of the Peace in manner herein-before specified.

Booths at which Freemen and other Voters are to give their Votes.

IX. And be it enacted, That at every contested Election for any such City, Town, or Borough mentioned in the said Schedule (B.) which shall take place after the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one the Persons on the Register and entitled to vote thereat as Resident Freemen shall (save as herein-after mentioned) vote at some Booth or Compartment to be erected or provided at or near the Place at which the Elections for such City, Town, or Borough, are now usually holden,

holden, and not elsewhere; and all Persons on the Register and entitled to vote in respect of any Property Qualification, or as Occupiers of any Lands, Tenements, or Hereditaments, shall vote at some Booths or Compartments to be erected or provided within the Ward upon the List of which their Names shall appear, and not elsewhere.

Freemen's Booths.

X. And be it enacted, That the Sheriff or other Returning Officer at any such contested Election for any such City, Town, or Borough mentioned in the said Schedule (B.) (save as herein-after provided) which shall take place after the Day last aforesaid shall cause a sufficient Number of Booths to be erected or provided at or near the Place where Elections for such City, Town, or Borough are now usually holden, to be called the Freemen's Booths, so that not more than Four hundred such Electors shall be allotted or obliged to poll in any One Booth, and that, as far as practicable consistently with the said Provision as to the Number of Four hundred, all such Persons whose Surnames shall begin with the same Letter of the Alphabet shall poll in the same Booth or Compartment: Provided always, that where the Number of Freemen on the Register shall not exceed Three hundred in Number no Freemen's Booth shall be provided, but such Freemen shall poll in such Ward Booths and in such Proportions as the Sheriff or other Returning Officer shall appoint and notify for such Purpose.

Booths in each Ward for other Voters.

XI. And be it enacted, That at every such contested Election for any such City, Town, or Borough mentioned in the said Schedule (B.) after the Day last aforesaid the Sheriff or Returning Officer shall cause to be erected or provided within each Ward thereof a sufficient Number of Booths or Compartments, to be called the Ward Booths, for the Purpose of taking the Votes of all those registered Electors whose Names appear on the List for such Ward, so as that not more than Four hundred such Electors shall be allotted or obliged to poll in any One Booth or Compartment, and that, as far as practicable consistently with the said Provision as to the Number of Four hundred, all such Persons whose Surnames shall begin with the same Letter of the Alphabet shall poll at the same Booth or Compartment.

Polling Places in Cities or Towns not mentioned in Schedule (B.)

XII. And be it enacted, That at every contested Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland* not mentioned in said Schedule (B.) which shall take place after the Day last aforesaid the Sheriff or other Returning Officer shall cause to be erected or provided so many Booths or Compartments for Polling as that not more than Four hundred Electors shall be allotted or required to poll in each such Booth or Compartment, and that, as far as practicable consistently with the said Provisions as to the Number of Four hundred, all Persons whose Surnames shall begin with the same Letter of the Alphabet shall poll in the same Booth or Compartment.

At Elections for Cities and Towns, on Requisition of Candidate, &c. not more than Two hundred shall poll in each Booth.

XIII. And be it enacted, That on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, at any such contested Election after the Day last aforesaid for any City, Town, or Borough in *Ireland*, whether the same be mentioned in said Schedule (B.) or not, such Requisition to be made or given at or before Twelve of the Clock at Noon on the Day of Nomination, the Booths or Compartments shall be so arranged by the Sheriff or other Returning Officer as that not more than Two hundred Electors shall be allotted to poll at each such Booth or Compartment: Provided always, that the Candidate or Elector making such Requisition shall pay all additional Expenses occasioned by such Division or Arrangement.

At such Elections for Cities, &c. Returning Officer to appoint Deputy and Poll Clerk for each Booth, and furnish List of Persons to poll thereat.

XIV. And be it enacted, That at every such contested Election for any City, Town, or Borough in *Ireland*, whether the same be mentioned in said Schedule (B.) or not, which shall take place after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Sheriff or other Returning Officer shall have Power to appoint, and shall appoint, a Deputy to preside and a Clerk to take the Poll at each such Booth or Compartment, and shall, before the opening of the Poll, deliver or cause to be delivered to each such Deputy a List of the Persons allotted to poll at the Booth or Compartment over which such Deputy is to preside, with the Names therein arranged in strict alphabetical Order according to the First, Second, and other Letters of the Surnames.

At Elections for Cities and Towns, Commencement and Continuance of Poll for One Day only.

XV. And be it enacted, That at every such contested Election for any City, Town, or Borough in *Ireland*, whether the same be mentioned in said Schedule (B.) or not, which shall take place after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Polling shall commence at Eight of the Clock of the Forenoon of the Day next but One after the Day fixed for the Election; and such Polling shall continue for such One Day only, and no Poll shall be kept open longer than Five of the Clock in the Afternoon of such Day, any Statute to the contrary notwithstanding: Provided always, that when such Day next but One after the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then in case it be *Sunday* the Poll shall be on the *Monday* next following, and in case it be *Good Friday* then on the *Saturday* next following, and in case it be *Christmas Day* then on the next following Day if the same shall not be *Sunday*, and if it be *Sunday* then on the next following *Monday*.

Duty of Poll Clerks at such Elections.

XVI. And be it enacted, That at every such contested Election for any City, Town, or Borough in *Ireland*, whether mentioned in the said Schedule (B.) or not, taking place after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Poll Clerks employed in the several Booths or Compartments shall at the Close of the Day's Poll enclose and seal their several Books, and shall publicly deliver them so enclosed and sealed to the Sheriff's or Returning Officer's Deputy presiding at such Poll, who shall give a Receipt for the same, and shall deliver the same so enclosed and sealed to the Sheriff or his Under Sheriff or other Returning Officer, who shall receive and keep all the Poll Books unopened until the re-assembling of the Court on the Day next after the Close of the Poll, unless such Day shall be *Sunday*, and then on the *Monday* following, at an Hour not earlier than Ten of the Clock, when he shall openly break the Seals thereon, and cast up the Number of the Votes as they appear on the said several Books,

Declaration of Poll.

Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before Three of the Clock in the Afternoon of the said Day.

Elections on or before 15th Mar. 1851, and University of Dublin, not to be affected.

XVII. And be it enacted, That in case any Election shall take place for any County, City, Town, or Borough in *Ireland* before or on the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Poll and Proceedings thereat shall be taken in the same Manner as if this Act had not passed; and that nothing in this Act contained shall be construed to affect or apply to the Borough of the University of *Dublin*.

Poll may be closed in certain Cases as heretofore.

Proceedings in case of Riot.

XVIII. And be it enacted, That nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, from closing the Poll previous to the Expiration of the Time fixed by this Act in any Case where the same might have been lawfully closed before the passing of this Act; and that where the Proceedings at any Election after the Fifteenth Day of *March* One thousand eight hundred and fifty-one (whether such Proceedings shall consist of the Nomination of a Candidate or Candidates or of the taking of the Poll) shall be interrupted or obstructed by any Riot or open Violence at or near the Place of Election or a Polling Place, or shall be interrupted or obstructed by any Riot or open Violence taking place elsewhere by the violent or forcible Prevention, Obstruction, or Interruption of Voters proceeding on their Way to such Election or Polling Place (such last-mentioned Prevention, Obstruction, or Interruption of Voters proceeding on their Way as aforesaid being shown by Affidavit), the Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination or the taking of the Poll at the particular Polling Place or Places at or near to which or on the Way to which such Interruption or Obstruction shall have happened until the following Day, and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the Sheriff or Returning Officer or his Deputy shall again proceed with the Business of the Nomination, or with the taking the Poll, as the Case may be, at the Place or Places at or near to which or on the Way to which the same respectively may have been interrupted or obstructed; and the Day on which the Business of the Nomination shall have been concluded shall be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly; and any Day whereon the Poll shall have been so adjourned shall not, as to such Place or Places, be reckoned the Day of Polling at such Election within the Meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer, anything herein-before or in any other Statute to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an Adjournment to a *Sunday*, but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made.

Expense of Booths.

XIX. And be it enacted, That all Booths erected or provided for taking the Polls at any such Election shall be erected or provided by the Sheriff or other Returning Officer at the joint Expense of the Candidates, except in the Case when at an Election for a County, City, Town, or Borough such Requisition for additional Booths as herein-before provided for shall have been made; subject however to the Limitation herein-after contained, (that is to say,) that the Expense to be incurred for the Booth or each of the Booths at the principal Place of Election, or at any of the Polling Places for any County, shall not exceed the Sum of Three Pounds if in a public Building, and shall not exceed the Sum of Five Pounds if not in a public Building, and that the Expenses to be incurred for any Booth or Compartment in any City, Town, or Borough shall not exceed the Sum of Three Pounds if in a public Building, and shall not exceed the Sum of Five Pounds if not in a public Building; and that all Deputies appointed by the Sheriff or other Returning Officer shall be paid each Two Pounds a Day, and no more, and each Poll Clerk shall be paid One Pound a Day, at the Expense of the Candidates: Provided always, that if any Candidate shall be proposed without his Consent, the Person proposing him shall be liable for his Share of the Expenses as if he had been a Candidate: Provided also, that the Sheriff or other Returning Officer may, if he think fit, instead of erecting such Booth or Booths as aforesaid, hire any Houses or other Buildings for the Purpose of taking the Poll therein; subject however to the Limitations as to Expense herein-before contained.

Payment to Deputies and Poll Clerks.

Lists of Electors for each Booth, and Notice of Situation of Booths.

XX. And be it enacted, That the Sheriff or other Returning Officer shall before the Day fixed for the Polling at any such Election cause to be provided for the Use of each Booth a true Copy of the Register or List of Electors, so far as such Electors are allotted or appointed to vote at such Booth, in strict alphabetical Order according to the First, Second, and other Letters of their Surnames, and shall under his Hand certify every such Copy to be true, and shall also cause to be made out and printed a Statement or Specification of the local Situations of the different Booths, and of the Division or Description of the Electors allotted to poll at each Booth, and shall give thereto full Publicity, by Posting and otherwise, and shall cause to be affixed to each Booth, in large Letters, on some conspicuous Part thereof, a Notice of the Division or Description of the Electors allotted to poll thereat.

No Candidate to be liable to pay Fee of Assessor.

XXI. And be it enacted, That no Candidate at any such Election after the Fifteenth Day of *March* One thousand eight hundred and fifty-one shall be liable to pay or to contribute to the Payment of the Fee of any Assessor appointed by the Sheriff or other Returning Officer.

XXII. 'And

Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled.

XXII. 'And whereas it is expedient to provide for increasing the Number of Polling Places, and for 'altering Polling Districts:' Be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council in *Ireland*, from Time to Time hereafter, on Petition from the Justices of any County or Riding in *Ireland* in Quarter Sessions assembled, representing that the Number of Polling Places for such County or Riding is insufficient, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County or Riding within which such Place or Places is or are situate, and that a Barony or Baronies, Half Barony or Half Baronies in such Petition mentioned may constitute a District for Polling at such Polling Place, (but so as not to divide any Barony or Half Barony,) or praying that any Polling District or Districts may be altered, and that any Barony or Half Barony may be detached from any such Polling District, and be annexed to any other Polling District, as the Case may be, to declare that any Place or Places mentioned in the said Petition shall be a Polling Place or Polling Places for that County or Riding, and that the Barony or Baronies, Half Barony or Half Baronies in such Petition mentioned shall constitute a District for Polling at such Polling Place, and that the other Polling Districts of the said County or Riding shall be altered accordingly, or to declare that any Polling District or Districts shall be altered, and that any Barony or Half Barony shall be detached from any such Polling District, and be annexed to any other Polling District; and every such Declaration or Order for creating additional Polling Places, and the Polling Districts for the same, or for altering any Polling District or Districts, shall be certified under the Hand of the Clerk of the said Privy Council, and, when so certified, shall be published in the *Dublin Gazette*, and shall be of the same Force and Effect as if the same had been made by the Authority of Parliament: Provided always, that no such Petition as aforesaid shall be made by such Justices so assembled unless a Notice in Writing shall have been delivered, One Month at the least before the holding of such Quarter Sessions, to the Clerk of the Peace of the County or Riding wherein the same are held, signed by Two Justices of the Peace for such County or Riding, and residing therein, or by Ten Inhabitants being registered Voters for such County or Riding, which Notice shall state that the Court will, when such Sessions are held, be moved to make such Petition, nor unless the Clerk of the Peace shall, Ten Days at the least before the holding of such Sessions, have caused a Copy of such Notice to be inserted Twice at the least in Two of the Newspapers of such County or Riding, if Two Newspapers are published therein, or if not, in a Newspaper published or commonly circulated therein, together with a Notice of the Day upon which and the Place at which such Quarter Sessions will be held: Provided also, that when such Motion is made, any Person objecting to the same shall be heard by such Court against the same, or any Part thereof, if he thinks fit.

Repeal of 10 & 11 Vict. c. 81. after this Act comes into operation.

XXIII. And be it enacted, That from and after the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one an Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to limit the Time for taking the Poll at Elections of Members to serve in Parliament for Counties of Cities, Counties of Towns, and Boroughs in* Ireland, shall be repealed, save so far as the same repeals any other Act or Acts.

Interpretation of Terms.

XXIV. And be it enacted, That in the Construction of this Act the Word "City" shall be deemed to mean a County of a City or a County and City; and the Word "Town" shall be deemed to mean a County of a Town; and the Word "Barony" shall be deemed to include "Half Barony" or "Division."

Schedules to be Part of Act.

XXV. And be it enacted, That the Schedules annexed to this Act shall be deemed Part of this Act.

Act may be amended, &c.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

ANTRIM
(County).

Polling Places.	Baronies.
Ballymoney	Lower Dunluce.
	Upper Dunluce.
	Cary.
	Kilconway.
Ballymena	Lower Toome.
	Lower Glenarm.
	Lower Antrim.
	Upper Glenarm.
Antrim	Upper Belfast.
	Lower Belfast.
	Upper Antrim.
	Upper Massereene.
	Lower Massereene.
	Upper Toome.

ARMAGH
(County).

Polling Places.	Baronies.
Lurgan	Oneilland, East.
	Oneilland, West.
Armagh	Armagh.
	Tiranny.
	Lower Fews.
Newry	Upper Fews.
	Upper Orior.
	Lower Orior.

CARLOW
(County).

Carlow	Carlow.
Tullow	Rathvilly.
	Forth.
	Upper St. Mullins.

CARLOW—*cont.*
(County).

Polling Places.	Baronies.
Bagenalstown	Lower St. Mullins.
	Idrone, East.
	Idrone, West.

CAVAN
(County).

Polling Places.	Baronies.
Ballyconnell	Tullyhaw.
	Lower Loughtee.
Cavan	Upper Loughtee.
	Clanmahon.
	Tullyhunco.
Bailieborough	Tullygarvey.
	Clankee.
	Castlerahan.

CLARE
(County).

Polling Places.	Baronies.
Ennistimon	Burren.
	Corcomroe.
	Inchiquin.
Kilrush	Moyarta.
	Clonderalaw.
Ennis	Islands.
	Upper Bunratty.
	Ibrickan.
Tulla	Upper Tulla.
	Lower Tulla.
Six Mile Bridge	Lower Bunratty.

CORK
(County).

Polling Places.	Baronies.
Kanturk	Duhallow.
Fermoy	Condons and Clangibbon.
	Kinnatalloon.
Middleton	Barrymore.
	Imokilly.
Cork	Cork.
	Barretts.
Mallow	Fermoy.
	Orrery and Kilmore.
Kinsale	Kinalea.
	Kerrycurrihy.
	Kinsale.
Macroom	East Muskerry.
	West Muskerry.
Bandon	Ibane and Barryroe.
	East Carbery, East Division.
	East Carbery, West Division.
	Courceys.
	Kinalmeaky.
Bantry	Bantry.
	Bear.
Skibbereen	West Carbery, East Division.
	West Carbery, West Division.

DONEGAL
(County).

Polling Places.	Baronies.
Donegal	Tirhugh.
	Banagh.
	Boylagh.
Letterkenny	Kilmacrenan.
Lifford	Raphoe.
Buncrana	Inishowen.

DOWN
(County).

Polling Places.	Baronies.
Downpatrick	Lecale.
	Dufferin.
	Kinelarty.
Newtownards	Ards.
	Lower Castlereagh.
Hillsborough	Upper Castlereagh.
	Lower Iveagh.
Newry	Upper Iveagh.
	Newry Lordship.
	Mourne.

DUBLIN
(County).

Polling Places.	Baronies.
Kilmainham	St. Sepulchre.
	Donore.
	Uppercross.
	Castleknock.
	Coolock.
	Newcastle, East and West.
Kingstown	Rathdown.
	Dublin.
Balbriggan	Balrothery, East.
	Balrothery, West.
	Nethercross.

FERMANAGH
(County).

Polling Places.	Baronies.
Enniskillen	Clanawley.
	Lurg.
	Magheraboy.
	Knockninny.
	Tirkennedy.
Newtown Butler	Coole.
	Magherastephana.
	Clankelly.

GALWAY
(County).

Polling Places.	Baronies.
Clifden	Ballynahinch.
Galway	Clare.
	Dunkellin.
	Aran.
Gort	Kiltartan.
Loughrea	Loughrea.
	Leitrim.
	Longford.
	Athenry.
Ballinasloe	Killian.
	Clonmacnowen.
	Kilconnell.
Tuam	Ballymoe.
	Dunmore.
	Tiaquin.
Oughterard	Ross.
	Moycullen.

KERRY
(County).

Polling Places.	Baronies.
Listowel	Iraghticonnor.
	Clanmaurice.
Tralee	Trughanacmy.
	Corkaguiny.
Cahirsiveen	Iveragh.
	South Dunkerron.

KERRY—*cont.*
(County).

Polling Places.	Baronies.
Killarney	Magunihy.
	North Dunkerron.
Kenmare	Glenarought.

KILDARE
(County).

Maynooth	Carbury.
	Ikeathy and Oughterany.
	North Salt.
Naas	Naas, North.
	Naas, South.
	Connell.
	Clane.
	South Salt.
Athy	West Narragh and Reban.
	Kilkea and Moone.
	East Narragh and Reban.
Kildare	East Offaly.
	West Offaly.
	Kilcullen.

KILKENNY
(County).

Castlecomer	Fassadinin.
Kilkenny	Shillelogher.
	Crannagh.
	Callan.
Thomastown	Knocktopher.
	Gowran.
	Kells.
Pilltown	Iverk.
	Ida.
Urlingford	Galmoy.

KING'S COUNTY.

Parsonstown	Garrycastle.
	Eglish.
	Ballybritt.
	Clonlisk.
Tullamore	Geashill.
	Ballycowan.
	Kilcoursey.
	Ballyboy.
Philipstown	Upper Philipstown.
	Lower Philipstown.
	Warrenstown.
	Coolestown.

LEITRIM
(County).

Manor Hamilton	Rosclogher.
	Drumahaire.
Carrick-on-Shannon.	Leitrim.
	Mohill.
Ballinamore	Carrigallen.

LIMERICK
(County).

Newcastle	Upper Connello.
	Lower Connello.
	Shanid.
	Glenquin.

LIMERICK—*cont.*
(County).

Polling Places.	Baronies.
Bruff	Kilmallock.
	Coshlea.
	Coshma.
	Small County.
Limerick	Kenry.
	Pubblebrien.
	Clanwilliam.
	Owneybeg.
	Coonagh.

LONDONDERRY
(County).

Londonderry	North-west Liberties of Londonderry.
	Tirkeeran.
Coleraine	North-east Liberties of Coleraine.
	Coleraine.
Magherafelt	Loughinsholin.
Newtown Limavady	Keenaght.

LONGFORD
(County).

Longford	Longford.
	Ardagh.
Ballymahon	Rathcline.
	Shrule.
	Moydow.
Granard	Granard.

LOUTH
(County).

Dundalk	Upper Dundalk.
	Lower Dundalk.
	Louth.
Ardee	Ardee.
	Ferrard.

MAYO
(County).

Belmullet	Erris.
Ballina	Tirawley.
Swineford	Gallen.
	Costello.
Castlebar	Carra.
	Burrishoole.
Ballinrobe	Kilmaine.
	Clanmorris.
Westport	Murrisk.

MEATH
(County).

Duleek	Upper Duleek.
	Lower Duleek.
Navan	Lower Navan.
	Skreen.
	Upper Slane.
	Lower Slane.
Kells	Upper Kells.
	Lower Kells.
	Morgallion.
	Fore.

MEATH—*cont.*
(County).

Polling Places.	Baronies.
Trim	Lune.
	Upper Moyfenrath.
	Lower Moyfenrath.
	Upper Navan.
Dunshaughlin	Upper Deece.
	Lower Deece.
	Dunboyne.
	Ratoath.

MONAGHAN
(County).

Monaghan	Cremorne.
	Trough.
	Monaghan.
	Dartree.
Carrickmacross	Farney.

QUEEN'S COUNTY.

Mountmellick	Tinnahinch.
	Portnahinch.
Maryborough	Maryborough, East.
	Maryborough, West.
Abbeyleix	Clarmallagh.
	Cullenagh.
Borris-in-Ossory	Upperwoods.
	Clandonagh.
Stradbally	Slievemargy.
	Stradbally.
	BallyAdams.

ROSCOMMON
(County).

Castlereagh	Frenchpark.
	Castlereagh.
	Ballymoe.
Roscommon	Ballintober, South.
	Roscommon.
Athlone	Athlone.
	Moycarn.
Boyle	Ballintober, North.
	Boyle.

SLIGO
(County).

Sligo	Carbury.
	Tirerrill.
Ballymote	Corran.
	Coolavin.
	Leyny.
Easky	Tireragh.

TIPPERARY
(County).

Nenagh	Upper Ormond.
	Lower Ormond.
	Owney and Arra.
Thurles	Eliogarty.
	Ikerrin.
	Kilnamanagh, Lower.
	Kilnamanagh, Upper.
Clonmel	East Iffa and Offa.
	West Iffa and Offa.

TIPPERARY—*cont.*
(County).

Polling Places.	Baronies.
Cashel	Middlethird.
	Slievardagh.
Tipperary	Clanwilliam.

TYRONE
(County).

Dungannon	Upper Dungannon.
	Middle Dungannon.
	Lower Dungannon.
Strabane	West Omagh.
	Lower Strabane.
Omagh	East Omagh.
	Upper Strabane.
Clogher	Clogher.

WATERFORD
(County).

Lismore	Coshmore and Coshbride.
Dungarvon	Decies without Drum.
	Decies within Drum.
Waterford	Gaultiere.
	Middlethird.
Carrickbeg	Glenahiry.
	Upperthird.

WESTMEATH
(County).

Mullingar	Moygoish.
	Corkaree.
	Farbill.
	Moyashel and Magheradernon.
Moate	Moycashel.
	Fartullagh.
	Clonlonan.
	Rathconrath.
	Kilkenny, West.
	Brawny.
Castletown Delvin	Fore.
	Delvin.

WEXFORD
(County).

Enniscorthy	Scarawalsh.
	Shelmaliere, East.
	Ballaghkeen.
Wexford	Shelmaliere, West.
	Forth.
	Bargy.
New Ross	Shelburne.
	Bantry.
Gorey	Gorey.

WICKLOW
(County).

Baltinglass	Upper Talbotstown.
	Lower Talbotstown.
Tinahely	Shillelagh.
Wicklow	North Ballinacor.
	South Ballinacor.
Bray	Newcastle.
	Rathdown.
Arklow	Arklow.

SCHEDULE (B.)

NAMES of Cities, Towns, and Boroughs to be divided into Polling Districts.

Belfast.
Cork.
Dublin.
Limerick.
Waterford.

CAP. LXIX.

An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in *Ireland*, and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs. [14th *August* 1850.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, and it is expedient to amend the Laws which regulate the Qualification of some of the Persons entitled to vote in the Election of Members to serve in Parliament for *Ireland*, and the Registration of all Persons so entitled to vote:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in addition to those now qualified by Law to register and vote at any Election of a Knight of the Shire in *Ireland*, in virtue of any Qualification not requiring Occupation, every Male Person of full Age, and not subject to any legal Incapacity, who shall occupy, as Tenant or Owner, any Lands, Tenements, or Hereditaments within any County in *Ireland*, and shall be rated under the last Rate for the Time being under an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the Destitute Poor in* Ireland, or any Act or Acts amending the same, as Occupier of such Lands, Tenements, or Hereditaments, at the net annual Value of Twelve Pounds or upwards, shall, if duly registered according to the Provisions herein-after contained, be entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for the County within which such Lands, Tenements, or Hereditaments shall be situated; provided that no such Person shall be so registered in any Year unless he shall have been such Occupier for the Space of Twelve Calendar Months next before the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for One thousand eight hundred and fifty-one), or next before (in any succeeding Year) the Twentieth Day of *July* in such Year, and shall on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and shall in any succeeding Year on or before the First Day of *July* in such Year, have paid all Poor Rates in respect of such Lands, Tenements, or Hereditaments which shall have become payable from him in respect of such Premises previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year.

2 & 3 W. 4. c. 88.

Provisions as to Qualification.

Occupiers of Lands rated for the Poor Rate at a net annual Value of 12*l.* or upwards, and being registered under this Act, to be entitled to vote at Elections for Counties in Ireland.

II. And be it enacted, That in addition to those now qualified by Law to register and vote at any Election of a Knight of the Shire in *Ireland*, in virtue of any Qualification not requiring Occupation, every Male Person of full Age, and not subject to any legal Incapacity, who shall be seised of or entitled for his own Use to any Estate, legal or equitable, in Fee Simple or Fee Tail, or for his own Life, (such Tenant for Life not being a Lessee or Assignee of a Lessee or an Under-lessee,) or of or to any Estate of Freehold for Lives renewable for ever, or Estate *quasi* in Tail of such Freehold, in any Lands, Tenements, or Hereditaments which shall be rated in the last Rate for the Time being under the said Acts for the more effectual Relief of the destitute Poor in *Ireland* at the net annual Value of Five Pounds or upwards, and shall be, to the Person so seised or entitled, of the net annual Value of Five Pounds at the least above all Charges, save Taxes, Cesses, or Rates, payable out of the same, shall, if duly registered according to the Provisions herein-after contained, be entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for the County in *Ireland* within which such Lands, Tenements, or Hereditaments shall be situate; provided that no such Person shall be so registered in any Year unless he shall have been in the actual Possession of such Premises, or in the Receipt of the Rents and Profits thereof for his own Use, for the Space of Six Calendar Months next before the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next before (in any succeeding Year) the Twentieth Day of *July* in such Year; but no actual Occupation of such Premises shall be necessary in the Case of any Person so seised or entitled who shall for such Space of Six Calendar Months have been in such Receipt of such Rents and Profits for his own Use.

Persons entitled to Estates in Fee, or in Tail or for Life, of the rated Value of 5*l.* to have Votes for Counties.

III. And be it enacted, That from and after the Time when the first Register under this Act of Persons entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* shall be in force, no Person, except as herein-before provided, shall be entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for such County in respect of any Qualification which requires the Elector to be or to have been in the actual Occupation of Lands, Tenements, or Hereditaments within such County.

After first general Register, no one to vote at a County Election on a Qualification requiring Occupation, unless qualified under this Act.

IV. Pro-

No Persons to have Votes for Counties in respect of Lands within the Boundaries of Cities and Boroughs.

IV. Provided always, and be it enacted, That no Person shall be entitled to vote at any Election of a Knight or Knights of the Shire for any County in *Ireland*, in respect of any Lands, Tenements, or Hereditaments situate within the Parliamentary Boundary of any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament, and in respect of which he would be entitled to vote at an Election for such City, Town, or Borough, whether he shall or shall not have actually acquired the Right to vote for such City, Town, or Borough in respect thereof.

Occupiers of Lands or Premises rated for the Poor Rate at a net annual Value of 8*l.* or upwards, and being registered under this Act, to be entitled to vote at Elections for Cities or Towns in Ireland.

V. And be it enacted, That in addition to those now qualified by Law to register and vote at any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland*, in virtue of any Qualification not requiring Occupation, every Male Person of full Age, and not subject to any legal Incapacity, who shall occupy as Tenant or Owner, within any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament, any Lands, Tenements, or Hereditaments, and shall be rated under the last Rate for the Time being under an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or any Act or Acts amending the same, as Occupier of such respective Lands, Tenements, or Hereditaments, at a net annual Value of Eight Pounds or upwards, shall, if duly registered according to the Provisions herein-after contained, be entitled to vote at any Election of a Member or Members to serve in Parliament for the City, Town, or Borough within which such respective Premises shall be situated; provided that no such Person shall be so registered in any Year unless he shall have been such Occupier for the Space of Twelve Calendar Months next before the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one,) or next before (in any succeeding Year) the Twentieth Day of *July* in such Year, and shall on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and shall (in any succeeding Year) on or before the First Day of *July* in such Year, have paid all Poor Rates in respect of such respective Premises which shall have become payable from him in respect of such Premises previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year.

Provision as to joint Occupiers in Cities or Towns.

VI. And be it enacted, That when any Lands, Tenements, or Hereditaments as aforesaid within any such City, Town, or Borough shall be jointly occupied by more Persons than One as Tenants or Owners thereof, and such Persons shall be rated in such Rate as last aforesaid jointly in respect of such Premises, each of such Persons shall, subject to the Conditions herein-before provided as to a Person occupying Lands, Tenements, or Hereditaments in any such City, Town, or Borough, be entitled to vote at any Election of a Member or Members to serve in Parliament for the City, Town, or Borough within which such Premises are situate, in case the net annual Value of such Premises, as appearing on such Rate when divided by the Number of Persons rated jointly in respect thereof, shall give a net annual Value of Eight Pounds or upwards for each of such Persons, but not otherwise.

Provision as to Premises occupied in succession.

VII. And be it enacted, That the Premises in respect of the Occupation of which any Person shall be entitled to be registered in any Year, and to vote in the Election for any City, Town, or Borough as aforesaid, shall not be required to be the same Premises, but may be different Premises occupied in immediate Succession by such Person during the Twelve Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, such Person having paid, on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or (in any succeeding Year) on or before the First Day of *July* in such Year, all the Poor's Rates which shall, previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year, have become payable from him in respect of all such Premises so occupied by him in succession.

After first general Register no one to vote at an Election for a City, &c. on a Qualification requiring Occupation, unless qualified under this Act.

VIII. And be it enacted, That from and after the Time when the first Register under this Act of Persons entitled to vote at any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland* shall be in force, no Person, except as herein-before provided, shall be entitled to vote at any Election of a Member or Members to serve in Parliament for such City, Town, or Borough, in respect of any Qualification which requires the Elector to be or to have been in the actual Occupation of any Lands, Tenements, or Hereditaments, or any Premises, situate within such City, Town, or Borough, save and except any Forty Shilling Freeholder or Five Pound Inhabitant Householder who may be qualified under the said first-recited Act, if duly registered under the Provisions of this Act.

Provisions as to Trust and Mortgage Estates in Counties and Boroughs.

IX. 'And whereas it is enacted by the said Act to amend the Representation of the People of *Ireland*, ' "that no Person shall be allowed to have any Vote at any Election of a Member or Members to ' "serve in Parliament for or by reason of any Trust Estate or Mortgage, unless such Trustee or Mort- ' "gagee be in actual Receipt of the Rents and Profits of the same Estate, but that the Cestuique Trust ' "or Mortgagor in possession shall and may register and vote for the same Estate, notwithstanding ' "such Trust or Mortgage:" And whereas Doubts have arisen as to the true Intent and Meaning of ' such last-mentioned Enactment:' Be it therefore declared and enacted, That no Mortgagee of any Lands, Tenements, or Hereditaments shall vote in any Election of a Member or Members to serve in Parliament

Parliament for or by reason of any Mortgage Estate therein, unless he be in the actual Possession and Receipt of the Rents and Profits thereof, but that the Mortgagor in actual Possession or in Receipt of the Rents and Profits thereof shall and may vote for the same, notwithstanding such Mortgage; and that no Trustee of any Lands, Tenements, or Hereditaments shall in any Case have a Right to vote in any such Election for or by reason of any Trust Estate therein, but that the Cestuique Trust in actual Possession or in the Receipt of the Rents and Profits thereof, though he may receive the same through the Hands of the Trustee, shall and may vote for the same, notwithstanding such Trust.

Provisions as to Qualification.

X. And be it enacted, That from and after the Eighth Day of *September* in the Year of our Lord One thousand eight hundred and fifty so much of the said recited Act to amend the Representation of the People of *Ireland* as relates to the Registration of Voters for the several Counties, Cities, Towns, and Boroughs in *Ireland* having the Right to send a Member or Members to serve in Parliament, and the Expenses of such Registration, and the Payment of Grand Jury and Municipal Cesses, Rates, and Taxes, previous to and as a Condition of Registration in Cities, Towns, and Boroughs, and the making of Affidavits of Registry, and the giving of Certificates of Registry, and the Right of Appeal by any rejected Claimant, shall be and the same is hereby repealed, save as to any Registration had under the Provisions of the said Act before the said Eighth Day of *September*, and save as to the University of *Dublin*, and save as to the Ascertainment of the Assistant Barrister, Chairman, or Deputy of such Chairman, before whom the Sessions for the Registration of Voters for any such County, City, Town, or Borough is to be held, and save as to the yearly Remuneration provided by the said Act for any such Assistant Barrister and Chairman, and the Remuneration provided for the Deputy of such Chairman in the Case of the City of *Dublin*, and save so far as the said Provisions of the said Act repeal any former Act.

Provisions of recited Act in respect of Registration, &c. to be repealed from the 8th Sept. 1850, save as here excepted.

XI. Provided always, and be it enacted, That until the Sixteenth Day of *March* One thousand eight hundred and fifty-one all Persons who, under the Laws in force immediately before the passing of this Act, would have been entitled to vote at any Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, shall have and be entitled to the same Right of voting at any such Elections as if this Act had not been passed; and that until the Ninth Day of *September* One thousand eight hundred and fifty every Person who, under the Laws in force immediately before the passing of this Act, would have been entitled to be registered under the said recited Act, shall and may be registered in the same Manner in all respects as if this Act had not been passed.

Laws in force before the passing of this Act, as to Right of voting and Registration, to continue in force until the Periods here mentioned.

XII. And be it enacted, That after the Fifteenth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-one, no Person shall be entitled to vote in the Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, (the University of *Dublin* only excepted,) unless such Person shall have been duly registered according to the Provisions of this Act; and that no Person shall after the said last-mentioned Day be admitted or entitled to vote at any such Election on the Evidence or by virtue of any Certificate or Affidavit of Registry whatsoever.

No Person to vote after 15th March 1851, unless registered under this Act.

XIII. And be it enacted, That no Person shall be registered under the Provisions of this Act in any Year as a Voter in the Election of a Knight or Knights of the Shire in *Ireland*, in respect of his Estate or Interest in any Lands, Tenements, or Hereditaments, as a Freeholder or Copyholder, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, for Six Calendar Months at least next previous to the Ninth Day of *November* in the Year One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, and that no Person shall be so registered in any Year in respect of any Lands, Tenements, or Hereditaments held by him as Lessee or as Assignee of a Lessee, or as Occupier, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, as the Case may require, for Twelve Calendar Months next previous to the Ninth Day of *November* in the Year One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year: Provided always, that where any Lands, Tenements, or Hereditaments, which would otherwise entitle the Owner, Holder, or Occupier thereof to vote in any such Election, shall come to any Person at any Time within such respective Periods of Six or Twelve Calendar Months, by Descent, Succession, Marriage, Marriage Settlement, Devise, Bequest, or Promotion to any Benefice or Office, such Person shall be entitled in respect thereof to have his Name inserted as a Voter in the Election of a Knight or Knights of the Shire in the Lists then next to be made by virtue of this Act, as hereinafter mentioned, and, upon his being duly registered according to the Provisions herein-after contained, to vote in such Election.

Length of Possession required previous to Registration under this Act for Counties.

XIV. And be it enacted, That no Person shall be registered in any Year under this Act as a Voter in the Election of a Member or Members to serve in Parliament for any City, Town, or Borough, in respect of being a Five Pound Inhabitant Householder in such City, Town, or Borough in *Ireland*, unless he shall have inhabited such House for a Period of Six Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, nor unless he shall, on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and shall (in any succeeding Year) on or before the First Day of *July* in such Year, have paid or discharged all the Poor Rates, if any, which shall have become payable by him in respect of such House previously

Certain Conditions required previous to Registration under this Act for Boroughs.

Provisions as to Qualification.

previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year; and that no Person shall be so registered in any Year as a Voter in the Election of a Member or Members to serve in Parliament for any City, Town, or Borough, as a Freeman or Forty Shilling Freeholder, or by reason of any Corporate or other Right for the Enjoyment of which Residence is by Law required, unless he shall have resided for Six Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, within such City, Town, or Borough, or within Seven Statute Miles of the usual Place of Election therein, nor unless, in the Case of a Freeman or Person entitled by such Corporate or other Right, he shall on the said last-mentioned respective Days of such respective Years be qualified in such Manner as would have entitled him then to be registered or to vote under the said recited Act of the Second and Third Years of His late Majesty, if this Act had not been passed; and that no Person shall be so registered in any Year as a Voter in the Election of a Member or Members to serve in Parliament for any such City, Town, or Borough, as Lessee or as Assignee of a Lessee for any Term of Years, or as Occupier of Lands, Tenements, or Hereditaments within such City, Town, or Borough, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, as the Case may require, for a Period of Twelve Calendar Months next previous to the said last-mentioned respective Days of such respective Years; and that no Person shall be so registered in any Year as a Voter in any such Election in right of any Freehold Estate in Lands, Tenements, or Hereditaments within such City, Town, or Borough, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, for Six Calendar Months next previous to the said last-mentioned respective Days of such respective Years: Provided always, that when any Lands, Tenements, or Hereditaments which would otherwise entitle the Owner, Holder, or Possessor thereof to vote in any such Election shall come to any Person at any Time within such respective Periods of Six or Twelve Calendar Months, by Descent, Succession, Marriage, Marriage Settlement, Devise, Bequest, or Promotion to any Benefice or Office, such Person shall in respect thereof be entitled to be registered as a Voter in the Register then next to be made under this Act.

County Registration.

Clerk of the Peace in Counties to prepare List of Persons now registered.

XV. And be it enacted, That, for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament for the several Counties in *Ireland*, the Clerk of the Peace for every such County shall, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, make out and cause to be printed, according to the Form (Number 1.) in the Schedule (A.) to this Act annexed, alphabetical Lists of all Persons registered under the said recited Act within Eight Years previous to the Sixteenth Day of *March* then next ensuing, in respect of Property situate wholly or part in each Barony, as Voters for such County, with the Dates and Particulars of their respective Registries annexed, excluding nevertheless from such Lists all Persons registered under the said Act in respect of any Qualification heretofore requiring the Elector to be or to have been in the actual Occupation of the Premises: Provided always, that when the Property in respect whereof any Person has been so registered shall be situate in more than One Barony the Clerk of the Peace may, save as last aforesaid, insert the Name of the Person so registered in the Lists of such one of such Baronies as he shall think fit; and each such Clerk of the Peace shall, on or before the First Day of *June* in every Year after the Year One thousand eight hundred and fifty-one, make out and cause to be printed or provided according to the Form (Number 14.) in the said Schedule, a sufficient Number of Copies of such Parts of the Register under this Act of Voters then in force for such County as shall relate to each Barony of such County.

Precepts and Lists to be printed, and Clerk of Peace to send his Precept to Clerks of Unions, together with Copies of Registers of Voters.

XVI. And be it enacted, That the Clerk of the Peace for every such County shall cause a sufficient Number of Forms of Precepts, Notices, and Lists to be printed as required, according to the respective Forms numbered 2, 3, 4, 5, 6, 8, 10, 13, 15, in the said Schedule (A.) and of the Table (numbered 1.) in the Schedule (C.) to this Act annexed, and shall also, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the First Day of *June* in each Year after the Year One thousand eight hundred and fifty-one, make and cause to be delivered to the Clerk of every Poor Law Union situate wholly or in part within his County, his Precept, according to the Form (numbered 2.) in the said Schedule (A.) and One or more of the Forms (Number 4.) in the said Schedule, and shall in every succeeding Year make out and cause to be delivered to every such Clerk of a Union his Precept, according to the Form (Number 3.) in the Schedule (A.), together with One or more Copies of such Parts of the Lists of registered Voters under the said recited Act, or of the Register under this Act, of Voters then in force for such County as shall relate to each Barony or Part of a Barony of such County situate in the Union of which he acts as Clerk of the Union, and also One or more of the Forms (Number 15.) in the said Schedule.

In the Year 1850 Clerks of Unions to make out and transmit to Clerks of Peace Returns of Persons rated as Occu-

XVII. And be it enacted, That the Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland* shall, on or before the Tenth Day of *October* in the Year One thousand eight hundred and fifty, make out and transmit to the Clerk of the Peace of each County into which any Part of such Union extends a List or Return for each Barony or Division of a Barony of such County situate within such Union of every Male Person of full Age who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate in such Barony or Division of a Barony, and within such Union, of a net

a net annual Value of Twelve Pounds or upwards, excluding nevertheless from such Return every such Occupier who shall not, on or before the Thirtieth Day of *September* in such Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the Thirty-first Day of *March* then last, and such Return shall be in the Form and shall contain the Particulars mentioned in the Form (Number 4.) in the Schedule (A.) to this Act annexed; and each such Clerk of a Union, after due Inquiry, which he is required to make, with the Assistance of the respective Collector or Collectors of Poor Rates for such respective Barony or Division of a Barony (and which Assistance such Collector or Collectors is and are hereby required to give for such Purpose), shall and is hereby required to add by a Stamp or in Writing in the Margin of such Return the Word "objected" to the Name of any Person inserted in such Return, in case such Clerk of the Union shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier as aforesaid of the Lands, Tenements, or Hereditaments in respect of which he shall have been so rated, or not to have been such Occupier during the whole Period from the Ninth Day of *November* in the then last preceding Year to the Time of making such Return; and such Clerk of the Union shall also in like Manner add the Word "objected" or "dead" before the Name of any Person in such Return, if such Clerk of the Union shall have reasonable Cause to believe that such Person is not entitled to have his Name on the Register of Voters then next to be made for such County, or is dead, as the Case may be; and such Return shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath to be made by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which the Union Workhouse is situate, and which Oath any such Justice is hereby authorized and required to administer, and such Justice shall, under his Hand, certify at the Foot of such Return the taking of such Oath.

piers of Lands of annual Value of 12*l.* or upwards who have duly paid their Poor Rates.

XVIII. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall, on or before the Ninth Day of *November* in the Year One thousand eight hundred and fifty, frame a Supplemental List of rated Occupiers for every Barony of such County, herein-after referred to as "The Supplemental List," according to the Form (numbered 5.) in the said Schedule (A.) to this Act annexed, of every such Male Person of full Age as shall appear on the Return or the Returns as aforesaid transmitted to him by the Clerk of the Union, or (in case of a Barony being situate in more than One Union) by the Clerks of such Unions, in such Year as the rated Occupier of Lands, Tenements, or Hereditaments in each such Barony of the net annual Value of Twelve Pounds or upwards, except such Persons whose Names already appear on the List of Voters registered under the said recited Act for such Barony made out as aforesaid in such Year by such Clerk of the Peace; and shall, at the End of such List of registered Voters, annex such Supplemental List of rated Occupiers for such Barony, together with the marginal Objections added by the Clerk of the Union to the Names of any Persons included in such Supplemental List; and such Clerk of the Peace shall also add, by a Stamp or in Writing, the Word "objected" or "dead" in the Margin of the List of registered Voters made out by him in such Year before the Name of any Person inserted therein, if such Clerk of the Peace shall, after due Inquiry, (which he is hereby required to make by himself or a sufficient Deputy, and having regard also to and inserting any Objections entered to the Name of any such Person in the said Clerk of the Union's Return,) have reasonable Cause to believe that such Person is not entitled to have his Name on the Register next to be made, or is dead, as the Case may be; and the Clerk of the Peace in such Year shall cause a sufficient Number of Copies of such List of registered Voters, with all such marginal Additions as aforesaid, and also of "The Supplemental List" for such Barony, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Twelfth Day of *November* sign and publish the same in such respective Barony, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the Time last aforesaid) a Copy of such List of registered Voters and of such "Supplemental List," with all the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sundays*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies of such List of registered Voters and Supplemental List, or either of them, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

Clerk of Peace in the Year 1850, at the End of the List of registered Voters for each Barony, to annex a Supplemental List of rated Occupiers returned by Clerk of Union not on former List, and to make Objections as herein required, and to publish such Lists.

XIX. And be it enacted, That the Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland*, on or before the Eighth Day of *July* in every Year after One thousand eight hundred and fifty-one, shall, after due Inquiry, which he is hereby required to make, with the Assistance of the respective Collector or Collectors of Poor Rates (which Assistance such Collector or Collectors is and are hereby required to give), upon the Copy of the Register of each Barony or Division of a Barony of such County included within such Union transmitted to him in such Year by the Clerk of the Peace of such County, enter Objections to the Names of Persons not entitled to be on the Register then next to be made in manner following; that is to say, such Clerk of the Union shall add, by a Stamp or in Writing, in the Margin for such Purpose the Word "objected" or "dead" before the Name of any Person whose Qualification, as stated on such Copy of Register, is as rated Occupier of Lands, Tenements, or Hereditaments of the annual Value of Twelve Pounds or upwards, if such Person shall not have been rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of the same Lands, Tenements, or Hereditaments in such respective Barony of a net annual Value of Twelve Pounds or upwards, or if such Person shall not, on or before the First Day of

Clerks of Unions to enter on the Copy of Register of each Barony Objections to all Persons therein stated to be qualified as rated Occupiers of Lands of annual Value of 12*l.* or upwards, who have not duly paid their Poor Rates, or are otherwise not entitled,

and to return such Copy of Register to Clerk of Peace.

of *July* in such Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Lands, Tenements, or Hereditaments previously to the First Day of *January* in such Year, or if such Clerk of the Union shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier as aforesaid, or not to have been such Occupier during the whole Period from the Twentieth Day of *July* in the then last preceding Year to the then present Time, or if such Clerk of the Union shall have reasonable Cause to believe such Person not to be entitled to have his Name on the Register of Voters then next to be made for such County, or to be dead, as the Case may be; and such Copies of Register shall be in the Form and shall contain the Particulars mentioned in the Form (Number 14.) in the Schedule (A.) to this Act annexed; and such Copies of Register shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath to be made by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which the Union Workhouse is situate, and which Oath any such Justice is hereby authorized and required to administer, and to certify at the Foot of such Copies of Register the taking of such Oath; and such Clerk of the Union shall return each such Copy of Register, with all such marginal Additions as aforesaid, to the Clerk of the Peace of such respective County wherein such Barony or Division of a Barony is situate, on or before the Eighth Day of *July* in such Year: Provided always, that in case any Barony of a County shall be divided so as to lie in more than One Union, the Clerk of the Peace of such County shall transmit as aforesaid One or more Copies of Register for such Barony to the Clerk of each such Union, together with a List of the Townlands situate in the respective Division of such Barony situate in such Union, who shall deal with such Copy of Register, and the Names of the Persons contained therein, so far as it relates to the Division of such Barony within his Union, in all respects as in this Provision is directed or required in the Case of a Barony not so divided.

In every Year after 1851 Clerks of Unions also to transmit to Clerk of Peace Supplemental Lists of Persons rated as Occupiers of Lands of annual Value of 12*l.* or upwards who have paid their Poor Rates, and are not already on the Register for the Barony.

XX. And be it enacted, That the Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland* shall, on or before the Eighth Day of *July* in every Year after the Year One thousand eight hundred and fifty-one, make out, and, together with such Copy of Register for each such Barony or Division of a Barony of the County within his Union, transmit to the Clerk of the Peace of the County as aforesaid a Supplemental List of every Male Person of full Age not already appearing on such Copy of Register who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate within such Union, and in such respective Barony or Division of a Barony, as the Case may be, of a net annual Value of Twelve Pounds or upwards, excluding nevertheless from such Supplemental List every such Occupier who shall not on or before the First Day of *July* in such Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Lands, Tenements, or Hereditaments previously to the First Day of *January* then last; and such Clerk of the Union is hereby required, after due Inquiry as aforesaid, with the Assistance of the respective Collector or Collectors of Poor Rates as aforesaid, (which Assistance such Collector or Collectors is and are hereby required to give,) to enter Objections before the Names of Persons in such Supplemental List contained, and not entitled to be on the Register next to be made, in like Manner in all respects and in the like Cases as in the immediately preceding Provision directed and required with regard to the Copy of Register of such Barony or Division of a Barony and the Names therein contained, and such Supplemental List shall be in the Form and shall contain the Particulars mentioned in the Form (Number 15.) in the Schedule (A.) to this Act annexed; and such List shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath to be made by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which his respective Union Workhouse is situate, and which Oath any such Justice is hereby authorized and required to administer, and to certify at the Foot of such List the taking of such Oath.

Clerk of Peace on Copy of Register of each Barony returned by Clerk of Union to enter Objections to Persons not entitled as herein required, and to publish such Copy of Register.

XXI. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall, on or before the Twentieth Day of *July* in every Year after One thousand eight hundred and fifty-one, after making due Inquiry (which he is hereby required to make by himself or a sufficient Deputy), upon the Copy of the Register for each Barony or Division of a Barony aforesaid returned to him by the respective Clerk of the Union, enter Objections before the Names of Persons therein contained, and not entitled to be on the Register next to be made, in manner following; that is to say, he shall add, by a Stamp or in Writing, in the Margin for such Purpose, the Word "objected" or "dead" before the Name of any Person in such Copy of Register, whose Qualification as stated therein is other than as rated Occupier, if such Clerk of the Peace, after such due Inquiry as aforesaid, have reasonable Cause to believe that such Person is not entitled to have his Name on the Register next to be made, or is dead, as the Case may be; and in the Case of a Barony being divided so as to be situate in several Unions as aforesaid, the Clerk of the Peace shall make out one complete Copy of Register for such Barony, by selecting the Copy of Register so returned to him for One such Division of such Barony, and truly and carefully transferring to such Copy of Register all the Objections entered in the other Copy or Copies of such Register to any Person or Persons in the other Division or Divisions of such Barony by the Clerk of the Union or Clerks of the Unions comprising such other Division or Divisions of such Barony; and the Clerk of the Peace shall cause a sufficient Number of Copies of such Copy of the Register for each Barony, with all such marginal Additions as aforesaid, and also of "The Supplemental List" for such Barony, with all such marginal Additions as aforesaid, to be written, printed, or provided, and shall, on or before the Twenty-

Twenty-second Day of *July*, sign and publish the same in the Barony to which the same shall relate, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the Time last aforesaid) a Copy of such Copy of the Register, and of such "Supplemental List," with all the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sundays*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies of them or either of them, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

County Registration.

Clerks of Peace to give Notice annually, requiring Voters to claim.

XXII. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall, on or before the Twelfth Day of *November* in the Year One thousand eight hundred and fifty, publish a Notice in each Barony according to the Form (numbered 6.) in the said Schedule (A.), having first signed the same, requiring all Persons entitled by virtue of any Registration under the said recited Act or otherwise to be inserted in the Register and vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of any Property situated wholly or in part within each Barony, who shall not be upon the said List for such Barony of Voters registered under the said recited Act, and shall not be on the Supplemental List for such Barony, and also all Persons entitled to vote as aforesaid, who, having been registered under the said Act, shall not retain the same Qualification or continue in the same Place of Abode as described in such List of registered Voters, and who respectively are desirous to have their Names inserted in the Register about to be made under this Act, (except Persons registered under the said recited Act in respect of any Qualification heretofore requiring the Elector to be or to have been in the actual Occupation of the Premises,) to deliver or send to him at his Office, on or before the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, a Notice in Writing, by them signed, of their Claim to vote as aforesaid; and every such Person, or any Person who, being upon such List of registered Voters as aforesaid, may be desirous to make a new Claim, shall on or before the said Twenty-fifth Day of *November* deliver or send to the said Clerk of the Peace a Notice, signed by him, of his Claim, according to the Form of Notice set forth in that Behalf in the Form (numbered 7.) in the said Schedule (A.) or to the like Effect; and the Clerk of the Peace of every County shall on or before the Twenty-second Day of *July* in every Year after One thousand eight hundred and fifty-one publish in each Barony a Notice according to the Form (numbered 8.) in the said Schedule (A.), having first signed the same, requiring all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of any Property situate wholly or in part in each Barony, who shall not be upon the Register for such Barony of Voters then in force, and shall not be on the Supplemental List for such Barony, and all Persons so entitled to vote as aforesaid, who, being upon such Register, shall not retain the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register about to be made, to give or send to the said Clerk of the Peace at his Office, on or before the Fourth Day of *August* then next ensuing, a Notice in Writing, by them signed, of their Claim to vote as aforesaid; and every such Person, and any Person who, being upon such Register, may be desirous to make a new Claim, shall on or before the said Fourth Day of *August* deliver or send to the said Clerk of the Peace at his Office a Notice, signed by him, of his Claim, according to the Form of Notice set forth in that Behalf in the Form (numbered 9.) in the said Schedule (A.), or to the like Effect.

Clerks of Peace to prepare Lists of Claimants, make Objections, &c.

XXIII. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall on or before the Thirtieth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Ninth Day of *August* in every Year after One thousand eight hundred and fifty-one, make out, according to the Form (numbered 10.) in the said Schedule (A.), an alphabetical List for each Barony of all Persons who on or before the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, or on or before the Fourth Day of *August* then next preceding in each Year after One thousand eight hundred and fifty-one, shall have claimed as aforesaid for such Barony; and in every such List the Christian Name and Surname of every Claimant, with the Place of his Abode, the Nature of his Qualifications, and the local or other Description of the Property, and the Name of the occupying Tenant thereof (if any), shall be written as the same are stated in the Claim; and the said Clerk of the Peace, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register for such Barony then next to be made, shall add, by a Stamp or in Writing, the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; and the Clerk of the Peace shall cause a sufficient Number of Copies of such List of Claimants in each Barony, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Second Day of *December* in the Year One thousand eight hundred and fifty, or on or before the Eleventh Day of *August* in each Year after One thousand eight hundred and fifty-one, sign and publish the same in such Barony to which the same relates, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the respective Times last aforesaid) a Copy of such List of Claimants, with the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by him, to all Persons applying for the same,

Copies of Lists to be kept for Inspection, without Fee, for 14 Days, and may be sold.

County Registration.

on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

List of registered Voters, or Copy of Register for each Barony, &c., to be deemed List for such Barony.

XXIV. And be it enacted, That in the Year One thousand eight hundred and fifty, and for the Purposes of the Register for One thousand eight hundred and fifty-one, the List as aforesaid of Voters registered under the said recited Act, and in every succeeding Year the Copy of the Register for the Time being, together, in such respective Year, with the Supplemental List and such List of Claimants (if any) as aforesaid for every Barony, with the marginal Additions respectively as aforesaid, shall be deemed to be the List of Voters of such Barony for the County within which such Barony may be situate, for the Purposes herein-after mentioned.

Claimants and registered Voters empowered to inspect Rate Books, and to take Extracts, without Fee.

XXV. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for the Time being for any County in *Ireland*, upon Request made by him, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Twelfth Day of *November* and the Thirteenth Day of *December* in the Year One thousand eight hundred and fifty, and between the Twenty-seventh Day of *July* and the Twenty-first Day of *August* in every Year after One thousand eight hundred and fifty-one, to any Clerk of the Union or other Officer having the Custody of any Poor Rate Book, to inspect such Poor Rate Book, and make Extracts therefrom, for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every such Clerk of the Union or other Officer as aforesaid is hereby required, upon such Request as aforesaid, to permit such Inspection and the making of such Extracts, without Payment of any Fee.

Registered Voters empowered to object to Persons registered or claiming.

XXVI. And be it enacted, That in the Year One thousand eight hundred and fifty every Person who shall have been registered as a Voter for any County in *Ireland* under the Provisions of the said recited Act within Eight Years next previous to the Sixteenth Day of *March* in the Year One thousand eight hundred and fifty-one, and in every Year after One thousand eight hundred and fifty-one every Person who shall be upon the Register of Voters for the Time being for any such County, may object to any other Person upon any List of Voters or List of Claimants for such County as not having been entitled on the Ninth Day of *November* next preceding (as regards the Year One thousand eight hundred and fifty), and on the Twentieth Day of *July* then next preceding (as regards each Year after One thousand eight hundred and fifty-one), to have his Name inserted in any List of Voters or Claimants for such County; and every Person so objecting (save and except Clerks of the Peace and Clerks of the Union objecting in the Manner herein-before mentioned) shall on or before the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given to the Clerk of the Peace of the County a Notice, according to the Form (numbered 11.) in the said Schedule (A.), or to the like Effect; and the Person so objecting shall on or before the said Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form (numbered 12.) in the said Schedule (A.), or to the like Effect; and every such Notice of Objection shall be signed by the Party so objecting as aforesaid; and whenever the Place of Abode of the Person objected to as described in the said List shall not be in the Barony to which such List may relate, and the Name of the occupying Tenant of the whole or any Part of the qualifying Property, together with his Place of Abode, shall appear in such List, the Person so objecting shall also, on or before the same Day, give to or leave, or cause to be given or left, at the Place of Abode of any such occupying Tenant, a duplicate Notice, signed as aforesaid.

Notice of Objection.

Clerk of the Peace to make out a List of Persons objected to, which shall be open to Inspection, and shall be published.

XXVII. And be it enacted, That the Clerk of the Peace shall in every Year include the Names of all Persons against whom Notice of Objection shall have been given to him as aforesaid in that Year in a List for each Barony, according to the Form (numbered 13.) in the said Schedule (A.), and shall publish such List in such Barony on or before the Fourteenth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twenty-second Day of *August* in each Year after One thousand eight hundred and fifty-one, and shall also keep at some Police Station or other House in such respective Barony (giving due Notice of such Police Station or House at the respective Times last aforesaid) a Copy of such List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such List shall have been so published, and shall deliver a Copy of such List to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the Schedule (C.) to this Act annexed: Provided also, that the Clerk of the Peace shall in due Time for the Purposes aforesaid in each Year cause to be printed or provided a sufficient Number of Notices of Claim according to the Forms (No. 7. and 9.), and of the Notices of Objection according to the Forms (No. 11. and 12.) in the said Schedule (A.) or to the like Effect, and shall give a Copy thereof, without Cost or Charge, to any Person applying for the same in order to make a Claim or Objection.

Borough Registration.

Clerk of the Peace acting for Boroughs to

XXVIII. And be it enacted, That for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Member or Members to serve in Parliament for the several Cities, Towns, and Boroughs in *Ireland*, the Clerk of the Peace of or acting in or for every such City, Town, or Borough entitled to return a Member or Members to serve in Parliament shall, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, make out according to the Form (numbered 1.)

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in the Schedule (B.) to this Act annexed, an alphabetical List of all Persons, if any, registered within Eight Years previous to the Sixteenth Day of *March* then next ensuing, as Voters for such City, Town, or Borough, under the said recited Act to amend the Representation of the People of *Ireland* in respect of the Inhabitancy of Houses situate within such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed, and another alphabetical List, according to the Form (numbered 2.) in the said Schedule (B.), of all other Persons (except Persons on the Freemen's Roll, and except all Persons registered under the said recited Act in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, or in respect of any Qualification, save that of Forty Shilling Freeholders, requiring the Elector to be or to have been in actual Occupation,) registered under the said Act, within the Period aforesaid, by virtue of any other Right whatsoever, as Voters for such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed, and a third alphabetical List, according to the Form (numbered 3.) in the said Schedule (B.) of all Persons on the Freemen's Roll registered under the said Act within the Period aforesaid as Voters for such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed; and each such Clerk of the Peace shall on or before the First Day of *June* in the Year One thousand eight hundred and fifty-two, and each of the next succeeding Five Years, make out, according to the like Forms, separate alphabetical Lists of all Persons, except as aforesaid, registered under the said recited Act within Eight Years previous to the First Day of *December* then next ensuing, who shall then appear on the Register of Voters for such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed, each in the proper List, according to the Nature of his Franchise.

prepare Lists of Persons now registered, except as herein mentioned.

XXIX. And be it enacted, That the Clerk of the Peace of or acting in or for every such City, Town, or Borough shall cause a sufficient Number of Forms of Notices and Lists to be printed, according to the respective Forms (numbered 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 18) in the said Schedule (B.) and of the Table (numbered 1.) in the said Schedule (C.) to this Act annexed, and shall also, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the First Day of *June* in the Year One thousand eight hundred and fifty-two, and every succeeding Year, make and cause to be delivered to the Town Clerk of every such City, Town, or Borough his Precept in Writing, according to the Form (numbered 4.) in the said Schedule (B.), and also a sufficient Number of the said printed Forms of Notices and Lists and of the said Table, and shall also in the Years One thousand eight hundred and fifty and One thousand eight hundred and fifty-two, and each of the next succeeding Five Years, deliver together therewith to the Town Clerk of every such City, Town, or Borough the said alphabetical Lists directed to be made out by him as aforesaid, and also in every Year after the Year One thousand eight hundred and fifty-one a sufficient Number of Copies of the Register under this Act of Voters then in force for such City, Town, or Borough.

Precept, Forms, and printed Lists to be delivered by the Clerk of the Peace to Town Clerk.

XXX. And be it enacted, That the Town Clerk of every such City, Town, or Borough shall on or before the Thirteenth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the Fifth Day of *June* in every Year after One thousand eight hundred and fifty-one, publish a Notice in Writing, according to the Form (numbered 5.) in the said Schedule (B.), stating that no Person will be entitled to have his Name inserted in any List of Voters for such City, Town, or Borough then next to be made in respect of the Inhabitancy of a House, or in respect of the Occupation of Premises rated under the Acts for the Relief of the destitute Poor in *Ireland*, as of a net annual Value of Eight Pounds or upwards, situate within such City, Town, or Borough, unless he shall pay, on or before the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the First Day of *July* then next ensuing in each Year after One thousand eight hundred and fifty-one, all the Poor's Rates (if any) which shall have become payable by him in respect of such Premises previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously, in any succeeding Year, to the First Day of *January* in such Year.

Town Clerks of Boroughs, &c. to publish previous to Registration Notice requiring Payment of Poor Rate.

XXXI. And be it enacted, That the Town Clerk of every such City, Town, or Borough, for his Assistance in making out the List of Voters as herein-after mentioned, (upon Request made by him at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Fifth Day of *November* and the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and between the Sixteenth Day of *June* and the Twentieth Day of *July* in every Year after One thousand eight hundred and fifty-one, to any Collector of Poor Rates, or to any other Officer having the Custody of any such Rate or Rate Book,) shall have free Liberty to inspect the same, and to extract such Particulars as may appear to such Town Clerk to be necessary; and every Collector of Poor Rates of Premises within such City, Town, or Borough, or Officer having the Custody of the Rate Books relating to the same, shall (if required by the Town Clerk) within Four Days after the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, or the First Day of *July* in every Year after One thousand eight hundred and fifty-one, make out and deliver to the said Town Clerk a List containing the Name and Place of Abode of every Person who shall not have paid on or before the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the said First Day of *July* in each Year after One thousand eight hundred and fifty-one, all such Rates within the Collection of such Collector as aforesaid which shall have become payable by him (if any) in respect of the Occupation of any Lands, Tenements, or Hereditaments in such City, Town, or Borough, describing such Premises, previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and

Town Clerks empowered to inspect Rate Books, and obtain List of Defaulters.

Poor Rate Collector to deliver to Town Clerk List of Defaulters, if required.

Town Clerk to keep List, to be open to Inspection without Fee.

fifty-one,) and previously, in any succeeding Year, to the First Day of *January* in such Year; and the Town Clerk shall keep the said List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the List of Voters shall have been published as herein-after mentioned.

Clerks of Unions to transmit to Town Clerk Lists of Persons rated as Occupiers of Premises of an annual Value of 8*l.* or upwards.

XXXII. And be it enacted, That the Clerk of every Poor Law Union comprising the whole or any Part of any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament shall, on or before the Tenth Day of *October* in the Year One thousand eight hundred and fifty, and on or before the Eighth Day of *July* in every Year after One thousand eight hundred and fifty-one, make out and transmit to the Town Clerk of each such City, Town, or Borough a List of every Male Person of full Age who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate within such City, Town, or Borough, of a net annual Value of Eight Pounds or upwards, and of every such Person as last aforesaid who shall be rated in the then last Rate made under the said Acts jointly with any other Person or Persons as the Occupier of any such Lands, Tenements, or Hereditaments, situated as aforesaid, of a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of Eight Pounds or upwards, excluding nevertheless from such List every such Occupier and every such joint Occupier who shall not in the Year One thousand eight hundred and fifty on or before the Thirtieth Day of *September*, and in each Year after One thousand eight hundred and fifty-one shall not on or before the First Day of *July* in such Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously (in the Year One thousand eight hundred and fifty) to the Thirty-first Day of *March* in such Year, and previously (in any Year after One thousand eight hundred and fifty-one) to the First Day of *January* then last; and such Lists shall be in the Form and shall contain the Particulars mentioned in Form (No. 6.) in the Schedule (B.) to this Act annexed; and such Lists shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct according to the best of his Belief, by an Oath or Declaration to be taken or made by him before some Justice of the Peace acting in and for the said City, Town, or Borough, or the County in which the Union Workhouse is situate, and which Oath or Declaration any such Justice is hereby authorized and required to take.

Town Clerk to make out annually Lists of Persons entitled to vote.

XXXIII. And be it enacted, That the Town Clerk of every such City, Town, or Borough shall, on or before the Ninth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *July* in every Year after One thousand eight hundred and fifty-one, make out or cause to be made out alphabetical Lists of all Persons who shall be entitled to vote in the Election of a Member or Members to serve in Parliament for such City, Town, or Borough; that is to say, first, an alphabetical List, according to the Form (numbered 7.) in the Schedule (B.) to this Act annexed, of every such Male Person of full Age as shall appear on the List transmitted to him by the Clerk of the Union in such respective Year as the rated Occupier, or One of several such rated joint Occupiers, of Lands, Tenements, or Hereditaments situate within such City, Town, or Borough, of the net annual Value of Eight Pounds or upwards, and (in the Case of joint Occupiers) of the net annual Value of Eight Pounds or upwards for each of such joint Occupiers as aforesaid, and also of all Persons (if any) who shall be then entitled to vote in the Election of a Member or Members to serve in Parliament for such City, Town, or Borough in respect of the Inhabitancy of Houses; and another alphabetical List, according to the Form (numbered 8.) in the said Schedule (B.), of all other Persons (except Persons on the Freemen's Roll) who shall be entitled to vote in the Election of such City, Town, or Borough by virtue of any other Right whatsoever; and a third alphabetical List, according to the Form (numbered 9.) in the Schedule (B.), of all Persons on the Freemen's Roll who shall be entitled to vote in the Election of such City, Town, or Borough, and shall in the Year One thousand eight hundred and fifty, and the Year One thousand eight hundred and fifty-two, and in each of the next succeeding Five Years, insert in such Lists respectively all Persons on the several alphabetical Lists delivered to such Town Clerk by the Clerk of the Peace as afore provided, with the Dates of their respective Registries under the said recited Act annexed, each in the proper List according to the Nature of his Franchise (except all Persons registered under the said recited Act in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds situate within such City, Town, or Borough): Provided always, that such Town Clerk shall omit from the first-mentioned List all such Persons as shall not have paid on or before the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, or on or before the First Day of *July* in each Year after One thousand eight hundred and fifty-one, all Poor Rates payable by them severally, if any, in respect of such Lands, Tenements, or Hereditaments, previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year, and shall in like Manner omit from the Two last-mentioned Lists all such Forty Shilling Freeholders, Freemen, and others entitled to vote by any Right to the Enjoyment of which Residence is by Law required, as shall not have resided for Six Calendar Months next previous to the Ninth Day of *November* in the Year One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such respective Year, within the said City, Town, or Borough, or within Seven Statute Miles of the usual Place of Election therein, and shall add, by a Stamp or in Writing, the Word "objected" to the Name of any Person inserted in such first-mentioned List in case such Town Clerk shall have reasonable Cause to believe such Person not

Persons now registered to be placed on such Lists, unless disqualified.

to be or to have ceased to be Occupier or joint Occupier as aforesaid of the Premises in respect of which he shall have been rated, or not to have been such Occupier or joint Occupier for the Space of Twelve Calendar Months next previous to the said last-mentioned respective Days in such respective Years; and such Town Clerk shall in every Year after One thousand eight hundred and fifty-one in like Manner add the Word "objected" to the Name of every Person whose Qualification appearing on such Copy of Register shall be the Occupation or joint Occupation of Premises of the net annual Value of Eight Pounds or upwards, or (in the Case of joint Occupiers) of the net annual Value of Eight Pounds or upwards for each of such joint Occupiers, and who shall not appear in the List transmitted to him by the Clerk of such Union in such Year; and such Town Clerk in every Year shall also in like Manner add the Word "objected" or "dead" before the Name of any Person contained in such List of Voters or Copy of Register delivered by the Clerk of the Peace as aforesaid, if such Town Clerk have reasonable Cause to believe that such Person is not entitled to have his Name on the Register then next to be made, or is dead, as the Case may be; and in each of the said Lists the Christian Name and Surname of every such Person shall be written at full Length, together with the Place of his Abode and the Nature of his Qualification, and where any Person shall be entitled to vote in respect of any Lands, Tenements, or Hereditaments, then the Name of the Street, Lane, and the Number of the House (if any), or other Description of the Place, where such Lands, Tenements, or Hereditaments may be situate, shall be specified in the List; and the said Town Clerk shall sign such List, and shall forthwith cause a sufficient Number of Copies of the said Lists, with all such marginal Additions, to be written or printed, and shall publish Copies of the said Lists on or before the Twelfth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Twenty-second Day of *July* in each Year after One thousand eight hundred and fifty-one, and shall likewise keep a Copy of each of the said Lists, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the First Fourteen Days after such Lists shall have been so published, and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the Schedule (C.) to this Act annexed.

Borough Registration.

Lists when signed to be published and sold.

XXXIV. And be it enacted, That every Person whose Name shall have been omitted in any such List of Voters for any such City, Town, or Borough so to be made out as aforesaid, and who shall claim as having been entitled on the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards every Year after One thousand eight hundred and fifty-one), by virtue of any Registration under the herein-before first-recited Act or otherwise, to have his Name inserted therein, (except Persons claiming by virtue of any such Registration in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds,) and every Person desirous of being registered for a different Qualification than that for which his Name appears in the said List, shall on or before the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Fourth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given to the Town Clerk of such City, Town, or Borough a Notice according to the Form (numbered 10.) in the said Schedule (B.), or to the like Effect, and the Town Clerk shall include the Names of all Persons so claiming as aforesaid in Lists according to the Forms (numbered 11, 12, and 13) respectively in the said Schedule (B.); and in every such List the Christian Name and Surname of every Claimant, with the Place of his Abode, the Nature of his Qualifications, and the local or other Description of the Property, shall be inserted as the same are stated in the Claim; and the said Town Clerk, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register then next to be made, shall add as aforesaid the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; and the Town Clerk shall cause a sufficient Number of Copies of such Lists of Claimants, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Second Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Eleventh Day of *August* in every Year after One thousand eight hundred and fifty-one, sign and publish the same, and shall likewise keep Copies of such Lists of Claimants, with the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

Persons omitted from Lists of Voters may claim, and Lists of Claimants to be made and published, and sold.

XXXV. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for the Time being for any such City, Town, or Borough, or for any Person who shall have claimed to have his Name inserted in any such List, upon Request made by any such Person, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Fifteenth Day of *November* and the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and between the Twenty-seventh Day of *July* and the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, to any Collector of Poor Rate or other Officer having the Custody of any such Rate or Rate Book, to inspect the same, and

Registered Voters and Claimants may inspect Rate Books.

Borough Registration.

and make Extracts therefrom, for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every such Collector or other Officer as aforesaid is hereby required, upon such Request as aforesaid, to permit such Inspection and the making such Extracts, without Payment of any Fee.

Who may object.

XXXVI. And be it enacted, That every Person whose Name shall have been inserted in any List of Voters for any such City, Town, or Borough may object to any other Person as not having been entitled on the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* next preceding (as regards each Year after One thousand eight hundred and fifty-one), to have his Name inserted in any List of Voters or List of Claimants for the same City, Town, or Borough; and every Person so objecting (save and except Town Clerks objecting in the Manner herein-before mentioned) shall on or before the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given a Notice according to the Form (numbered 14.) in the said Schedule (B.), or to the like Effect, to the Town Clerk of such City, Town, or Borough; and every Person so objecting shall also on or before the said Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be left at the Place of Abode of the Person objected to, as stated in the said List, a Notice according to the Form (numbered 15.) in the said Schedule (B.); and every Notice of Objection shall be signed by the Person objecting.

Notice of Objection shall be given.

Lists of Persons objected to shall be made and published, and sold.

XXXVII. And be it enacted, That the said Town Clerk shall include the Names of all Persons so objected to in Lists according to the Forms (numbered 16, 17, and 18) in the said Schedule (B.), and shall sign the said Lists, and cause Copies thereof to be written or printed, and shall publish the said Lists of Persons objected to as aforesaid on or before the Fourteenth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twenty-second Day of *August* in each Year after One thousand eight hundred and fifty-one, and shall keep Copies of the said Lists, and shall allow the same, and also the Notices of Objection which they shall have received, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such Lists shall have been so published, and shall deliver Copies of each of such Lists to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the Schedule (C.) to this Act annexed.

Town Clerk shall deliver Copies of Lists to the Clerk of the Peace.

XXXVIII. And be it enacted, That the said Town Clerk shall, on or before the Seventeenth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twenty-fifth Day of *August* in every Year after One thousand eight hundred and fifty-one, deliver to the Clerk of the Peace of or acting in or for such City, Town, or Borough Copies of the said Lists of Voters, made out by him as aforesaid, with the marginal Additions as aforesaid, and a Copy of the said List of Persons who shall have claimed as aforesaid, and a Copy of the said Lists of Persons objected to as aforesaid, respectively signed by him, together (in the Year One thousand eight hundred and fifty) with the said List of Voters registered under the said recited Act, and together (in every Year after One thousand eight hundred and fifty-one) with the Copy of the Register as aforesaid.

General Provisions as to Registration.

Mode of Publication.

XXXIX. And be it enacted, That every Notice, List, Register, or other Document herein required to be published shall be so published by being fixed in some public and conspicuous Situation, in the Case of Publication by the Clerk of the Peace, on the outer Wall near the Door of each Police Station, and on the usual Places for posting Notices or Applications for Grand Jury Presentments in the respective Barony, and in the Case of Publication by a Town Clerk, on the outer Door or outer Wall near the Door of the Town Hall, or if there be no Town Hall then in some public and conspicuous Situation within the respective City, Town, or Borough theretofore used for posting public Notices.

Term of Publication.

XL. And be it enacted, That in all Cases in which any Notice, List, Copy of Register, or other Document shall, pursuant to the Provisions aforesaid, be affixed on any such Place as aforesaid, the same shall continue so fixed for a Period including Two consecutive *Sundays* at the least next after the Day on or before which the same is herein-before required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the Expiration of such Period, the Party herein-before required to publish the same as aforesaid shall, as soon as conveniently may be, publish in like Manner in its Place another Notice, List, Copy of Register, or other Document to the like Purport and Effect with the Notice, List, Copy of Register, Paper, or other Document so destroyed, mutilated, effaced, or removed.

Penalty for hindering Publication.

XLI. And be it enacted, That every Person who shall wilfully destroy, mutilate, efface, or remove any Notice, List, Copy of Register, or other Document so affixed as aforesaid, during the Period during which the same is herein-before required to remain so affixed, shall for every such Offence forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings to any Person who will sue for the same, to be recovered in a summary Manner before Two Justices of the Peace.

Lists not to be invalidated by imperfect Publication.

XLII. And be it enacted, That no List shall be invalidated by reason that it shall not have been affixed in every Place and for the full Time herein-before required for Publication thereof, but that every such List which shall have been affixed in any Place and for any Part of the Time herein-before mentioned in that Behalf shall be revised and adjudicated upon as herein-after directed: Provided nevertheless,

theless, that nothing herein contained shall be construed to exempt the Clerk of the Peace, Town Clerk, or other Person charged with the Duty of publishing such List as aforesaid from the Penalties of his Neglect or wilful Default.

General Provisions as to Registration.

XLIII. And be it enacted, That in case no List of Voters shall have been made out for any Barony, City, Town, or Borough in any Year, or in case such Lists shall not have been affixed in any Place herein-before mentioned in that Behalf, the List of the registered Voters for the County in which such Barony is situate, or for the City, Town, or Borough, made out by the Clerk of the Peace on or before the First Day of *February* in the Year One thousand eight hundred and fifty, as required by the said first-recited Act, shall in the said Year, so far as respects such Barony, City, Town, or Borough, and in any Year after One thousand eight hundred and fifty-one the Register of Voters for that Barony, City, Town, or Borough then in force, shall be taken to be the List of Voters for that Barony, City, Town, or Borough for the Year then next ensuing; and the Provisions herein contained respecting any such List of Voters shall be taken to apply to such List of registered Voters or Register as aforesaid.

If no List made out former List to be in force.

XLIV. And be it enacted, That the Clerk of the Peace of every such County shall in the Year One thousand eight hundred and fifty, as soon as possible after the Seventeenth Day of *December*, and in every Year after One thousand eight hundred and fifty-one, as soon as possible after the Twenty-fifth Day of *August*, transmit to the Assistant Barrister of such County or any Riding thereof, or to the Chairman of the Sessions of the Peace in the Case of the County of *Dublin*, an Abstract of the Lists of Claimants and of the Lists of Persons objected to by such Clerk of the Peace, and by the Clerk or Clerks of the Union or Unions, and by other Persons in each Barony in and for the same County; and the Clerk of the Peace of or acting in or for every such City, Town, or Borough shall, as soon as possible after the Seventeenth Day of *December* in the Year One thousand eight hundred and fifty, and as soon as possible after the Twenty-fifth Day of *August* in every Year after One thousand eight hundred and fifty-one, transmit an Abstract of the said several Lists of Claimants, and the Lists of Persons objected to by the Town Clerk, and by the Clerk or Clerks of the Union or Unions, and by others, in the same City, Town, or Borough, to the Assistant Barrister, Chairman, or his Deputy having Jurisdiction under the said first-recited Act for the Registry of Voters for such City, Town, or Borough, in order that proper Times and Places for holding Courts for the Revision of such Lists respectively may be appointed.

Abstracts of Lists to be transmitted to Assistant Barristers empowered to revise them.

XLV. And be it enacted, That every such Assistant Barrister or Chairman presiding at any such Court of Revision under this Act in the Year One thousand eight hundred and fifty-one, whether the same be held during the General or Quarter Sessions or not, shall be paid at the Rate of Five Guineas for every Day that he shall be employed in such Revision; and every such Barrister or Chairman, after the Termination of his last Session for such Purpose, shall lay or cause to be laid before the Lord Lieutenant or other Chief Governor or Governors of *Ireland* a Statement of the Number of Days during which he shall have been so employed, and such Lord Lieutenant or other Chief Governor or Governors shall, if he or they think fit, cause the said Statement to be examined by some competent Authority, and shall certify the same to the Commissioners of Her Majesty's Treasury, who shall thereupon direct Payment of the Sum due to such Barrister or Chairman out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Deputy of the Chairman of the Sessions of the Peace of the County of *Dublin* having Jurisdiction under the said first-recited Act for the Registry of Voters for the City of *Dublin* shall receive, in respect of the Revision of Voters for the said City under this Act, such Remuneration from Time to Time and in such Manner as by the said recited Act is provided for such Deputy in respect of the Registration of Voters for the said City under the said recited Act.

Remuneration to Barristers.

XLVI. And be it enacted, That the Assistant Barrister or the Chairman, as the Case may be, of every County or Riding, shall make a Circuit, and hold open Courts for such Revision at each of the Places which may be from Time to Time appointed as Polling Places for such County or Riding, and at any such other Places within the said County or Riding as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint, at convenient Times between the First Day of *January* inclusive and the Fourteenth Day of *February* inclusive in the Year One thousand eight hundred and fifty-one, and between the Eighth Day of *September* inclusive and the Twenty-fifth Day of *October* inclusive in every succeeding Year, and shall, Ten Days at the least before the holding of the first Court of Revision, give Notice to the Clerk of the Peace of the several Times and Places at which the said Courts will be holden, and of the several Baronies the Lists of and for which will be revised at each of the said Courts; and the said Clerk of the Peace shall forthwith cause public Notice thereof to be given by Advertisement in One or more of the Newspapers circulating within the said County, and shall cause a sufficient Number of Copies of the said Notice to be written or printed, and published and posted in each Barony, and shall deliver or send Copies thereof to the Clerk or Clerks of the Union or Unions in which the several Baronies or Parts thereof are situate, and require him or them to attend at the Court appointed for the Revision of the List of Voters relating to the said Barony or Baronies respectively.

Assistant Barristers of Counties to hold Courts for Purposes of Revision at the several Polling Places for such Counties, &c.

XLVII. And be it enacted, That such respective Assistant Barrister or Chairman, or his Deputy, as before the passing of this Act would have had Jurisdiction under the said recited Act for the Registry of Voters for any such City, Town, or Borough, shall hold an open Court for the Revision of the Lists of Voters within such City, Town, or Borough, between the First Day of *January* inclusive and the Fourteenth Day of *February* inclusive in the Year One thousand eight hundred and fifty-one, and between the Eighth Day of *September* inclusive and the Twenty-fifth Day of *October* inclusive in every succeeding Year, and shall, Ten Days at the least before holding such Court, give Notice to the Clerk of the Peace acting for such City, Town, or Borough of the Time and Place for holding the same; and the

Assistant Barristers now acting in Registration of Voters for Boroughs to hold Courts of Revision in such Boroughs.

General Provisions as to Registration.

the Clerk of the Peace shall forthwith publish such Notice in the Manner herein-before directed, and also in the Manner in which Notices of the holding of Sessions are usually published.

Officers who shall attend Courts of Revision in Counties.

What Documents shall be produced.

XLVIII. And be it enacted, That the Clerk of the Peace of every such County, or his Deputy, shall from Day to Day attend each and every Court of Revision which shall be held in such County under this Act, and at the opening of the first Court of Revision to be so holden as aforesaid in and for the same County in each Year shall deliver or cause to be delivered to the Assistant Barrister holding such Court all the Lists of Voters for the then current Year, with the marginal Additions as aforesaid, and the Lists of Claimants, and of Persons objected to, in the said Year, and the original Notices of Claims and Notices of Objections given to him as aforesaid, and the Return or Returns of the Clerk or Clerks of the Unions for each Barony respectively of the said County, and shall also in the Year One thousand eight hundred and fifty-one attend with and produce all such original Affidavits or Affirmations as under the Laws now in force in *Ireland* he is required to keep or attend with and produce at any Registration Sessions, and the List of Voters registered under the said recited Act, and shall also in every succeeding Year deliver to such Assistant Barrister One or more printed Copies of the Register of Voters then in force for the said County; and the Clerks of the several Unions wholly or in part in each County shall attend with and produce at the Courts of Revision holden in such County for the several Districts wherein their respective Unions or any Part thereof may be situate all Books of Rates made for the Relief of the Poor in such Unions, or any Part or Electoral Division thereof respectively, within such County, between the Ninth Day of *November* One thousand eight hundred and forty-nine and the Ninth Day of *November* One thousand eight hundred and fifty (as regards the said Courts held in the Year One thousand eight hundred and fifty-one), and between the Twentieth Day of *July* in the then preceding Year and the Twentieth Day of *July* in the then current Year (as regards the said Courts held in each Year after One thousand eight hundred and fifty-one), or (if there have been no such Rate made in any Electoral Division) the then last Rate as to the same; and the said Clerk of the Peace and Clerks of Unions shall answer upon Oath all such Questions as such Assistant Barrister may put to them, and produce all Documents, Papers, and Writings in their Possession, Custody, or Power touching any Matter herein mentioned: Provided always, that in case the Attendance of any Clerk of a Union, or the Production of any Rate or Rate Book of any Union, shall be required at different Courts at or about the same Time, it shall be lawful for the Clerk of such Union, by Writing under his Hand, to appoint a proper Person to be his Deputy for the Purpose of attending at any such Court, or producing such Rate or Rate Book, or a compared Copy thereof, or of Part thereof, which Deputy shall be subject to like Provisions as such Clerk of the Union; and for the Purposes of this Act a compared Copy of any such Rate or Rate Book, or of any Part thereof, shall be *primâ facie* Evidence; but when any Question shall arise at any Court held under this Act in relation to any such compared Copy it shall be lawful for the Assistant Barrister, if he shall think fit, to require the Production at any such Court, or at some Adjournment thereof, of the original Rate or Rate Book.

Officers who shall attend Revision Courts in Boroughs.

What Documents shall be produced.

XLIX. And be it enacted, That the Clerk of the Peace of or acting in or for every such City, Town, or Borough, or his Deputy, and the Town Clerk for every such City, Town, or Borough, and the Clerk of the respective Union, or his Deputy, to be appointed as aforesaid, shall attend the Court of Revision to be holden for every such City, Town, or Borough; and such Clerk of the Peace shall in the Year One thousand eight hundred and fifty-one attend with and produce all such original Affidavits or Affirmations as under the Laws now in force in *Ireland* he is required to keep or attend with and produce at any Registration Sessions, and the List of Voters registered under the said recited Act, and shall in every succeeding Year deliver to the Assistant Barrister One or more printed Copies of the Register then in force for the said City, Town, or Borough; and such Town Clerk shall, at the opening of the said Court, deliver to the Assistant Barrister the several Lists so made by him, with the marginal Additions as aforesaid, and also the original Notices of Claim and Objection received by him as aforesaid, and the Clerk of the Union's List as aforesaid; and the said Clerk of the Peace, and Town Clerk, and Clerk of the Union, or such Deputy as aforesaid, respectively, shall answer upon Oath all such Questions as the Assistant Barrister may put to them or any of them, and produce all Documents, Papers, and Writings in their Possession, Custody, or Power touching any Matter necessary for revising the List of Voters.

Collectors of Rates shall attend Revision Courts, if required.

L. And be it enacted, That at each Court of Revision holden in or for any such County, City, Town, or Borough every Assistant Barrister shall have Power to require any Collector of Poor's Rates, or other Officer or Person having the Custody of any such Rate, or any such Collector for the past Year, to attend before him at any Court to be by him holden in pursuance of this Act, and they shall attend accordingly, and answer upon Oath all such Questions as may be put to them.

Voters who reside out of Polling District may make claim to vote at the Polling Place of the District where they reside.

LI. And be it enacted, That any Person whose Name shall appear in the List of Voters of any Barony in and for any County, and whose Place of Abode, as stated in such List, shall not be within the Polling District at which the said Barony shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Assistant Barrister to vote at the Polling Place of the District wherein his said Place of Abode may be situate; and any Person whose Name shall appear in any List as aforesaid, and whose Place of Abode, as stated in such List, shall not be within the same County, shall be at liberty in like Manner to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand; and such Claim shall be delivered to and verified before the Assistant Barrister holding his Court for the Revision of the List of Voters in which the Name of such Person shall appear as aforesaid, and it shall then be lawful for the said Barrister to insert in the said List, against the Name of such Person so claiming as aforesaid, the Name of the

Polling

Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at any contested Election for the said County at the said last-mentioned Polling Place, and not elsewhere, anything in this Act to the contrary notwithstanding.

General Provisions as to Registration.

Claimants, if omitted by Clerk of Peace from List of Claimants, may, on Proof of Notice, &c., be placed on List of Voters for Counties.

LII. And be it enacted, That if any Person who shall have given to the Clerk of the Peace due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Knight or Knights of the Shire shall have been omitted by such Clerk of the Peace from such List, it shall be lawful for the Assistant Barrister, upon the Revision of such List, to insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Assistant Barrister that such Person gave due Notice of such his Claim to the said Clerk of the Peace, and that he was entitled on the Ninth Day of *November* then next preceding (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards each succeeding Year), to be inserted in the said List of Voters.

Like Provision as to Boroughs.

LIII. And be it enacted, That the Assistant Barrister holding any Court of Revision under this Act in any City, Town, or Borough shall insert in any List of Voters for such City, Town, or Borough the Name of every Person omitted who shall be proved to the Satisfaction of such Assistant Barrister to have given due Notice of his Claim to be inserted in such List, and to have been entitled on the Ninth Day of *November* then next preceding (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards each succeeding Year), to have his Name inserted therein in right of the Qualification described in such Notice of Claim.

Such Persons may be objected to.

LIV. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for any County, City, Town, or Borough to oppose the Claim of any Person so omitted as aforesaid to have his Name inserted in any List of Voters for the same County, City, Town, or Borough; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Assistant Barrister of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeal, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other being retained on any List of Voters, and who shall appear and prove the requisite Notices as herein-after mentioned.

Duties of Barristers in revising Lists.

LV. And be it enacted, That the Assistant Barrister presiding at any such Court of Revision shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification as stated in any List shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead, and provide that the Name of the same Person shall not appear Twice on the List of Voters or Register of any County, City, Town, or Borough; and wherever the Christian Name, or the Place of Abode, or the Nature of the Qualification, or the local or other Description of the Property of any Person who shall be included in any such List, or the Name of the occupying Tenant thereof, shall be wholly omitted in any Case where the same is by this Act directed to be specified therein, or if any Person whose Name is included in any such List, or his Place of Abode, or the Nature or Description of his Qualification, shall, in the Judgment of the Assistant Barrister, be insufficiently described for the Purpose of being identified, or if the Date of the Registry of any Person registered under the said recited Act shall be omitted in any Case where the same is by this Act directed to be specified, such Assistant Barrister shall expunge the Name of every such Person from such List, unless the Matter or Matters so omitted or insufficiently described be supplied to the Satisfaction of such Assistant Barrister before he shall have completed the Revision of such List, in which Case he shall then and there insert the same in such List: Provided always, that, whether any Person shall be objected to or not, no Evidence shall be given of any other Qualification than that which is described in the List of Voters, or Claim, as the Case may be, nor shall the Assistant Barrister be at liberty to change the Description of the Qualification as it appears in the List, except for the Purpose of more clearly and accurately defining the same; and where the Name of any Person inserted in any List of Voters shall have been objected to by the Clerk of the Peace, Clerk of the Union, or Town Clerk, or by any other Person, and such other Person so objecting shall appear, by himself or by some one in his Behalf, in support of such Objection, and shall prove that he gave the Notice or Notices respectively required by this Act to be given by him, every such Assistant Barrister shall then require it to be proved that the Person so objected to was entitled, on the Ninth Day of *November* then next preceding (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards each succeeding Year), to have his Name inserted in the List of Voters in respect of the Qualification described in such List; and in case the same shall not be proved to the Satisfaction of such Assistant Barrister, or in case it shall be proved that such Person was then incapacitated by any Law or Statute from voting in the Election of Members to serve in Parliament, such Assistant Barrister shall expunge the Name of every such Person from the same List: Provided also, that every Person registered under the Provisions of the herein-before recited Act to amend the Representation of the People of *Ireland* within Eight Years previous to the Sixteenth Day of *March* One thousand eight hundred and fifty-one (as regards the Register for the Year One thousand eight hundred and fifty-one), or to the First Day of *December* in any subsequent current Year, shall be *primâ facie* entitled to have his Name inserted in such List (except Persons registered under the said Act in respect of any Qualification requiring an Elector for a County to be or to have been in the actual Occupation of the Premises, and except Persons registered under the said Act for any City, Town, or Borough in respect of the Occupation

Persons now registered (save as excepted) shall be primâ facie entitled to be registered under this Act.

General Provisions as to Registration.

of Premises of a clear yearly Value of not less than Ten Pounds); and that when the Qualification of any such Person (except as aforesaid) shall be in respect of any Property in Lands, Tenements, or Hereditaments, the Sufficiency in Value of such Property shall not be questioned during the said Period, unless it be first shown that he hath ceased to hold or occupy, as the Case may require, some Part of the Property in right whereof he was so registered; nor shall the Sufficiency of his Estate therein be questioned during the said Period, unless it be first shown that the Nature of his Estate therein has altered since he was so registered; and that (except as aforesaid) a Certificate, or, in default of its Production, an Affidavit of Registry granted or made under the said Act, shall for the Purposes of the Register to be formed in the Year One thousand eight hundred and fifty-one be Evidence of such former Registration and of the Date thereof; and that (except as aforesaid) the Appearance of the Name of any Person, with the Date of his Registry annexed thereto, in the Copy of the Register in force in any succeeding Year, but within such Limit of Eight Years as aforesaid, shall be Evidence of the Registration of such Person under the said recited Act, and of the Date of such former Registration, subject nevertheless to the Provisions herein-before contained as to the Payment of Poor Rate, if any, by Persons claiming a Qualification in respect of the Inhabitancy of Houses, and to the Provisions of the said recited Act and this Act as to Residence by Freemen and Forty Shilling Freeholders: Provided also, that when and as the said Period of Eight Years shall have elapsed in each Case, or when the same will elapse previous to the aforesaid Sixteenth Day of *March* One thousand eight hundred and fifty-one, or previous to the First Day of *December* then next in any Year, the Assistant Barrister shall expunge the Date of Registry annexed in the List to the Name of the Person whose Registry under the Provisions of the said Act shall have so expired or will so expire: Provided also, that the List or Return transmitted by the Clerk of the respective Union as aforesaid to the respective Clerk of the Peace, or to the Town Clerk, shall respectively be *primâ facie* Evidence that every Person included therein was a rated Occupier of such Lands, Tenements, or Hereditaments, and of such net annual Value as therein mentioned, on the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* in the then current Year (as regards each succeeding Year), and that all Poor Rates payable by such Person to entitle him to be placed on such List have been paid: Provided also, that the Appearance of the Name of any Elector (other than those entitled to register for any County, City, Town, or Borough in respect of Occupation as rated Occupiers of Lands, Tenements, or Hereditaments of the Value respectively of Twelve Pounds or upwards, or of Eight Pounds or upwards,) on the List of registered Voters or the Copy of the Register in each Year shall be deemed to be *primâ facie* Evidence of his Right to have his Name inserted in the Register for the Year then next ensuing: Provided also, that where any Person whose Name appears on any List of Voters for any County, City, Town, or Borough shall be objected to on the Ground of having changed his Place of Abode without having sent in a fresh Notice of Claim, it shall be lawful for the Assistant Barrister on revising the List to retain the Name of such Person on the List of Voters, if such Person, or some one in his Behalf, shall prove that he possessed on the said Ninth Day of *November* (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* (as regards each succeeding Year), the same Qualification in respect of which his Name has been inserted in such List, and shall also supply his true Place of Abode, which such Assistant Barrister shall insert in such List.

Powers of Barristers to adjourn Courts, administer Oaths, &c.

LVI. And be it enacted, That every Assistant Barrister holding any Court under this Act shall have Power to adjourn the same from Time to Time, and from any one Polling Place to any other Polling Place, or other Place appointed as aforesaid within the same County, or within the same City, Town, or Borough, but so that no such adjourned Court shall be holden after the Fourteenth Day of *February* in the Year One thousand eight hundred and fifty-one (as regards the Register for that Year), or after the Twenty-fifth Day of *October* in any succeeding Year; and at every Court to be holden as aforesaid by any Assistant Barrister the said Barrister shall have Power to summon as Witnesses any Persons whose Evidence may appear to be material, and to administer an Oath to all Persons examined before him; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath or Affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury; and at the holding of such respective Courts no Party or other Person shall appear or be attended or heard by Counsel; and every such Barrister shall, upon the Hearing in open Court, finally determine upon the Validity of such Claims and Objections, and shall for that Purpose have the same Powers and proceed in the same Manner (except where otherwise directed by this Act) as any Assistant Barrister under the Provisions of the said recited Act to amend the Representation of the People of *Ireland* previous to the Commencement of this Act; provided nevertheless, that it shall not be necessary for any Claimant to verify his Title by Affidavit, as by the said Act required, after the Adjudication upon his Claim shall have been made; and such Assistant Barrister shall, in open Court, write his Initials against the Names and Dates of Registry respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected or any Omission supplied or any Insertion made by him, and shall sign his Name to every Page of the several Lists so settled.

Court of Revision under this Act a Court of Record.

LVII. And be it enacted, That every Court of Revision for the Purpose of making out or revising the Register of Voters under this Act shall be deemed to be a Court of Record; and that it shall be lawful for every Assistant Barrister before whom such Court shall be held, from Time to Time as there shall be Occasion, to fine the Clerk of the Peace or his Deputy, or the Under Sheriff of the County,

County of the City, or County of the Town, for which such Court shall be held, who shall be guilty of any Breach of Duty in execution of this Act, any Sum not exceeding Five Pounds, and at his Discretion to fine in any Sum not exceeding Two Pounds, or to commit to Prison for any Time not exceeding One Fortnight, any Person who shall disturb the said Court, or shall be guilty of any other Contempt of the said Court.

Power of Assistant Barrister to fine Officers, &c.

General Provisions as to Registration and Appeal

LVIII. And be it enacted, That it shall be lawful for any Person who under the Provisions herein-before contained shall have made any Claim to have his Name inserted in any List, or made any Objection to any other Person as not entitled to have his Name inserted in any List, or whose Name shall have been expunged from any List, and who in any such Case shall be aggrieved by or dissatisfied with any Decision of any Assistant Barrister on any Point of Law material to the Result of such Case, either himself or by some Person on his Behalf, to give to the Assistant Barrister in Court, before the rising of the said Court, on the same Day on which such Decision shall have been pronounced, a Notice in Writing that he is desirous to appeal, and in such Notice shall shortly state the Decision against which he desires to appeal; and the said Assistant Barrister thereupon, if he thinks it reasonable and proper that such Appeal should be entertained, shall state in Writing the Facts which, according to his Judgment, shall have been established by the Evidence in the Case, and which shall be material to the Matter in question, and shall also state in Writing his Decision upon the whole Case, and also his Decision upon the Point of Law in question appealed against; and such Statement shall be made as nearly as conveniently may be in like Manner as is now usual in Orders of Refusal to register any Claimant under the herein-before recited Act to amend the Representation of the People of *Ireland*, on any Ground other than Insufficiency of Value; and the said Assistant Barrister shall read the said Statement to the Appellant in open Court, and shall then and there sign the same; and the said Appellant, or some one on his Behalf, shall at the End of the said Statement make a Declaration in Writing under his Hand to the following Effect; (that is to say,) "I appeal from this Decision;" and the said Assistant Barrister shall then indorse upon every such Statement the Name of the County and Barony, or City, Town, or Borough, to which the same shall relate, and also the Christian Name and Surname and Place of Abode of the Appellant and of the Respondent in the said Appeal, and shall sign and date such Indorsement; and the said Assistant Barrister shall deliver such Statement, with such Indorsement thereon, to the said Appellant, to be by him transmitted to the Court of Exchequer Chamber at *Dublin* in the Manner herein-after mentioned; and the said Assistant Barrister shall also deliver a Copy of such Statement, with the said Indorsement thereon, to the Respondent in such Appeal, who shall require the same.

Appeal from Barrister's Decision on Points of Law.

Who shall be Respondents in Appeal.

LIX. And be it enacted, That in the Matter of every such Appeal the Party in whose Favour the Decision appealed against shall have been given shall be the Respondent; but if there be no such Party, or if such Party, or some one on his Behalf, shall in open Court decline, and state in Writing that he declines, to support the Decision appealed against as Respondent, then and in every such Case it shall be lawful for the said Assistant Barrister to name any Person who may be interested in the Matter of the said Appeal, and who may consent, or the Clerk of the Peace of any County, or the Town Clerk of any City, Town, or Borough, to be, and such Person so consenting, or such Clerk of the Peace or Town Clerk respectively so named, shall be deemed to be the Respondent in such Appeal.

Power to consolidate Appeals.

LX. And be it enacted, That if it shall appear to any Assistant Barrister that the Validity of any Number of such Claims or Objections determined by him at any Court as aforesaid depends, and has been decided by him, upon the same Point or Points of Law, and the Parties, or any of them, aggrieved by or dissatisfied with his Decision thereon, shall have given Notice of an Intention to appeal therefrom, it shall in such Case be lawful for the said Barrister to declare that the Appeals against such Decision ought to be consolidated, and the said Barrister shall in such Case state in Writing the Case, and his Decision thereon, in manner herein-before mentioned, and that several Appeals depend upon the same Decision, and ought to be consolidated, and shall read such Statement, and sign the same, as herein-before mentioned; and thereupon it shall be lawful for the said Barrister to name any Person interested and consenting, for and on behalf of himself and all other Persons in like Manner interested in such Appeals, to be the Appellant or Respondent respectively in such consolidated Appeals, and to prosecute or answer the said Appeal in like Manner as any Appellant or Respondent might in his own Case, under the Provisions of this Act; and the Person so named Appellant in such consolidated Appeal, or some one on his Behalf, shall at the End of the said Statement make and sign a Declaration in the Form or to the Effect following; (that is to say,)

'I, for myself and on behalf of all the other Persons who are interested as Appellants in this Matter, 'I, and whose Names are hereunder written, do appeal against this Decision, and agree to prosecute 'this Appeal.'

And the Person so named Respondent in such consolidated Appeal, or some one on his Behalf, shall in like Manner make and sign a Declaration in Writing in the Form or to the Effect following; (that is to say,)

'I, for myself and on behalf of all the other Persons interested as Respondents in this Matter, and whose 'I, Names are hereunder written, do agree to appear and answer this Appeal.'

And the Name, and, where necessary, the Particulars of the Qualification of every Party intended to be joined in such consolidated Appeal, shall be written under the aforesaid Declaration of the Appellant or Respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the said Barrister, if necessary, in any Case, to name the Clerk of the Peace of any County, or the Town Clerk of any City, Town, or Borough, to be, and he so named shall be, the Respondent in such

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consolidated Appeal, without any such Declaration being made or signed by him as herein-before mentioned.

Proceedings on consolidated Appeals.

LXI. And be it enacted, That in and with regard to every such consolidated Appeal the like Proceeding shall be had and taken, and the like Rules and Regulations shall apply, as in the Case of any other Appeal under this Act; and that every Order, Judgment, or Decision of the said Court of Exchequer Chamber shall be equally valid and effectual for all the Purposes of this Act, and binding and conclusive upon all the Parties named in or referred to as Parties to such consolidated Appeal as aforesaid; and that if in any Case all or any of the Parties to such consolidated Appeal shall make or enter into any Agreement as to the Mode of contributing among themselves to the Costs and Expenses of such Appeal, the said Agreement may, upon the Application of any Party or Parties thereto, be made a Rule of any of Her Majesty's Superior Courts of Law at *Dublin*, if such Court shall think fit: Provided always, that if any such consolidated Appeal shall not be duly prosecuted or answered it shall be lawful for the Court of Exchequer Chamber, or any of such Superior Courts of Law, to give to any Party or Parties interested in such Appeal, upon his or their Application, the Conduct and Direction of the said Appeal, or of the Answer thereto respectively, as the Case may require, instead of or in addition to any Person named as aforesaid as Appellant or Respondent, and in such Manner and upon such Terms as such Court may think fit and order, or to make such other Order in the Case as may seem meet: Provided also, that if after the said Assistant Barrister shall as aforesaid have declared that the Appeal in any Case ought to be with others consolidated, any Party interested in such Appeal shall object and refuse to be a Party to or to be bound by any such consolidated Appeal, then and in such Case the Appeal in which such Person is interested may proceed separately, but such Person so refusing or objecting shall be liable to pay Costs to the other Party, but shall not be entitled to receive any Costs of or in such Appeal, unless the said Court of Exchequer Chamber otherwise order.

Barrister may award Costs to or against Claimants or Objectors.

LXII. And be it enacted, That if in any Case it shall appear to any Assistant Barrister holding any Court as aforesaid that any Person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious Claim or Objection or Title to have any Name inserted or retained in any List of Voters, it shall be lawful for the said Barrister, in his Discretion, to make such Order as he shall think fit for the Payment by such Person of the Costs, or of any Part of the Costs, of any Person or Persons in resisting such Claim or Objection or Title; and in every such Case the said Barrister shall make an Order in Writing, specifying the Sum which he shall order to be paid for such Costs, and by and to whom, and when and where, the same Sum shall be paid, and shall date and sign the said Order, and deliver it to the Person or Persons to whom the said Sum shall therein be ordered to be paid: Provided always, that the said Sum so ordered to be paid by way of Costs shall not in any Case exceed the Sum of Twenty Shillings: Provided also, that such Order for the Payment of Costs as aforesaid may be made in any Case notwithstanding any Party shall have given Notice of his Intention to appeal against any Decision of the Assistant Barrister in the same Case; but in case of such Appeal the said Order for the Payment of Costs shall be suspended, and shall abide the Event of such Appeal, unless the Court of Appeal shall otherwise direct; but no Appeal shall be allowed or entertained against or only in respect of any such Order for the Payment of Costs: Provided also, that whenever any Assistant Barrister shall have made any such Order for the Payment of any Sum of Money for Costs by any Person who shall have made any Objection as aforesaid, it shall not be lawful for the said Barrister to hear or admit Proof of any other Objection or Notice of Objection made or signed by the same Person, until the Sum of Money so ordered to be paid by him for Costs be paid to the Person entitled to receive the same, or deposited in the Hands of the said Barrister in Court, for the Use of the Person so entitled.

Revised Lists of Voters to be transmitted to the Clerk of Peace in Counties, who shall cause them to be printed in a Book, which shall be delivered to the Sheriff.

LXIII. And be it enacted, That the said Lists of Voters for each County, signed as aforesaid, shall be forthwith transmitted by the Assistant Barrister to the Clerk of the Peace of the same County; and the Clerk of the Peace shall keep the said Lists among the Records of the Sessions, and shall forthwith cause the said Lists to be printed in a Book or Books, arranged with the Names in each Barony in strict alphabetical Order, according to the First, Second, and other Letters of the Surnames, and with every Polling District in alphabetical Order, and with every Barony within such Polling District likewise in the same Order, and shall, after the last List for each Polling District, insert a List in like alphabetical Order of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall in manner herein-before mentioned have been registered by the Assistant Barrister to vote at the Polling Place of such last-mentioned District, and shall in the said Book prefix to every Name its proper Number, beginning the Numbers from the first Name in each Barony, and continuing them in a regular Series down to the last Name in such Barony; provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such List inserted after the last List for any Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Barony in which the Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form that the List of Voters of and for each and every separate Barony contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling Place, or the List of every or any single Barony, may be ready for the Purposes of this Act, or for Sale; and the said Clerk of the Peace shall, as regards the first Register formed under this Act, sign and deliver the said Book or Books on or before the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one, and, as regards every subsequent Register formed under this Act, shall sign and deliver the said Book or Books on or before the last Day of *November* in the then current Year, to the Sheriff of the County, to be by him and his Successors in the Office of Sheriff safely kept for the Purposes herein-after mentioned.

LXIV. And

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LXIV. And be it enacted, That the List of Voters for each City, Town, or Borough, signed as aforesaid, shall be forthwith delivered by the Assistant Barrister to the Clerk of the Peace of or acting in or for the same City, Town, or Borough, and the said Clerk of the Peace shall forthwith cause the said Lists to be printed in a Book or Books; and in the said Book or Books the said Lists shall be arranged and every Name numbered according to the Directions aforesaid with regard to the County Lists, so far as the same are applicable, save that in the Case of any of the Cities, Towns, and Boroughs mentioned in the Schedule (B.) annexed to an Act of the present Session of Parliament, intituled *An Act to shorten the Duration of Elections in* Ireland, *and for establishing additional Places for taking the Poll thereat*, the said Lists shall be arranged and divided according to Wards and otherwise, and the Names numbered in such Manner as is or shall be directed by such last-mentioned Act; and the said Clerk of the Peace shall, as regards the first Register formed under this Act, sign and deliver the said Book on or before the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one, and as regards every subsequent Register, shall sign and deliver the said Book or Books on or before the last Day of *November* in the current Year, to the Returning Officer of the same City, Town, or Borough, to be by him and his Successors, as Returning Officer, safely kept for the Purposes herein-after mentioned.

Revised Lists for Boroughs shall be delivered to the Clerk of the Peace, who shall cause them to be printed, and delivered to the Returning Officer.

LXV. And be it enacted, That the said printed Book or Books, so signed as aforesaid by the Clerk of the Peace, and given into the Custody of the Sheriff of any County, or the Returning Officer of any City, Town, or Borough, as the Case may be, shall, as regards the first Register to be formed under this Act, be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which shall take place in and for the same County, City, Town, or Borough respectively between the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one and the First Day of *December* in the Year One thousand eight hundred and fifty-two, and (as regards every subsequent Register to be formed under this Act) shall be the Register of Persons entitled to vote at any such Election which shall take place in and for the same County, City, Town, or Borough respectively between the last Day of *November* in the Year wherein such Register shall have been made and the First Day of *December* in the succeeding Year; and the Clerk of the Peace of every County shall keep printed Copies of the said Register for such County, and shall deliver such Copies of such Register, or any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table (numbered 2.) in the Schedule (C.) to this Act annexed; and the Clerk of the Peace of or acting in or for every City, Town, or Borough respectively shall keep printed Copies of the said Register for such City, Town, or Borough, and shall from Time to Time supply a sufficient Number of Copies of such Register to the Town Clerk of such City, Town, or Borough, who shall deliver such Copies of such Register, or any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table (numbered 2.) in the said Schedule (C.), and account for and pay over to the said Clerk of the Peace all Monies by him received for or on account of the Sale of any Copies of the Register as aforesaid: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Barony without taking or paying for the whole that relates to such Barony.

Books so prepared shall constitute the Register for One Year.

Printed Copies of Register to be kept for Sale.

LXVI. And be it enacted, That any Collector of Poor Rates, or Clerk of a Union, or other Officer or Person having the Custody of any such Rate or Rate Book as herein-before mentioned for the then current or any past Year, who shall wilfully refuse or neglect, when duly required by Summons under the Hand of any Assistant Barrister, to attend before such Barrister at any Court to be holden as aforesaid, according to the Exigency of such Summons, shall, upon Proof before him of the Service of such Summons, be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the said Barrister holding any such Court as aforesaid.

Offeers may be fined by Barrister for Non-attendance.

LXVII. And be it enacted, That any Clerk of any Union who shall wilfully refuse or neglect to make out or verify as hereby required, or to transmit, any List, Copy of the Register, or Return which he is by this Act required to make out, verify, and transmit, or who shall wilfully and without reasonable Cause omit the Name of any Person entitled to be inserted in such List, Copy of the Register, or Return, or who shall wilfully or without reasonable Cause insert in such List, Copy of the Register, or Return the Name of any Person not entitled to be inserted in such List, Copy of the Register, or Return, or who shall wilfully refuse or neglect, by himself or his Deputy, to attend with and produce, at any Court for revising the List of Voters which he is hereby required to attend, the Rate or Rate Books or compared Copies which he is hereby required to produce thereat, or any Clerk of the Peace of a County, or any Town Clerk of any City, Town, or Borough, or other Officer required by this Act to act in default of there being any Town Clerk, who shall wilfully refuse or neglect to make out any List required to be made out by him under the Provisions of this Act, or who in making out the Lists of Voters shall wilfully and without reasonable Cause omit the Name of any Person duly qualified or entitled to be inserted in any such List, or who shall wilfully and without reasonable Cause insert in any such List the Name of any Person not duly qualified or entitled to be inserted therein, or any Clerk of the Peace or Town Clerk or other such Officer as aforesaid who shall wilfully refuse or neglect to publish any Notice or List or Copy of the List of the Voters, or of the Part of the Register of Voters relating to his County, or to his City, Town, or Borough, at the Time and in the Manner required by this Act, or who shall wilfully refuse or neglect to attend the Court for revising any List of Voters of his County, or of his City, Town, or Borough, or to attend any Assistant Barrister, when required by any Summons as aforesaid, or any Town Clerk who shall wilfully refuse or neglect to deliver to the Clerk of the Peace the Copy of the List of Claimants, or of Persons objected to, or the Copies of the List of Voters or Register, as required by

Clerks of Unions, Clerks of Peace, and Town Clerks may be fined for Neglect of Duty.

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by this Act, or any Clerk of the Peace who shall wilfully refuse or neglect to deliver to the Barrister holding any such Court the several Lists to be delivered by him as aforesaid, or any Clerk of the Peace or Town Clerk or Clerk of a Union who shall be wilfully guilty of any other Breach of Duty under or in the Execution of this Act, shall for every such Offence be liable to pay by way of Fine a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Assistant Barrister holding any Court for the Revision of any List of the Barony or Division of a Barony, or the City, Town, or Borough, for which such Officer is required to act as aforesaid: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Clerk of the Peace, Clerk of a Union, Town Clerk, or other Person liable to any Fine as aforesaid, or any Liability, civil or criminal, which such Clerk of the Peace, Clerk of a Union, Town Clerk, or other Person may incur under or by virtue of this Act.

Fines, to whom payable.

LXVIII. And be it enacted, That any such Assistant Barrister, when and so often as he shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing under his Hand stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid, and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been so imposed shall relate to the Formation of the Register of Voters for any County, he shall pay over the Sum so received by him to the Clerk of the Peace of the same County; and in every Case where such Offence shall relate to the Formation of the Register of Voters for any City, Town, or Borough, he shall pay over the Sum so received by him to the Clerk of the Peace acting in or for the same City, Town, or Borough.

Application of Monies arising from Sale of Register and Forms.

LXIX. And be it enacted, That the Clerk of the Peace of every such County, and the Clerk of the Peace of or acting in or for every such City, Town, or Borough respectively, shall keep an Account of all Monies to be received by him or them for or on account of the Sale of any Copies of the Register as aforesaid, or for or by way of Fine imposed as aforesaid; and the Clerk of the Peace of every such County, County of a City, or County of a Town shall pay over or account for all such Monies received by him to the Treasurer of the same County, County of a City, or County of a Town, to be applied in aid of any Grand Jury Presentment made under the Authority of this Act; and the Clerk of the Peace of or acting in or for every such Borough situate in a County at large shall pay over or account for all such Monies so received by him to the Treasurer of such County, to be applied as aforesaid, and, in the Case of a Borough situate in Two or more Counties, to and among the Treasurers of such Counties, to be applied by them in aid of any Grand Jury Presentments to be made on such Counties respectively under this Act; and the Share of each such County shall be calculated as nearly as may be according to the same relative Proportion as the Number of Persons in each County placed on the Register for such Borough shall bear to the total Number of Persons upon the same Register.

Expenses of the Clerks of Peace, how to be defrayed in Counties and Boroughs wholly situate in One County at large.

LXX. And be it enacted, That an Account of all Expenses incurred by any Clerk of the Peace of or acting for any County, County of a City, or County of a Town, or by any Clerk of the Peace of or acting in or for any Borough situate in a County at large, in carrying into effect the Provisions of this Act, including the Expenses of providing and printing the Copies of the Register and the Lists and Forms required under this Act, shall be laid before the next Presentment Sessions of the County at large or County of a City or County of a Town after such Expenses shall have been incurred (save in the Case of the City of *Dublin*, where it shall be laid before the Council of the said Borough); and it shall be lawful for the Grand Jury of such County, County of a City, or County of a Town at the next Assizes or Presenting Term, and (in the Case of the City of *Dublin*) for the Council of the Borough of *Dublin*, and they respectively are hereby required to present, to be levied off such County, County of a City, or County of a Town, such Expenses, or so much thereof as such Presentment Sessions, or Grand Jury, or Council, as the Case may be, shall allow for the Clerk of the Peace, to be paid to him, and so much of the said Expenses of providing and printing such Copies of the Register and Lists and Forms as aforesaid, to be paid to the Person or Persons who shall have contracted for supplying and printing such Copies of the Register and Lists and Forms as aforesaid.

Such Expenses, how to be apportioned and defrayed in Boroughs situate in Two or more Counties.

9 G. 4. c. 82.

LXXI. And be it enacted, That an Account of all the Expenses incurred by any Clerk of the Peace acting in or for any Borough situate in Two or more Counties, in carrying into effect the Provisions of this Act, including the Expenses of providing and printing such Copies of the Register and such Lists and Forms as aforesaid in respect of such Borough, shall, as soon as may be after the said Expenses have been so incurred, be laid before the Town Council of such Borough, or, if there be no Town Council, before the Commissioners elected in such Borough under an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Markets Towns in* Ireland, *in certain Cases*, or before the Municipal Commissioners of such Borough, or if there be no such Council or Commissioners in any Borough, then before the Justices of the Peace at the Quarter Sessions to be holden in and for the County to which the Clerk of the Peace acting in or for such Borough may belong; and the said Council or Commissioners or the said Justices respectively shall, when they allow the said Accounts, make and give to the said Clerk of the Peace a Certificate of the total Sum allowed by such Council, Commissioners, or Justices in respect of all the said Expenses, and also a Certificate of the Sum to be paid by and as the Contribution of each of the said Counties towards defraying the same; and the Sum to be contributed by every such County shall be calculated, as nearly as may be, according to the same relative Proportion as the Number of Persons in each County placed on the Register for such Borough shall bear to the total Number of Persons upon the same Register; and thereupon it shall be lawful for the Grand Jury of every

every such County and they are hereby required, upon the Production of such Certificate, and after a previous Application to the Presentment Sessions of the County at large, at the next or any succeeding Assizes for such County to present to be levied off such County the Sum in such Certificate mentioned to be paid by and as the Contribution of such County to the said Expenses.

General Provisions as to Registration and Appeal.

Expenses of Town Clerks to be settled by Barrister, and defrayed by Grand Jury Presentment.

LXXII. And be it enacted, That an Account of all Expenses incurred by the Town Clerk of or acting in or for any City, Town, or Borough, in carrying into effect the Provisions of this Act, shall be laid before the Assistant Barrister at the Court at which the List of Voters for such City, Town, or Borough shall be revised; and the said Barrister shall sign and give to such Town Clerk a Certificate of the Sum which he shall allow to be due to him in respect of such Expenses, and also of such Sum as he shall deem it reasonable to allow to him for his Trouble in carrying into effect the Provisions of this Act, and in case of any Borough situate in Two or more Counties shall also give to the said Town Clerk acting in or for such Borough a Certificate of the Sum to be paid by and as the Contribution of each of the said Counties towards defraying the Sums so allowed; and the Sum to be contributed by every such County shall be calculated, as nearly as may be, according to the same relative Proportion as the Number of Persons in each County placed on the Register of such Borough shall bear to the total Number of Persons upon the same Register; and such Account and Certificate shall be laid before the Presentment Sessions of the County, County of a City, or County of a Town, or of the County in which any Borough in a County at large is situate, next after such Expenses shall have been incurred (save in the Case of the City of *Dublin*, where they shall be laid before the Council of the said Borough); and thereupon it shall be lawful for the Grand Jury of any such County, County of a City, or County of a Town, at the next Assizes or Presenting Term, and (in the Case of the City of *Dublin*) for the Council of the Borough of *Dublin*, and they are hereby respectively required, to present to be raised off such County, County of a City, or County of a Town the total Sum in such Certificate mentioned, or the Sum in such Certificate mentioned as the Contribution of any such County towards the said total Sum, as the Case may be, or so much thereof as such Presentment Sessions or Grand Jury or Council, as the Case may be, shall allow, to be paid to the said Town Clerk.

Guardians to allow annual Remuneration to Clerks of Unions for Duties.

LXXIII. And be it enacted, That the Guardians of the Poor of each Union shall by an Order make such annual Allowance out of the Rates to the Clerks of the Union as a Compensation for the Duty hereby imposed upon them as the said Guardians shall think proper; but no such Order shall be acted on, or any Payment made thereunder, until the same shall be approved of by the Poor Law Commissioners, and the Payment sanctioned by them.

Appeals to be heard by Court of Exchequer Chamber, consisting of Three or more Judges.

LXXIV. And be it enacted, That all Appeals or Matters of Appeal from or in respect of any Decision of any Assistant Barrister entertained in manner herein-before mentioned shall be prosecuted, heard, and determined in and by the Court of Exchequer Chamber at *Dublin* in such Manner and Form and subject to such Rules and Regulations as the said Court shall from Time to Time by any Rule or Order made for regulating the Practice and Proceedings in such Appeals order and direct: Provided always, that at any Sitting of the said Court of Exchequer Chamber the Chief Justices, Chief Baron, and other Justices and Barons of Her Majesty's Superior Courts of Common Law at *Dublin*, or any Three or more of them, shall for the Purposes of this Act have all such Jurisdiction, Power, and Authority as by this Act given to the said Court of Exchequer Chamber, anything in an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of King *George* the Third, intituled *An Act for the more speedy Correction of erroneous Judgments given in the Courts of Law in the Kingdom*, or in any other Act or Acts contained, to the contrary notwithstanding.

40 G. 3. (I.)

Notice of Prosecution of Appeal to be given.

LXXV. And be it enacted, That every Appellant who shall intend to prosecute his Appeal shall, within the first Four Days in the *Easter* Term in the Year One thousand eight hundred and fifty-one, (as regards the Register for that Year), and within the first Four Days in the *Michaelmas* Term next after the Decision to which such Appeal shall relate (as regards any subsequent Year), transmit to the Clerk of the Errors in the said Court the Statement in Writing so signed by the said Assistant Barrister as aforesaid, and shall also therewith give or send a Notice, signed by him, stating therein his Intention to prosecute the said Appeal; and the said Appellant shall also give or send a Notice, signed by him, to the Respondent in the said Appeal, stating his said Intention duly to prosecute such Appeal; and such Clerk of the Errors shall forthwith enter every Appeal of which he shall have received due Notice from the Appellant as aforesaid in a Book to be kept by him for that Purpose.

Sittings of the Court of Exchequer Chamber for Purposes of this Act, how to be fixed.

LXXVI. And be it enacted, That the Chief Justice of the Court of Queen's Bench in *Ireland* for the Time being, or in case of his Sickness or Absence from *Ireland*, or the Vacancy of the said Office, the Chief Justice of the Court of Common Pleas in *Ireland* for the Time being, or in case of his Sickness or Absence from *Ireland*, or of the Vacancy of the said Office, the Chief Baron of the Court of Exchequer in *Ireland* for the Time being, shall, as soon as may be after the Fourth Day of the said *Easter* Term One thousand eight hundred and fifty-one, and also of every *Michaelmas* Term in every Year after One thousand eight hundred and fifty-one, make Arrangements for hearing the Appeals entered as aforesaid, and shall appoint such certain Day or Days, either in Term Time or in Time of Vacation, as he may think fit and necessary, but as early as conveniently may be, for the Purpose of hearing and deciding such Appeals; and such respective Chief Justice or Chief Baron, as the Case may be, shall cause public Notice to be given of the Time so appointed by him for that Purpose, and of the Order in which such Appeals will be heard.

No Appeal to be heard unless Notice shall have been given

LXXVII. And be it enacted, That no such Appeal or Matter of Appeal whatsoever shall in any Case, except where the Conduct and Direction of a consolidated Appeal, or of the Answer thereto, shall have

General Provisions as to Registration and Appeal.

have been given, by Order of the said Court of Exchequer Chamber, or any of the said Superior Courts of Law, to any Person, be entertained or heard by the said Court of Exchequer Chamber, unless Notice shall have been given by the Appellant to the Clerk of the Errors in the said last-mentioned Court at the Time and in the Manner herein-before mentioned; and no Appeal shall be heard by the said Court in any Case where the said Respondent shall not appear, unless the Appellant, or Person to whom the Conduct and Direction of the Appeal shall have been given, shall prove that due Notice of his Intention to prosecute such Appeal was given or sent to such Respondent Six Days at least before the Day appointed for the Hearing of such Appeal: Provided always, that if it shall appear to the said Court that there has not been reasonable Time to give or send such Notice in any Case, it shall be lawful for the said Court to postpone the Hearing of the Appeal in such Case, as to the said Court shall seem meet.

No Appeal on Questions of Fact.

Court may remit Appeal to Assistant Barrister, to be more fully stated.

LXXVIII. And be it enacted, That no Appeal or Notice of Appeal under this Act shall be received or allowed against any Decision of any Assistant Barrister upon any Question of Fact only, or upon the Admissibility or Effect of any Evidence or Admission adduced or made in any Case to establish any Matter of Fact only: Provided always, that if the said Court shall be of opinion in any Case that the Statement of the Matter of the Appeal is not sufficient to enable them to give Judgment in Law, it shall be lawful for the said Court to remit the said Statement to the Assistant Barrister by whom it shall have been signed in order that the Case may be more fully stated.

Decisions of Court of Appeal final and binding.

LXXIX. And be it enacted, That every Judgment or Decision of the said Court of Exchequer Chamber shall be final and conclusive in the Case upon the Point of Law adjudicated upon, and shall be binding upon any Committee of the House of Commons appointed for the Trial of any Petition complaining of an undue Election or Return of any Member or Members to serve in Parliament.

Register to be corrected in pursuance of Decision of Court of Appeal.

LXXX. And be it enacted, That whenever, by any Judgment or Order of the said Court of Exchequer Chamber, any Decision or Order of any Assistant Barrister shall be reversed or altered, so as to require any Alteration or Correction of the Register of Voters for any County, or for any City, Town, or Borough, Notice of the said Judgment or Order of the said Court shall forthwith be given by the said Court to the Sheriff or Returning Officer, as the Case may be, having the Custody of such Register, and also to the Clerk of the Peace hereby directed to keep Copies thereof, and each such Notice shall be in Writing under the Hand of the Clerk of the Errors in the said Court, and shall specify exactly every Alteration or Correction to be made in pursuance of the said Judgment or Order in the said Register; and such Sheriff or Returning Officer respectively shall, upon the Receipt of the said Notice, alter or correct the Register accordingly, and shall sign his Name against every such Alteration or Correction in the said Register, and shall safely keep, and hand over to his Successors, every such Notice received by him from the said Court as aforesaid, together with the said Register; and the said Clerk of the Peace shall make the like Alteration or Correction in a Copy of the Register to be kept by him for such Purpose, and also in all Copies thereof which he shall from Time to Time deliver.

Copies of Decisions shall be Evidence.

LXXXI. And be it enacted, That a Copy of any Order or Decision of the said Court of Exchequer Chamber, such Copy purporting to be signed by the Clerk of the Errors, shall be sufficient Evidence in all Cases, without Proof of the Signature of the said Clerk, and shall have the like Force and Effect as any Entry made in any List or Register of Voters under this or the said recited Act.

Appeal pending not to affect Right of Voting.

LXXXII. And be it enacted, That no Right of Voting at any Election as aforesaid of a Member or Members to serve in Parliament shall be affected by any Appeal pending in the said Court at the Time of the issuing of the Writ for such Election, but it shall be lawful for every Person to exercise the Right of Voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were pending; and that the subsequent Decision of any Appeal which shall be pending in the said Court at the Time of the issuing of the Writ for any such Election shall not in any way whatsoever alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officer.

Power to Court to make Orders respecting Costs.

LXXXIII. And be it enacted, That it shall be lawful for the said Court to make such Order respecting the Payment of the Costs of any Appeal, or of any Part of such Costs, as to the said Court shall seem meet: Provided always, that it shall not be lawful for the said Court in any Case to make any Order for Costs against or in favour of any Respondent or Person named as Respondent as aforesaid, unless he shall appear before the said Court in support of the Decision of the Assistant Barrister in question.

Costs and Fines imposed by Barristers, how recoverable.

LXXXIV. And be it enacted, That in case any Sum of Money, by the Order of any Assistant Barrister as aforesaid directed to be paid by any Person by way of Fine or of Costs, shall not be paid according to the Terms of such Order, it shall be lawful for any Justice of the Peace and he is hereby required, upon Proof before him that a true Copy of the said Order hath been served upon or left at the usual Place of Abode of the Person in the said Order directed to pay such Sum, and that the said Sum hath been demanded of such Person, and that he hath refused or neglected to pay the same, by Warrant under his Hand and Seal to order the said Sum of Money, together with the Costs of and attending the said Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Person so making default which may be found within the Jurisdiction of the said Justice; and the Overplus, if any, after the said Sum of Money and Costs, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of the said Goods and Chattels: Provided always, that no Certiorari or other Writ or Process for the Removal of any such Order or Warrant, or of any Order or Warrant to be made or issued on account of a false Charge of Personation in the Manner herein-after provided, or any Proceeding thereon respectively, into any of Her Majesty's Courts at *Dublin*, shall be allowed or granted.

LXXXV. And

Register to be conclusive Evidence of Right to vote.

LXXXV. And be it enacted, That at every Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Register of Voters so made as aforesaid under this Act shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

Persons rejected by Barrister may tender their Votes.

LXXXVI. Provided always, and be it enacted, That any Person whose Name shall have been omitted from any Register of Voters in consequence of the Decision of the Barrister who shall have revised the Lists from which such Register shall have been formed may tender his Vote at any Election at which such Register shall be in force, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, and the Returning Officer or his Deputy shall not admit and allow such Vote, but shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election.

In the Case of rated Occupiers, the Diminution of Value on Appeal, or the quashing of the Rate after a Vote given at an Election, not to invalidate such Vote.

LXXXVII. Provided also, and be it enacted, That in the Case of any Voter whose Qualification appearing on the Register of Voters in force at any such Election shall be the Occupation of Lands, Tenements, or Hereditaments rated as of the net annual Value of Twelve Pounds or upwards or Eight Pounds or upwards, as the Case may be, when any such Voter shall have voted at any such Election, no subsequent Diminution of the Valuation or Rate of or on such respective Premises upon an Appeal against the Rate, and no subsequent quashing of such Rate, shall upon Petition to the House of Commons or otherwise invalidate the Vote given at such Election by such Voter who shall be so on the Register of Voters then in force as aforesaid, and shall at the Time of voting be in the Occupation of the said Premises.

No Inquiry at Election, except as to Identity of Voter, and whether he has already voted.

LXXXVIII. And be it enacted, That in all Elections whatever of a Member or Members to serve in Parliament for any County, or for any City, Town, or Borough, in *Ireland*, holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, no Inquiry shall be permitted at the Time of polling as to the Right of any Person to vote, nor any Objection thereto made or received by any Returning Officer or his Deputy, except only as follows; (that is to say,) that the Returning Officer or his respective Deputy shall, if required on behalf of any Candidate, put to any Voter at the Time of his tendering his Vote, and not afterwards, the following Questions, or either of them:

1. "Are you the same Person whose Name appears as *A.B.* on the Register of Voters now in force "for the County of [*or* for the City *or* Town *or* Borough of *as the Case* "*may be*]?"
2. "Have you already voted, either here or elsewhere, at this Election for the County of [*or* for the City *or* Town *or* Borough of *as the Case may be*]?"

And if any Person shall wilfully make a false Answer to either of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and shall and may be indicted and punished accordingly; and the Returning Officer or his Deputy, or a Commissioner or Commissioners (whom the Returning Officer is hereby authorized, if he shall think fit, to appoint for that Purpose), shall, if required on behalf of any Candidate at the Time aforesaid, administer an Oath, or (in case of a Quaker, Moravian, or Separatist) an Affirmation to any Voter, in the following Form:

"You do swear [*or* affirm, *as the Case may be*,] that you are the same Person whose Name appears "as *A.B.* on the Register of Voters now in force for the County of [*or* for the City "*or* Town *or* Borough of *as the Case may be*], and that you have not before voted, "either here or elsewhere, at the present Election for the County of [*or* for the City "*or* Town *or* Borough of *as the Case may be*]. "So help you GOD."

No other Oath to be taken.

LXXXIX. And be it enacted, That, save as aforesaid, it shall not be lawful to require any Voter at any Election whatever of a Member or Members to serve in Parliament holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, to take any Oath or Affirmation, either in proof of his Freehold, Occupation, or of his Residence, Age, or other Qualification or Right to vote, or of his Qualification continuing, or of his not owing any Cesses, Rates, or Taxes whatsoever, any Law or Statute, local or general, to the contrary notwithstanding, nor to reject any Vote tendered at such Election by any Person whose Name shall be upon the Register of Voters in force for the Time being, except by reason of its appearing to the Returning Officer or his Deputy, upon putting such Questions as aforesaid or either of them, that the Person so claiming to vote is not the same Person whose Name appears on such Register as aforesaid, or that he had previously voted at the same Election, or except by reason of such Person refusing to answer the said Questions or either of them, or to take the said Oath or make the said Affirmation, or to take or make the Oath or Affirmation against Bribery; and no Scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Vote given or tendered at any such Election, any Law, Statute, or Usage to the contrary notwithstanding.

Clauses as to Personation.

Persons personating Voters guilty of a Misdemeanor.

XC. And be it enacted, That if at any Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* holden at any Time after the Fifteenth Day of *March* One thousand eight hundred and fifty-one any Person shall knowingly personate and falsely assume to vote in the Name of any other Person registered under the Provisions of the said recited Act to amend the Representation of the People of *Ireland*, or whose Name appears on the Register of Voters then in force for any such County, City, Town, or Borough, whether such other Person shall then be living or dead, or if the Name of the said other Person be the Name of a fictitious Person, every such

Clauses as to Personation.

Person shall be guilty of a Misdemeanor, and on being convicted thereof shall be punished by Imprisonment for a Term not exceeding Two Years, together with hard Labour.

Abettors punishable as Principals.

XCI. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any such last-mentioned Misdemeanor shall be liable to be indicted and punished as a principal Offender.

Agents to detect Personation may be appointed.

XCII. And for the more effectual Detection of the Personation of Voters at Elections, be it enacted, That it shall be lawful for any Candidate at any Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, previous to the Time fixed for taking the Poll at such Election, to nominate and appoint an Agent or Agents in his Behalf, to attend at each or any of the Booths appointed for taking the Poll at such Election, for the Purpose of detecting Personation; and such Candidate shall give Notice in Writing to the Returning Officer or his respective Deputy of the Name and Address of the Person or Persons so appointed by him to act as Agents for such Purpose, and thereupon it shall be lawful for every such Agent to attend, during the Time of polling, at the Booth or Booths for which he shall have been so appointed.

Persons charged with Personation of Voters may be taken into Custody;

XCIII. And be it enacted, That if at the Time any Person tenders his Vote at such Election, or after he has voted, and before he leaves the Polling Booth, any such Agent so appointed as aforesaid shall declare to the Returning Officer or his respective Deputy presiding therein, that he verily believes, and undertakes to prove, that the said Person so voting is not in fact the Person in whose Name he assumes to vote, or to the like Effect, then and in every such Case it shall be lawful for the said Returning Officer or his said Deputy, and he is hereby required, immediately after such Person shall have voted, by Word of Mouth to order any Constable or other Peace Officer to take the said Person so voting into his Custody, which said Order shall be a sufficient Warrant and Authority to the said Constable or Peace Officer for so doing: Provided always, that nothing herein contained shall be construed or taken to authorize any Returning Officer or his Deputy to reject the Vote of any Person who shall answer in the Affirmative the Questions authorized by this Act to be put to him at the Time of polling, and shall take the Oaths or make the Affirmations authorized and required of him, but the said Returning Officer or his Deputy shall cause the Words "Protested against for Personation" to be placed against the Vote of the Person so charged with Personation when entered in the Poll Book.

and brought before Two Justices.

XCIV. And be it enacted, That every such Constable or Peace Officer shall take the Person so in his Custody, at the earliest convenient Time, before some Two Justices of the Peace acting in and for the County, City, Town, or Borough within which the said Person shall have so voted as aforesaid: Provided always, that in case the Attendance of Two such Justices as aforesaid cannot be procured within the Space of Three Hours after the Close of the Poll on the same Day on which such Person shall have been so taken into Custody, it shall be lawful for the said Constable or Peace Officer, and he is hereby required, at the Request of such Person so in his Custody, to take him before any One Justice of the Peace acting as aforesaid; and such Justice is hereby authorized and required to liberate such Person, on his entering into a Recognizance, with One sufficient Surety, conditioned to appear before any Two such Justices as aforesaid, at a Time and Place to be specified in such Recognizance, to answer the said Charge; and if no such Justice shall be found within Four Hours after the closing of the said Poll, then such Person shall forthwith be discharged from Custody: Provided also, that if, in consequence of the Absence of such Justices as aforesaid, or from any other Cause, the said Charge cannot be inquired into within the Time aforesaid, it shall be lawful nevertheless for any Two such Justices as aforesaid to inquire into the same on the next or on some other subsequent Day, and, if necessary, to issue their Warrant for the Apprehension of the Person so charged.

Offenders may be committed for Trial.

XCV. And be it enacted, That if on the Hearing of the said Charge the said Two Justices shall be satisfied, upon the Evidence on Oath of not less than Two credible Witnesses, that the said Person so brought before them has knowingly personated and falsely assumed to vote in the Name of some other Person within the Meaning of this Act, and is not in fact the Person in whose Name he voted, then it shall be lawful for the said Two Justices to commit the said Offender to the Gaol of the County, City, Town, or Borough within which the Offence was committed, to take his Trial, according to Law, and to bind over the Witnesses in their respective Recognizances to appear and give Evidence on such Trial, as in the Case of other Misdemeanors.

Justices may award Compensation to Persons unjustly charged.

XCVI. And be it enacted, That if the said Justices shall, on the Hearing of the said Charge, be satisfied that the said Person so charged with Personation is really and in truth the Person in whose Name he voted, and that the Charge of Personation has been made against him without reasonable or just Cause, or if the Agent so declaring as aforesaid, or some one on his Behalf, shall not appear to support such Charge before the said Justices, then it shall be lawful for the said Justices and they are hereby required to make an Order in Writing under their Hands on the said Agent so declaring as aforesaid to pay to the said Person so falsely charged, if he shall consent to accept the same, any Sum not exceeding the Sum of Ten Pounds nor less than Five Pounds by way of Damages and Costs; and if the said Sum shall not be paid within Twenty-four Hours after such Order shall have been made, then the same shall be levied, by Warrant under the Hand and Seal of any Justice of the Peace acting as aforesaid, by Distress and Sale of the Goods and Chattels of the said Agent; and in case no sufficient Goods or Chattels of the said Agent can be found on which such Levy can be made, then the same shall be levied in like Manner on the Goods and Chattels of the Candidate by whom such Agent was so appointed to act; and in case the said Sum shall not be paid or levied in the Manner aforesaid, then it shall be lawful

Clauses as to Personation.

lawful for the said Person to whom the said Sum of Money was so ordered to be paid to recover the same from the said Agent or Candidate, by Civil Bill, or with full Costs of Suit, in an Action of Debt to be brought in any One of Her Majesty's Superior Courts of Record at *Dublin*: Provided always, that if the Person so falsely charged shall have declared to the said Justices his Consent to accept such Sum as aforesaid by way of Damages and Costs, and if the whole Amount of the Sum so ordered to be paid shall have been paid or tendered to such Person, in every such Case, but not otherwise, the said Agent, Candidate, and every other Person shall be released from all Actions or other Proceedings, civil or criminal, for or in respect of the said Charge and Apprehension.

Power to provide a sufficient Attendance of Constables at Polling Places.

XCVII. And be it enacted, That it shall and may be lawful for the High Sheriff of any County, and for the Mayor or Returning Officer of any City, Town, or Borough, and he and they are hereby required, for the Purposes aforesaid, to provide a sufficient Attendance of Constables or Peace Officers in each Booth at the different Polling Places within their respective Counties, Cities, Towns, or Boroughs.

Duty of Returning Officer when Vote has been received, and another Party tenders in respect of the same Qualification.

XCVIII. And be it enacted, That in case the Vote of any Person shall have been received, and any other Person shall afterwards tender his Vote as being registered in respect of the same Qualification, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, the Returning Officer or his Deputy shall not admit or allow such Vote, but shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election; provided such Person shall, at any Election holden on or before the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, take the Oath now by Law to be administered, or at any Election holden after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one duly answer the Questions or take the Oath herein-before authorized to be put to any Voter at the Time of tendering his Vote.

Clauses as to Custody of Poll Books.

Provision for Custody of Poll Books.

XCIX. 'And whereas it is expedient to make better Provision than that now by Law made for the safe 'Custody and Production of the Poll Books at Elections subsequent to the final Close of the Poll:' Be it therefore enacted, That at every contested Election of the Member or Members to serve in Parliament for any County, or for any City, Town, or Borough, in *Ireland*, holden after the Commencement of this Act, the Sheriff, Under Sheriff, or Returning Officer, after having declared the State of the Poll and made Proclamation of the Member or Members chosen to serve in Parliament, shall, anything in any Act or Acts now in force in *Ireland* to the contrary notwithstanding, forthwith enclose and seal up the several Poll Books, and tender the same to each of the Candidates to be sealed by them respectively; and in case any Candidate shall neglect or refuse to seal the same, the Sheriff, Under Sheriff, or Returning Officer shall thereupon endorse on One of the said Poll Books the Fact of such Neglect or Refusal; and every such Sheriff, Under Sheriff, or other Returning Officer shall, by himself or his Agent, as soon as possible after such Proclamation as aforesaid, deliver the same Poll Books, so sealed as aforesaid, to the Clerk of the Crown and Hanaper in the High Court of Chancery in *Ireland*, or his Deputy, or deliver the same, directed to the said Clerk of the Crown and Hanaper, to the Postmaster or Deputy Postmaster of the City, Town, or Place wherein such Proclamation shall have been made as aforesaid, who on Receipt thereof shall give an Acknowledgment in Writing of such Receipt to such Sheriff, Under Sheriff, or Returning Officer, expressing therein the Time of such Delivery, and shall keep a Duplicate of such Acknowledgment, signed by such Sheriff, Under Sheriff, or Returning Officer; and the said Postmaster or Deputy Postmaster shall despatch all such Poll Books, so sealed and directed as aforesaid, by the first Post or Mail after the Receipt thereof, to the General Post Office in *Dublin*; and the Postmaster or Postmaster General are hereby directed, immediately on the Receipt of such Poll Books, to convey the same to the Crown and Hanaper Office, and to deliver the same there, so sealed as aforesaid, to the said Clerk of the Crown and Hanaper, or his Deputy; and the said Clerk of the Crown and Hanaper, or his Deputy, is hereby required to give to such Postmaster or Postmaster General, Sheriff, Under Sheriff, Returning Officer, or Agent delivering the same, a Memorandum in Writing acknowledging the Receipt of such Poll Books, and setting forth the Day and Hour when the same were delivered at the Crown and Hanaper Office; and the said Clerk of the Crown and Hanaper, or his Deputy, is hereby required, immediately on Receipt of such Poll Books, to register the same in the Books of the said Crown and Hanaper Office, and to endorse thereon the Day and Hour upon which he received the same; and every such Sheriff, Under Sheriff, or Returning Officer is hereby required, at the Time of transmitting such Poll Books as aforesaid through the Post Office, to address and forward a Letter by the same Post or Mail to the said Clerk of the Crown and Hanaper, informing him of such Transmission, and giving the Number and Description of such Poll Books so transmitted.

Office Copies Evidence.

C. And be it enacted, That Office Copies issued by the said Clerk of the Crown and Hanaper, or his Deputy, of such Poll Books, shall be received and taken in Evidence in all Courts of Law in Actions for Bribery or Personation, or for any other Purpose whatsoever.

Clerk of Crown and Hanaper shall keep Poll Books;

CI. And be it enacted, That the said Clerk of the Crown and Hanaper shall keep and preserve the said several Poll Books, and shall deliver to any Party applying for the same an Office Copy of all or any Part of such Poll Books, on Payment of a reasonable Charge for writing the same, and shall also permit any Party to inspect such Poll Books.

and produce them before Committee of House of Commons, when required.

CII. And be it enacted, That the said Clerk of the Crown and Hanaper shall, upon receiving a Warrant signed by the Chairman of any Committee of the House of Commons appointed for the Trial of controverted Elections, produce by himself or his Agent before such Committee the said several Books so deposited with him as aforesaid; and such Production shall be sufficient *primâ facie* Proof of the Authenticity of the said Poll Books: Provided always, that in case of the temporray Absence or Sickness

Clauses as to Custody of Poll Books.

of the Clerk of the Crown and Hanaper, his Chief Assistant in his Office shall and may be authorized to act in his Place for the Purposes of this Act.

Officers liable to Action for Breach of Duty.

CIII. And be it enacted, That every Sheriff, Under Sheriff, Clerk of the Peace, Town Clerk, Clerk of the Union, High Constable, Returning Officer, Clerk of the Crown and Hanaper, Postmaster, or other Person or public Officer required by this Act to do any Matter or Thing, shall for every wilful Misfeasance or wilful Act of Commission or Omission contrary to this Act forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Costs of Suit, by Action of Debt in any of Her Majesty's Superior Courts in *Dublin:* Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer according to any Law now in force.

Miscellaneous Provisions.

Powers of Select Committee of House of Commons on Petition in respect of Right of voting.

CIV. And be it enacted, That upon Petition to the House of Commons complaining of any undue Election or Return of any Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, it shall and may be lawful for the Select Committee appointed for the Trial of such Petition to inquire into and decide upon the Right to vote of any Person who, being upon the Register of Voters in force at the Time of such Election, shall have voted in such Election, or, not being upon such Register, shall have tendered his Vote at such Election, in case the Name of such Person shall have been specially retained upon such Register, or inserted therein, or expunged or omitted therefrom, by the express Decision of the Assistant Barrister who shall have revised the Lists of Voters from which such Register shall have been formed; and also that it shall and may be lawful for such Committee to inquire into and decide upon the Right to vote of any Person who, being upon such Register, shall have voted in such Election, so far as the same may be disputed on the Ground of legal Incapacity at the Time of his voting under and by virtue of any Statute now or hereafter to be in force, or on the Ground of any other legal Incapacity at the Time of his voting which may have arisen subsequently to the Expiration of the Time allowed for making out the List of Voters from which the Register of Voters in force at the Time of such Election shall have been formed; but that, except in such Cases or on such Grounds as aforesaid, the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive, to all Intents and Purposes, as to the Right to vote in such Election of every Person who shall be upon such Register.

Select Committee may correct Poll and Register in certain Cases.

CV. And be it enacted, That it shall and may be lawful for such Select Committee, in such Cases or on such Grounds, to alter the Poll taken at such Election, according to the Truth of the Case; and that they shall report the Determination thereupon to the House, and the House shall thereupon carry such Determination into effect, and the Return shall be amended or the Election declared void, as the Case may be, and the Register corrected accordingly; or such other Order shall be made as to the House may seem proper.

Who shall discharge Duty of Town Clerk when there is no such Officer in any Borough.

CVI. And be it enacted, That in any such City, Town, or Borough in which there shall be no Town Clerk all Matters by this Act required to be done by or in regard to the Town Clerk shall be done by and with regard to the Clerk for the Time being of the Commissioners (if any) elected in such City, Town, or Borough under the said herein-before mentioned Act of the Ninth Year of King *George* the Fourth, and in case there shall be no such Commissioners then by and with regard to the High Constable or Collector of Grand Jury Cess for such City, Town, or Borough, if there shall be a separate Collector of such Cess for the same, or if there be not such separate Collector, then by and with regard to the High Constable or Collector of such Cess for the Barony in which such City, Town, or Borough, or the larger Part of the same, is situate, until there shall be a Town Clerk in any such City, Town, or Borough; and in such respective Cases all and every the Provisions of this Act shall apply and extend to such Clerks of such Commissioners, or to such High Constable or Collector of Cess, as the Case may be, as fully as to any Town Clerk; and the Expression "Town Clerk" in this Act and the Schedules thereto shall in such Cases be deemed to include any such Clerk of the Commissioners or High Constable or Collector: Provided always, that in the Borough of *Galway* all Matters by this Act required to be done by or in regard to the Town Clerk shall be done by and with regard to the Clerk of the Commissioners acting in execution of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for regulating and improving the Town of* Galway *in the County of the same Town*, until there shall be a Town Clerk therein, and all and every the Provisions of this Act shall apply and extend to such Clerk of the *Galway* Town Commissioners as fully as to any Town Clerk.

In Galway all Matters required to be done, &c. by the Town Clerk shall be done, &c. by the Clerk of the Commissioners acting under 6 & 7 W. 4. c. 117.

Poor Law Commissioners to cause the Names of Baronies in which Townlands are situate to be inserted in Rate Books.

CVII. And be it enacted, That for the Purpose of facilitating the Formation of the Register of Electors according to the Provisions of this Act, the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* shall, with all convenient Speed after the passing of this Act, cause the Name of the Barony or Half Barony within which any Townland is situate to be attached to the Name of such Townland in the existing Rate Books of each Union, and in all future Rate Books shall cause the Name of each Barony or Half Barony to be attached to the Name of each Townland in such Barony where such Townland is mentioned in such Rate Books.

Rate Books, or compared Copies thereof, to be primâ facie Evidence.

CVIII. And be it enacted, That for the Purpose of this Act the said Rate Books, or a compared Copy thereof or of any Part thereof, shall be *primâ facie* Evidence of the several Matters entered or stated therein, but that it shall be lawful for any Person who shall have duly served a Notice of Claim or Objection pursuant to the Provisions herein-before contained to prove by Evidence that any of the Entries

or

Miscellaneous Provisions.

or Statements therein is untrue or incorrect, except the Statements or Entries in such Rate Books of the Value of any Lands, Tenements, or Hereditaments, as to which the same are hereby declared to be conclusive for the Purposes of this Act.

Collector of Poor Rates, or Deputy, &c., shall attend to receive Poor Rates.

CIX. And be it enacted, That the respective Collector of Poor Rates shall attend in Person, or by a sufficient Deputy duly appointed by him by Writing under his Hand, at some Place in each Barony (of which he shall give public Notice) within the Union or Part of the Union whereof he is Collector, during the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, and during the Three next preceding Days, exclusive of *Sunday*, and in each Year after One thousand eight hundred and fifty-one during the First Day of *July* (not being *Sunday*), and during the Three next preceding Days, exclusive of *Sunday*, or if the First Day of *July* be *Sunday* then during the Four next preceding Days in each such Year, for the Purpose of giving Receipts for Poor Rate to any Persons requiring the same, and paying the Amount of Poor Rate then payable by them; and the respective Collector of Poor Rate or a sufficient Deputy for him as aforesaid shall in like Manner attend at a Place (of which he shall give public Notice) in every such City, Town, or Borough as aforesaid within the Union or Part of the Union of which he is Collector, during the like Days as before provided in the Year One thousand eight hundred and fifty, and (as regards each Year after One thousand eight hundred and fifty-one) during the First Day of *July* (not being *Sunday*), and during the Three next preceding Days, exclusive of *Sunday*, or if the First Day of *July* be *Sunday* then during the Four next preceding Days in each Year for the like Purpose; and if any such Collector of Poor Rates shall not return to the Clerk of the respective Union the Names and Descriptions of the Persons who shall have paid their Poor Rates, and a Statement of the Sums respectively paid by them, within the Space of Two Days after the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, or the First Day of *July* in any Year after One thousand eight hundred and fifty-one, or if any such Collector shall neglect or refuse to give his Assistance to the Clerk of the respective Union as by this Act required in or for the making out the Return or List of rated Occupiers or the Copy of the Register in any Year for the Purposes of this Act, or shall wilfully and without reasonable Cause give any false Information which may lead to the Omission of, or the entering of an Objection to the Name of any Person entitled to be inserted in such List, or to the Insertion of the Name of any Person not entitled to be inserted therein, such Collector shall be liable to a Penalty not exceeding Ten Pounds, to be recovered summarily before any Justice of the Peace, and levied by Distress.

Penalty for not making Return of Payments, and for other Offences.

Occupiers of Land or Premises valued at 12l. in Counties, or 8l. in Towns, may claim to be rated.

CX. And be it enacted, That it shall be lawful for any Person who shall occupy any Lands, Tenements, or Hereditaments rated under the Acts for the more effectual Relief of the destitute Poor in *Ireland* at a net annual Value of Twelve Pounds or upwards, in any Electoral Division in any County, or Eight Pounds or upwards in any City, Town, or Borough, in *Ireland*, in which there shall be a Rate for the Relief of the destitute Poor, and whose Name shall have been omitted from such Rate, to present to the Guardians of the Union a Claim to be rated in respect of such Premises, and such Claim shall be in Writing, and signed with his Name; and upon such Occupier so claiming, and actually paying or tendering the full Amount of the Rate or Rates (if any) then due in respect of such Premises, the Guardians of the Union shall insert the Name of such Occupier in such Rate in respect of such Premises as aforesaid; and in case such Guardians shall neglect or refuse so to do such Occupier shall, for the Purposes of this Act, be deemed to have been rated in respect of such Premises in the Rate in respect of which he shall have claimed to be rated as aforesaid.

No Person entitled to be registered who has received Relief under Acts for Relief of destitute Poor.

CXI. And be it enacted, That no Person shall be entitled to be registered in any Year as a Voter in the Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* who shall within Twelve Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or the Twentieth Day of *July* of the current Year (as regards each Year after One thousand eight hundred and fifty-one), have received Relief under the Acts for the more effectual Relief of the destitute Poor in *Ireland*.

How Distances to be measured in respect of Boroughs.

CXII. 'And whereas Doubts have arisen as to the proper Mode of measuring the Distance of Seven 'Statute Miles in the said Act to amend the Representation of the People of *Ireland* mentioned, and 'therein prescribed as to the Residence of Voters for Cities, Towns, and Boroughs in certain Cases:' Be it therefore enacted, That the said Distance shall be measured in a straight Line from the same Place within any such City, Town, or Borough from which such Distance is to be measured according to the Directions in that Behalf in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any such City, Town, or Borough, and of the County or Counties surrounding the same, sufficiently extensive for the Purpose, drawn or published under the Authority and Direction of the principal Officers of Her Majesty's Ordnance, such Distance shall be measured and determined by the said Map.

Notices of Objections may be sent by Post.

CXIII. And be it enacted, That it shall be sufficient in every Case of Notice to any Person objected to in any List of County, City, Town, or Borough Voters, and also, in the Case of County Voters, to the occupying Tenant whose Name and Place of Abode appears in such respective List as aforesaid, if the Notice so required to be given as aforesaid shall be sent by the Post, free of Postage, or the Sum chargeable as Postage for the same being first paid, directed to the Person to whom the same shall be sent, at his Place of Abode as described in the said List of Voters; and whenever any Person shall be desirous of sending any such Notice of Objection by the Post he shall deliver the same, duly directed, open, and in Duplicate, to the Postmaster of any Post Office where Money Orders are received or paid, within such Hours

Miscellaneous Provisions.

Hours as shall have been previously given Notice of at such Post Office, and under such Regulations with respect to the Registration of such Letters and the Fee to be paid for such Registration, which Fee shall in no Case exceed Two-pence over and above the ordinary Rate of Postage, as shall from Time to Time be made by the Postmaster General in that Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the said Notice and the Duplicate, and, on being satisfied that they are alike in their Address and in their Contents, shall forward one of them to its Address by the Post, and shall return the other to the Party bringing the same, duly stamped with the Stamp of the said Post Office; and the Production by the Party who posted such Notice of such stamped Duplicate shall be Evidence of the Notice having been given to the Person at the Place mentioned in such Duplicate on the Day on which such Notice would in the ordinary Course of Post have been delivered to such Place: Provided always, that if no Place of Abode of the Person objected to shall be described in the said List, or if such Place of Abode shall be situate out of the United Kingdom, then it shall be sufficient if Notice shall be given to the Clerk of the Peace, and to such occupying Tenant as aforesaid (if any) in the Case of a County Voter, or in the Case of a City, Town, or Borough Voter, to the Town Clerk.

Other Notices, how sent.

CXIV. And be it enacted, That whenever any Notice is by this Act required to be given or sent to the Clerk of the Peace or Clerk or Clerks of the Union or Unions, it shall be sufficient if such Notice shall be left at his Place of Abode, or at his Office or other Place for transacting Business, or shall be sent by the Post free of Postage, or the Postage thereof being first paid, addressed to the Clerk of the Peace, or Clerk or Clerks of the Union or Unions; and that whenever by this Act any Notice is required to be given or sent to any Person or Persons whatsoever, or public Officer, it shall be sufficient if such Notice be sent by the Post in the Manner and subject to the Regulations herein-before provided with respect to sending Notices of Objection by the Post free of Postage, or the Postage thereof being first paid, addressed with a sufficient Direction to the Person or Persons to whom the same ought to be given or sent, at his or their usual Place of Abode.

Errors and Misdescriptions not to prevent Operation of Act, &c.

CXV. And be it enacted, That no Misnomer or inaccurate Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any Rate, List, or Copy of Register of Voters or in any Notice required by this Act, shall in anywise prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing, provided that such Person, Place, or Thing shall be so denominated in such Schedule, Rate, List, Copy of Register, or Notice as to be commonly understood.

Certain Provisions of 6 & 7 Vict. c. 92. repealed as to certain Boroughs.

CXVI. 'And whereas by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, 'intituled *An Act for the further Amendment of an Act for the more effectual Relief of the destitute 'Poor in* Ireland, it is enacted, that whenever the net annual Value of the whole of the rateable Hereditaments in any Union occupied by any Person or Persons having no greater Estate or Interest therein 'than a Tenancy from Year to Year, or holding under Lease or Agreement, Leases or Agreements, made 'after the passing of the said Act, shall not exceed Four Pounds, or in any Electoral Division situated 'wholly or in part in any of the Boroughs named in the Schedule annexed to the said Act shall not 'exceed Eight Pounds, the Rate in respect of such Property shall after the passing of the said Act be 'made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any 'Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it 'shall be sufficient to describe him therein as "the immediate Lessor," with or without any Name or 'further Addition, and such Rate shall be held to be duly made on him by such Description, and shall 'be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, 'or the entire Omission of his Name therein: And whereas it is expedient to repeal the said Provision, 'so far as the same relates to the Boroughs named in the Schedule to the said Act annexed, and no 'further, and to substitute another Provision in lieu thereof:' Be it therefore enacted, That from and after the passing of this Act so much of the said recited Provision as relates to the said Boroughs, or any of them, named in the Schedule to the said Act annexed, shall be and the same is hereby repealed, save and except as to any Rate made or any Matter or Thing done before the passing of this Act, or as to any Remedy or Proceeding for or relating to any Rate, Matter, or Thing made or done before the passing of this Act; and that whenever, from and after the passing of this Act, the net annual Value of the whole of the rateable Hereditaments in any Electoral Division situated wholly or in part in any of the Boroughs of *Dublin*, *Cork*, *Limerick*, *Belfast*, or *Waterford*, occupied by any Person or Persons having no greater Estate or Interest therein than a Tenancy from Year to Year, or holding under a Lease or Agreement, Leases or Agreements, made after the passing of the said last-recited Act, shall be rated for the Poor Rate under the Value of Eight Pounds, the Rate in respect of such Property shall after the passing of this Act be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any such Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it shall be sufficient to describe him therein as "the immediate Lessor," with or without any Name or further Addition, and such Rate shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

Where Premises in certain Boroughs are rated at a Value under 8*l.*, the Rate is to be made on the immediate Lessors.

Interpretation of Terms.

CXVII. And be it enacted, That in this Act and the Schedules thereto annexed, unless there be something in the Subject or Context repugnant to such Construction, the Words "Clerk of the Peace" shall be construed to include the Clerk of the Peace or his Deputy, or other Person for the Time being acting for him, and having the Custody of Records relating to the Registry of Parliamentary Voters; and the Words "Assistant Barrister" shall apply to and include the Chairman of the Sessions of the Peace for the

Miscellaneous Provisions.

the County of *Dublin* and his Deputy, or any Barrister duly appointed as Deputy for an Assistant Barrister; the Word "County" shall include a Riding of a County; and the Words "County of a City," or "County of a Town," or "City," or "Town," or "Borough," respectively, shall include all Places situate within the Parliamentary Boundaries of such City or Town or Borough, and none other; the Words "City" or "Town" shall respectively include County of a City or County of a Town; the Expression "High Constable" shall include "Collector of Grand Jury Cess or County Cess;" and the Word "Town Clerk" shall include the Deputy of a Town Clerk duly appointed and acting in that Behalf; and the Word "Barony" shall be construed to include a Half Barony, and any separate Portion of a Barony or Half Barony in a County; and the Expression "Poor Rate" shall be construed to mean a Rate made for the more effectual Relief of the destitute Poor in *Ireland* under the said Act of the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, or any Act or Acts amending the same; the Expression "last Rate" shall be construed to mean the last Poor Rate for the Time being for the Union or Electoral Division made relating to the respective Premises; the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in place of an Oath; the Expression "Register for the Year" (specifying a Year) shall be deemed to refer to the Register of Voters revised at the Revision Courts in such specified Year; the Expression "succeeding Year" shall be deemed to refer to a Year subsequent to the Year One thousand eight hundred and fifty-one; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things.

Schedules Part of Act.

CXVIII. And be it enacted, That the Schedules to this Act annexed shall be deemed Part of this Act.

Act not to extend to University of Dublin.

CXIX. And be it enacted, That nothing herein contained shall extend to the Borough of the University of *Dublin*.

Act may be amended, &c.

CXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORMS FOR COUNTIES.

No. 1.

County of Barony of

LIST of PERSONS registered within Eight Years previous to the Sixteenth Day of March next (under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, Chapter 88., intituled "An Act to amend the Representation of the People of Ireland,") in respect of Property situate wholly or in part within the Barony of , as Voters in the Election of a Knight or Knights of the Shire for the County of (except all Persons registered under the said Act in respect of any Qualification heretofore requiring the Elector to be or to have been in the actual Occupation of the Premises).

Margin for entering Clerk of Peace's Objections.	Christian Name and Surname of each Person registered at full Length.	Place of Abode.	Nature of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant (if any); or if the Qualification consist of a Rent-charge, then the Name of the Owners of the Property out of which such Rent-charge is issuing, or some of them, and the Situation of the Property.	Date of Registry under the 2 & 3 W. 4. c. 88.

Dated this Day of 1850.

(Signed) *A.B.*,
Clerk of the Peace of the County of

Note.—This Form to be used only in the Year 1850.

No. 2.

No. 2.

PRECEPT of the CLERK of the PEACE to the CLERK of the UNION in the Year 1850.*

County of } To the Clerk of the Union of
Barony of }

IN pursuance of the Provisions of the Act of Parliament of the 13th and 14th Victoria, c. ., I require your Attention to the following Instructions:—

On or before the Tenth Day of October in the Year 1850 you are to make out and transmit to me, the Clerk of the Peace of the County of at my Office at in the said County, a Return for the Barony of in this County, or if the whole of the said Barony is not situate within your Union, then a Return for that Part or Division of the said Barony which is situate within your Union, which Return is to contain a List of every Male Person of full Age who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in Ireland as the Occupier of any Lands, Tenements, or Hereditaments situate in the said Barony, or such Division of the said Barony as is situate within your Union, of a net annual Value of Twelve Pounds or upwards; but you are to exclude nevertheless from such Return every such Occupier who shall not on or before the Thirtieth Day of September in this Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the Thirty-first Day of March last; and such Return shall be in the Form and shall contain the Particulars mentioned in the Form (Number 4.) herewith sent.

After due Inquiry, which you are required to make, with the Assistance of the respective Collector or Collectors of Poor Rates in or for the said Barony or the said Division of such Barony (and which Assistance such Collector or Collectors is and are hereby required to give for such Purpose), you shall and are required to add, with a Stamp or in Writing, in the Margin of such Return the Word "objected" to the Name of any Person inserted in such Return, in case you shall have reasonable Cause to believe such Person not to be, or to have ceased to be, Occupier as aforesaid of the Lands, Tenements, or Hereditaments in respect of which he shall have been so rated, or not to have been such Occupier during the whole Period from the Ninth Day of November in the last preceding Year to the Time of your making out such Return; and in like Manner you shall also add the Word "objected" or "dead" before the Name of any Person in such Return, if you shall have reasonable Cause to believe that such Person is not entitled to have his Name on the Register of Voters to be made in this Year for the said County, or is dead, as the Case may be.

Such Return shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath to be taken or made by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer, and such Justice is, under his Hand, to certify at the Foot of such Return the taking of such Oath.

You are to transmit the said Return so verified to me at my Office as aforesaid on or before the Tenth Day of October in this Year.

You, or a sufficient Deputy, appointed by you, are or is to attend the Court to be holden by the Assistant Barrister [*or* Chairman of the Sessions] for the County of in which the said Barony lies (of the Time and Place of holding which Notice will be sent to you), and there to have for the Inspection of the Assistant Barrister [*or* Chairman, *&c., as the Case may be,*] holding such Court the Rate Books or Copies of Parts thereof relating to Premises within such Barony or such Division thereof, as the Case may be.

Herein if you fail you will be liable to the Penalties in that Case provided. Given under my Hand, this Day of . . *A.B.*,
Clerk of the Peace for the County of .

* Note.—This Precept to be sent to the Clerk of the Union which contains the whole of each Barony, or (if a Barony be divided so as to lie in more than One Union) then to the Clerk of each Union which contains a Part or Division of such Barony.

No. 3.

PRECEPT of the CLERK of the PEACE to the CLERK of the UNION in every Year after the Year 1851.*

County of } To the Clerk of the Union of
Barony of }

IN pursuance of the Provisions of the Act of Parliament of the 13 & 14 Victoria, c. ., I require your Attention to the following Instructions:

On or before the [Eighth Day of July] in the present Year you are required to make out and transmit to me, the Clerk of the Peace of the County of at my Office at in the said County, the Copy of the Register of Voters herewith sent to you for the Barony of in the said County, or if the whole of the said Barony is not situate within your Union, then such Copy of

* Note.—This Precept to be sent to the Clerk of the Union which contains the whole of each Barony, or (if a Barony be divided so as to lie in more than One Union) then to the Clerk of each Union which contains a Part or Division of such Barony.

the

the Register for that Part or Division of the said Barony which is situate within your Union respectively, to be prepared and dealt with in manner following; that is to say,

On or before the Eighth Day of July aforesaid, after due Inquiry, which you are required to make, with the Assistance of the respective Collector or Collectors of Poor Rates (which Assistance such Collector or Collectors is and are required to give), you shall, upon the Copy of the Register of the said Barony or Division of the said Barony included within your Union, transmitted to you herewith, enter Objections to the Names of Persons now on such Copy of Register who are not entitled to be on the Register next to be made, in manner following; that is to say, you shall add, with a Stamp or in Writing, in the Margin the Word "objected" or "dead" (as the Case may be), before the Name of any Person whose Qualification as stated on such Copy of Register is as rated Occupier of Lands, Tenements, or Hereditaments of the net annual Value of Twelve Pounds or upwards; firstly, if such Person shall not have been rated in the then last Rate made for the Relief of the Poor as the Occupier of the same Lands, Tenements, or Hereditaments in such Copy of Register mentioned of a net annual Value of Twelve Pounds or upwards, or, secondly, if such Person shall not on or before the [First Day of July] in this present Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Lands, Tenements, or Hereditaments previously to the [First Day of January] last; or, thirdly, if you shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier as aforesaid, or not to have been such Occupier during the whole Period from the [Twentieth Day of July] in the last preceding Year to the Time of your preparing the Copy of Register; or, fourthly, if you shall have reasonable Cause to believe such Person for any other Cause not to be entitled to have his Name on the Register of Voters then next to be made for such County, or to be dead, as the Case may be.

Such Copy of Register shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath to be taken or made by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer, and to certify at the Foot of such Copy of Register the taking of such Oath.† *See Note* (*b*) *underneath.*

You are also to make out, and, together with such Copy of Register for the said Barony or Division of the said Barony, transmit to me, a Supplemental List of every Male Person of full Age not appearing already on such Copy of Register who shall be rated in the last Rate made for the Relief of the Poor as the Occupier of any Lands, Tenements, or Hereditaments situate within your Union, and in the said Barony, or in your Division of the said Barony, as the Case may be, of a net annual Value of Twelve Pounds or upwards; but you are to exclude nevertheless from such Supplemental List every such Occupier who shall not, on or before the First Day of July in this Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the First Day of January last; and you are required, after due Inquiry, which you are required to make, with the Assistance of the respective Collector of Poor Rates as aforesaid, to enter Objections, by adding in the Margin the Word "objected" or "dead," as the Case may be, before the Names of Persons in such Supplemental List contained, and not entitled to be on the Register next to be made, in like Manner in all respects as herein-before directed and required with regard to the Copy of Register of such Barony or Division of a Barony, and the Names therein contained; and such Supplemental List shall be in the Form and shall contain the Particulars mentioned in the Form (Number 15.) herewith sent; and such List shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath to be taken or made by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer, and to certify at the Foot of such List the taking of such Oath.

You are to return the said Copy of Register for the said Barony, or your Division of the said Barony, with all such marginal Additions as aforesaid so verified, and also therewith to transmit the said Supplemental List for the said Barony, or for your Division of the said Barony, with all such marginal Additions thereto as aforesaid so verified, to me, the Clerk of the Peace, at my Office as aforesaid, on or before the Eighth Day of July in this Year.

You are required to allow to any Person on the Lists of Voters of the County Inspection of the Rate Books, and to make Extracts therefrom during the Periods prescribed by the Statute.

You are required to notify to the respective Collectors or their Deputies to attend at a Place in each Barony, on the Days appointed by the Statute for receiving Payment of Poor Rates, and to give public Notice of such Days and Places, and also to require them to return to you Lists of such Payments as required by the Statute, subject to the Penalties therein.

You, or a sufficient Deputy, to be appointed by you, are or is to attend the Court to be holden by the Assistant Barrister [*or* Chairman of the Sessions] for the County of in which the said Barony lies (of the Time and Place of holding which Notice will be sent to you), and there to have for

† Note (*b*).—If the Barony is divided so as to lie in more than One Union, each Clerk of a Union in which any such Division of the Barony lies is to deal with the Copy of the Register and the Names of Persons and Premises contained therein (so far as relates to such Division only of such Barony) in like Manner in all respects as required in the Case of a Barony not divided, save that he is to deal only with what relates to his own Division of the Barony; in like Manner he is to make out the Supplemental List only for his own Division of the Barony.

the Inspection of the Assistant Barrister [*or* Chairman] holding such Court the Rate Books or Copies of the Parts thereof relating to Premises within the said Barony, or your Division thereof.

Herein if you fail you will be liable to the Penalties in that Case provided.

Given under my Hand, this Day of .

A.B.,
Clerk of the Peace for the County of

No. 4.

[*To be used in the Year 1850.*]

County of Barony of .

CLERK OF UNION'S RETURN, for the Year 1850, of Male Persons rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Twelve Pounds or upwards, and situate in the Barony [*or* Division of the Barony] of being Part of the Poor Law Union of excluding nevertheless from this List all such Occupiers as have not on or before the Thirtieth Day of September in this Year paid all Poor Rates (if any) which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the Thirty-first Day of March last.

Column for entering the Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Townland or Denomination, and Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 18 .

(Signed) *A.B.*,
Clerk of the Union of

Verified on Oath by the said *A.B.* before me, a Justice of the Peace for the County of

(Signed) *C.D.*, Justice.

No. 5.

County of Barony of .

Supplemental List in the Year 1850.

CLERK of the PEACE'S SUPPLEMENTAL LIST of Male Persons rated under the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Twelve Pounds or upwards, and situate in the Barony of being Part of the Poor Law Union of and all which Occupiers have, on or before the Thirtieth Day of September in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the Thirty-first Day of March last (excepting from this List all such Persons whose Names already appear on the List of Voters registered under the Act 2 & 3 William 4. c. 88.)

Column for entering Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Townland or Denomination, and Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of July 18 .

(Signed) *A.B.*,
Clerk of the Peace of the County of

No. 6.

No. 6.

NOTICE to be given in the Year 1850 by the CLERK of the PEACE, as to Claims to vote.

County of

I HEREBY give Notice, That all Persons entitled, by virtue of any Registration under an Act passed in the Session of Parliament holden in the Second and Third Years of His late Majesty King William the Fourth, Chapter 88., intituled "An Act to amend the Representation of the People of Ireland," or otherwise, to be put on the Register and vote in the Election of a Knight or Knights of the Shire to serve in Parliament for the County of in respect of any Property situate wholly or in part within any Barony of this County, who shall not be either upon the List of Voters registered under the said Act, or upon the Supplemental List for such respective Barony, or who, having been registered under the said Act, shall not retain the same Qualification or continue in the same Place of Abode as described in such List of registered Voters, and who are desirous to have their Names inserted in the Register about to be made under an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her present Majesty's Reign, to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, (except Persons registered under the said Act of His late Majesty's Reign in respect of any Qualification requiring the Elector to be or to have been in the actual Occupation of the Premises,) are hereby required to give or send to me, at my Office, on or before the Twenty-fifth Day of November in this Year, a Notice of Claim in Writing, by them signed, in which their Name and Surname at full Length, their Place of Abode, the Date of their Registry under the said Act, (if any, and if still in force,) and the Particulars of their Qualification, must be legibly written, according to the Form (No. 7.) hereunder set forth.* Any Person who is now registered (not being a Person registered in respect of a Qualification requiring actual Occupation of the Lands, Tenements, or Hereditaments,) may also make his Claim, if he thinks fit; but it is not necessary that he should do so if he has the same Qualification and Place of Abode as when registered. Persons entitled by virtue of a Qualification in respect of Lands, Tenements, or Hereditaments (held by them in Fee or in Tail, &c.) of the rated net annual Value of Five Pounds, and being to them of the net annual Value of Five Pounds above all Charges, Taxes, &c., under the said Act of the Thirteenth and Fourteenth Years of Her present Majesty, are also required to send Notices of Claim in like Manner, so far as may be.

Dated this Day of in the Year 1850.

(Signed) *A.B.*,
Clerk of the Peace of the County of

* The Form (No. 7.) should be annexed to this Notice.

No. 7.

FORM of NOTICE of CLAIM to be sent to the CLERK of the PEACE in the Year 1850.

Barony of

To the Clerk of the Peace of the County of

I HEREBY give you Notice, That I claim to be inserted in the List for this Barony of Voters for the County of (* by virtue of the Registration under 2 & 3 Will. 4. c. 88., *if the Case be so*), and that the Particulars of my Place of Abode and Qualification are stated in the Columns below.

Dated the Day of in the Year

(Signed) *A.B.*

Date of Registry of Persons claiming by virtue of Registration under 2 & 3 Will. 4. c. 88. (if any).	Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, or Name of the occupying Tenant (if any), or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent-charge is issuing, or some of them, and the Situation of the Property.

* Note. — These Words within the Parentheses may be struck out if the Claim be not under a Registration as here mentioned.

No. 8.

NOTICE to be given by the CLERK of the PEACE in all Years after 1851, as to Claims to vote.

County of

I HEREBY give Notice, That all Persons entitled to vote in the Election of a Knight or Knights of the Shire for the County of in respect of any Property situate wholly or in part within any Barony of this County, who shall not be on the Supplemental List of Rate-payers for such Barony, and are not upon the Register of Voters now in force (relating to such Barony), or who being upon the Register shall not retain the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register of Voters about to be made for the said County, are hereby required to give or send to me at my Office, on or before the Fourth Day of August in this Year, a Notice in Writing, by them signed, in which their Name and Surname at full Length, their Place of Abode, and the Particulars of their Qualification, must be legibly written, according to the Form (No. 9.) hereunder set forth.* Any Person who is upon the present Register may also make his Claim, if he thinks fit; but it is not necessary that he should do so if he has the same Qualification and Place of Abode as now described in the Register.

Dated this Day of in the Year

(Signed) *A.B.*,
Clerk of the Peace of the County of

* Note.—The Form (No. 9.) should be annexed to this Notice.

No. 9.

FORM of NOTICE of CLAIM to be given to the CLERK of the PEACE in all Years after 1851.

Barony of

To the Clerk of the Peace of the County of

I HEREBY give you Notice, That I claim to be inserted in the List for this Barony of Voters for the County of and that the Particulars of my Place of Abode and Qualification are stated in the Columns below. Dated the Day of in the Year

(Signed) *A.B.*

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, or Name of the occupying Tenant, if any, or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

No. 10.

County of
Barony of
to wit.
} The LIST of PERSONS, in the Year 18 , claiming to be entitled to vote in the Election of a Knight [*or* Knights] of the Shire for the County of in respect of Property situate wholly or in part within the Barony of

Margin for entering Clerk of the Peace's Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*This Column to be inserted only in the Year 1850.*]	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant, if any, or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) *A.B.*,
Clerk of the Peace of the said County.

No. 11.

No. 11.

NOTICE of OBJECTION to be given to the CLERK of the PEACE.

Barony of

To the Clerk of the Peace of the County of

I HEREBY give you Notice, That I object to the Name of the Person mentioned and described below being retained in the List for this Barony of Voters for the County of

Christian and Surname of the Person objected to as described in the List or Register.	Place of Abode, as described.	Nature of Qualification as described (if registered under 2 & 3 W. 4. c. 88. it must be so stated).	Townland or Denomination, Street, Lane, or other like Place, where the qualifying Property is situate, &c., as described in the List or Register.

Dated the Day of in the Year

(Signed) *A.B.* [*Place of Abode.*]

No. 12.

NOTICE of OBJECTION to be given to Parties objected to by any Person other than the CLERK of the PEACE or CLERK of the UNION.

Barony of

To Mr. of

TAKE notice, That I object to your Name [*in the Notice to the Tenant, instead of the Words* "your Name," *insert the Name of the Person objected to,*] being retained in the List for this Barony of Voters for the County of

Dated this Day of One thousand eight hundred and

(Signed) *A.B.*, of [*Place of Abode,*]
being now registered [*or* on the Register of Voters, *or* List of Voters, *as the Case may be,*] for the County of

No. 13.

LIST of PERSONS objected to, in the Year 18 , to be published by the CLERK of the PEACE.

County of Barony of

THE following Persons have been objected to, as not being entitled to have their Names retained in the List for this Barony of Voters for the County of

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification (if registered under 2 & 3 Will. 4. c. 88. so state).	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, or Name of the Tenant, or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) *A.B.*,
Clerk of the Peace of the County of

No. 14.

No. 14.

County of Barony of .

COPY of the REGISTER (so far as relates to the Barony of) of PERSONS entitled to vote at any Election of a Member or Members of Parliament for the County of between the 30th Day of November 18 and the 1st Day of December 18 .

Margin for entering Clerk of the Peace's Objections as to others than rated Occupiers.	Margin or Column for entering Clerk of the Union's Objections as to rated Occupiers.	Number prefixed to each Name on the Register.	Christian Name and Surname of each Person on the Register, at full Length.	Place of Abode.	Nature of Qualification.	Amount of Qualification or Rating.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any) where the Property is situate, or Name of the Property, and the Name of the Tenant (if any); or if the Qualification consist of a Rent-charge, then the Name of the Owners of the Property out of which such Rent-charge is issuing, or some of them, and the Situation of the Property.	* Date of Registry (in Cases where Party claims under a Registration under 2 & 3 W. 4. c. 88.)

Dated this Day of 18 .

(Signed) *A.B.*,
Clerk of the Peace of the County of

Note.—This Form to be used in all Years after 1851.

* Note.—This Column to be used only in the Six Years following 1851.

No. 15.

[*To be used in all Years after 1851.*]

County of Barony of .

CLERK of the UNION'S SUPPLEMENTAL LIST, for the Year 18 , of Male Persons (not already appearing on the Copy of Register for this Barony) rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Twelve Pounds or upwards, and situate in the Barony of being Part of the Poor Law Union of and all which Occupiers have, on or before the First Day of July in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the First Day of January last.*

Column for entering the Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Rated Value of Premises.	Townland or Denomination, Name, and Description of Premises rated, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property.

I certify that this is a correct List. Dated this Day of July 18

(Signed) *A.B.*,
Clerk of the Union of

Verified on Oath by the said *A.B.* before me, a Justice of the Peace for the County of , this Day of . *C.D.*

* Note.—All Persons whose Names already appear on the Copy of the Register for this Barony are to be omitted from this List.

SCHE-

SCHEDULE (B.)

FORMS FOR BOROUGHS.

No. 1.

The LIST, for the Year 18 , of PERSONS registered within Eight Years previous to the [First Day of December] (*a*) next, under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People of Ireland," entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds within such City [*or* Town *or* Borough].*

(a) In the Year 1850 the 16th Day of March is to be inserted here instead of 1st of December.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this City [*or* Town *or* Borough], and Number of the House (if any), where the Property is situate.	Date of Registry.

(Signed) *A.B.* { Clerk of the Peace of [*or* acting in or for] the City [*or* Town *or* Borough] of .

* Note.—This Form to be used in the Year 1850 and the Seven next succeeding Years, except 1851.

No. 2.

The LIST, for the Year 18 , of all PERSONS (not being on the Freeman's Roll) registered within Eight Years previous to the [First Day of December] (*b*) next, under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People of Ireland," entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of any other Right (other than the Inhabitancy of a House of the yearly Value of Five Pounds, or the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, or other than any Qualification requiring the Voter to be or to have been in actual Occupation), save that Forty Shilling Freeholders (if any registered) are to be inserted in this List.†

(b) In the Year 1850 the 16th of March is to be inserted here instead of 1st of December.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this City [*or* Town *or* Borough], and Number of the House (if any), where the Property is situate (when the Right of voting depends on Property).	Date of Registry.

(Signed) *A.B.* { Clerk of the Peace of [*or* acting in or for] the City [*or* Town *or* Borough] of

† Note.—This Form to be used in the Year 1850 and the Seven next succeeding Years, except 1851.

No. 3.

No. 3.

LIST, for the Year 18 , of PERSONS on the Freeman's Roll for the City [*or* Town *or* Borough] of registered within Eight Years previous to the [First Day of December] (*a*) next, under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People of Ireland," entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].*

(*a*) *In the Year 1850 the 16th of March is to be inserted instead of the 1st of December.*

Christian and Surname of each Person on the Freeman's Roll at full Length.	Place of Abode.	Date of Registry.

(Signed) *A.B.* { Clerk of the Peace of [*or* acting in or for] the City [*or* Town *or* Borough] of .

* Note.—This Form to be used in the Year 1850 and the Seven next succeeding Years, except 1851.

No. 4.

PRECEPT of the CLERK of the PEACE to the TOWN CLERK. †

City [*or* Town *or* Borough] of in the County of to wit. } To the Town Clerk [*or* Clerk of the Town Commissioners, *&c. &c., as the Case may be*] of the City [*or* of *or* in the Town or Borough] of .

IN pursuance of the Provisions of the Act of Parliament of the 13th Victoria, c. , I require your Attention to the following Instructions:

On or before the [Fifth Day of June] (*a*) you are to publish a Notice, signed by you, according to the Form marked No. 5., among the printed Forms herewith sent.

The Manner in which you are required to publish that Notice, and also the Lists herein-after mentioned, is as follows; (that is to say,) you are to fix one of the printed Copies (each Copy being first signed by you) in some public and conspicuous Situation on the Outside of the outer Door or on the outer Wall near the Door of the Town Hall, or if there should be no Town Hall, then in some public and conspicuous Situation in this City [*or* Town *or* Borough], heretofore used for posting public Notices, and it must remain there during a Period including Two Sundays at least.

On or before the [Twentieth Day of July] you are to make out alphabetical Lists of all Persons who shall be entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for this City [*or* Town *or* Borough]; that is to say, first, an alphabetical List, according to the Form (numbered 7.) herewith sent, of all such Male Persons of full Age as shall appear on the List transmitted to you by the Clerk of the Union in this Year as the rated Occupier or One of several rated joint Occupiers of Lands, Tenements, or Hereditaments situate within this City [Town *or* Borough] of the net annual Value of Eight Pounds or upwards, (or, in the Case of joint Occupiers, Eight Pounds or upwards for each such joint Occupier,) and also of all Persons (if any) who shall be then entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for such City [Town *or* Borough] in respect of the Inhabitancy of Houses; and another alphabetical List, according to the Form (numbered 8.) herewith sent, of all other Persons (except Persons on the Freemen's Roll) who shall be entitled to vote in the Election of such City [Town *or* Borough] by virtue of any other Right whatsoever; and a Third alphabetical List, according to the Form (numbered 9.) herewith sent, of all Persons on the Freemen's Roll who shall be entitled to vote in the Election of such City [Town *or* Borough].

*[And you are also in the Year One thousand eight hundred and fifty, and in each of the next succeeding Seven Years, except the Year One thousand eight hundred and fifty-one, to insert in the aforesaid Lists respectively all Persons on the several alphabetical Lists No. 1., No. 2., and No. 3., herewith sent, to whom no Objection may apply in respect of the Nonpayment of Poor Rates by any Person on the List No. 1., or to whom no Objection may apply in respect of Nonresidence by any Person on the Lists No. 2. and 3., together with the Dates of their respective Registries under the Act of the Second and Third

(*a*) *In the Year 1850 the following Dates are to be substituted for those in this Form; the 13th of September instead of the 5th of June, the 9th of November instead of the 20th of July, the 30th of September instead of the 1st of July, the 31st of March instead of the 1st of January, the 12th of November instead of the 22d of July, the 25th of November instead of the 4th of August, the 2d of December instead of the 11th of August, the 12th of December instead of the 20th of August, the 14th of December instead of the 22d of August, the 17th of December instead of the 25th of August.*

† Note.—When there is no Town Clerk the Clerk of the Commissioners (if any) elected in such City, Town, or Borough under the Act of the 9 G. 4. c. 82., or if there be no such Commissioners then the Collector of Grand Jury Cess is to be substituted, and is to act throughout in like Manner as the Town Clerk (if any) should act.

* Note.—This following Paragraph is to be inserted only in the Year 1850 and each of the next succeeding Seven Years, except 1851.

Years

Years of the Reign of King William the Fourth, Chapter 88., each in the proper List, according to the Nature of his Franchise (except all Persons registered under the said Act in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds situate within such City [Town *or* Borough])].

You are to omit from the first-mentioned List (marked No. 7.) all such Persons as shall not have paid, on or before the [First Day of July] then next preceding, all Poor Rates payable by them severally, if any, in respect of such Premises previously to the [First Day of January] then next preceding; and you are in like Manner to omit from the Two last-mentioned Lists (marked No. 8. and No. 9.) all such Forty Shilling Freeholders, Freemen, and others entitled to vote by any Right to the Enjoyment of which Residence is by Law required, as shall not have resided for Six Calendar Months next previous to the said [Twentieth Day of July] in this Year within the said City [Town *or* Borough], or within Seven Statute Miles of the usual Place of Election therein.

You are to add, with a Stamp or in Writing, the Word "objected" to the Name of any Person inserted in such first-mentioned List (marked No. 7.), in case you shall have reasonable Cause to believe such Person not to be, or to have ceased to be, Occupier or joint Occupier of the Premises in respect of which he shall have been rated, or not to have been such Occupier or joint Occupier for the Space of Twelve Calendar Months next previous to such [Twentieth Day of July]; and you are in every succeeding Year after the Year One thousand eight hundred and fifty-one to add in like Manner the Word "objected" to the Name of every Person whose Qualification appearing on the Copy of Register shall be the Occupation or joint Occupation of Premises of the net annual Value of Eight Pounds or upwards, or (in the Case of joint Occupation) Eight Pounds or upwards for each such joint Occupier, and who shall not appear in the List transmitted to you by the Clerk of such Union in such Year; and you are also in every Year to add in like Manner the Word "objected" or "dead" before the Name of any Person contained in such Lists of Voters or Copy of Register delivered to you by the Clerk of the Peace as aforesaid, if you have reasonable Cause to believe that such Person is not entitled to have his Name on the Register then next to be made, or is dead, as the Case may be. In each of the said Lists No. 7, 8, and 9, to be made out by you, the Christian Name and Surname of every such Person must be written at full Length, together with the Place of his Abode and the Nature of his Qualification; and where any Person shall be entitled to vote in respect of any Property in Lands, Tenements, or Hereditaments, then the Name of the Street, Lane, and the Number of the House (if any), or other Description of the Place where such Property may be situate, shall be specified in the List; and you shall sign such Lists marked Nos. 7, 8, and 9, and shall forthwith cause a sufficient Number of Copies of the said Lists, with all such marginal Additions, to be written or printed.

You are to publish, in the Manner herein-before mentioned with regard to Notices, Copies of the said Lists No. 7, 8, and 9, signed by you, on or before the [Twenty-second Day of July] in this Year, and you are likewise to keep a Copy of each of the said Lists, signed by you, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after such Lists shall have been so published, and you are to deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) herewith sent.

You are, on or before the [Eleventh Day of August], to make out and to publish, in manner aforesaid, Lists according to the Forms numbered 11, 12, and 13, containing the Name of every Person who shall have given or have caused to be given to you, on or before the [Fourth Day of August] his Claim to have his Name inserted in any List; but if you have reasonable Cause to believe that any Person whose Name shall appear in such Lists of Claimants is not entitled to have his Name upon the Register then next to be made, you are to add in like Manner the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; you are also to make out other Lists, according to the Forms numbered 16, 17, and 18, containing the Name of every Person against whom a Notice of Objection shall have been given to you, on or before the [Twentieth Day of August], as not being entitled to have his Name retained in any List for your City [*or* Town *or* Borough]; and on or before the [Twenty-second Day of August] you are to sign and publish each of such last-mentioned Lists on some public and conspicuous Situation on the Outside of the outer Door or on the outer Wall near the Door of the Town Hall, or if there be no Town Hall, then on such other Place as aforesaid in the same Manner as before mentioned with regard to the Notices.

You are to keep a Copy of these Lists, signed by you, and you are to allow the same, and also the Notices of Objection, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after the said Lists shall have been published, and you are to deliver a Copy of each of such Lists to any Person requiring the same, on the Payment of a Price for each Copy after the Rate contained in the Table marked Schedule (C.) No. 1., herewith sent.

If you shall find any such Notice, List, or other Document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its Room to the same Effect.

On or before the [Twenty-fifth Day of August] you are to deliver to me Copies of the said Lists of Voters so made out by you, with the marginal Additions as aforesaid, Copies of the Lists of Claimants, and Copies of the Lists of Persons objected to, so respectively made out and signed by you as aforesaid,

together (in the Year One thousand eight hundred and fifty-one) with the List of Voters registered under the Act of the 2d and 3d of William the Fourth, Chapter 88, and together (in every succeeding Year) with the Copy of the Register.

You are to attend the Court to be holden for the Revision of the List of Voters for your City [*or* Town *or* Borough], of the Time of holding which Notice will be given; and at the opening of such Court you are there to deliver to the Assistant Barrister [*or* Chairman of the Sessions for the County *or* Barrister, *as the Case may be*], before whom the same shall be holden, the several Lists made out by you, with the marginal Additions as aforesaid, and signed by you, and the original Notices of Objection and the original Notices of Claims given to you, together with the List transmitted to you by the Clerk of the Union in this Year.

Herein if you fail you will be liable to the Penalties in that Case provided. Given under my Hand, this Day of One thousand eight hundred and

(Signed) *A.B.* { Clerk of the Peace of or acting in or for the City [*or* Town *or* Borough] of

No. 5.

NOTICE to be given by the TOWN CLERK.*

** Note.—In the Year One thousand eight hundred and fifty the Thirtieth of September is to be inserted in this Form instead of the First of July, and the Thirty-first of March instead of the First of January.*

City [*or* Town *or* Borough] of in the County of to wit.

I HEREBY give Notice, That no Person will be entitled to have his Name inserted in any List of Voters for this City [*or* Town *or* Borough] now about to be made in respect of the Occupation of Premises rated under the last Rate for the Relief of the destitute Poor separately or together at a net annual Value of Eight Pounds or upwards, or in the Case of joint Occupiers, Eight Pounds or upwards for each of such joint Occupiers, or in respect of the Inhabitancy of a House situate within this City [*or* Town *or* Borough], unless he shall pay, on or before the [First Day of July] next, all the Poor's Rates which have become due from him (if any) in respect of such Premises before the [First Day of January] last past; and all such Persons who omit to make such Payments will be incapable of being upon the next Register of Voters for this City [*or* Town *or* Borough]. Dated this Day of June in the Year One thousand eight hundred and

(Signed) *A.B.* { Town Clerk for the City [*or* Town *or* Borough] of

No. 6.

CLERK of UNION'S LIST, for the Year 18 , of Male Persons rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Eight Pounds or upwards, and situate in the City [*or* Town *or* Borough] of being Part of the Poor Law Union of (or, in the Case of joint Occupiers, rated at a net annual Value of such an Amount as, when divided by the Number of such Occupiers, would give to each a net annual Value of Eight Pounds or upwards); excluding from this List all such Occupiers as have not, on or before the [First Day of July] in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Premises previously to the [First Day of January] last.*

** Note.—In the Year One thousand eight hundred and fifty the Thirtieth of September is to be inserted in this Form instead of the First of July, and the Thirty-first of March instead of the First of January.*

Christian Name and Surname at full Length.	Place of Abode.	Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 18 .

(Signed) *A.B.*,
Clerk of the Union of

Verified on Oath by the said *A.B.* before me, a Justice of the Peace for the of

(Signed) *C.D.*, Justice.

No. 7.

No. 7.

LIST of MALE PERSONS entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Town *or* Borough] of as being Persons rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, and Hereditaments rated separately or together at the net annual Value of Eight Pounds or upwards, and situate in the City [*or* Town *or* Borough] of being Part of the Poor Law Union of (or, in the Case of joint Occupiers, rated at a net annual Value of such an Amount as, when divided by the Number of such Occupiers, would give to each a net annual Value of Eight Pounds or upwards), and also of Persons (if any) entitled to vote as aforesaid in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds, all which Persons aforesaid have, on or before the [First Day of July] in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Premises previously to the [First Day of January] last.*

**Note.—In the Year One thousand eight hundred and fifty the Thirtieth of September is to be inserted in this Form instead of the First of July, and the Thirty-first of March instead of the First of January.*

Margin for entering Town Clerk's Objections.	Christian Name and Surname at full Length.	Place of Abode.	Nature of Qualification, whether rated Occupier or Inhabitant Householder.	Date of Registry (if any) under 2 & 3 W. 4. c. 88. in case of Inhabitant Householders.	Name or Description of Premises rated. Street, Lane, or other like Place in this City [*or* Town *or* Borough], and Number of the House (if any), where the Property is situate.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of July 18 .

(Signed) *A.B.* { Town Clerk for the City [*or* Town *or* Borough] of .

Note.—The Date of Registry under 2 & 3 W. 4. c. 88. is to be inserted only in the Year One thousand eight hundred and fifty and the next succeeding Seven Years, except One thousand eight hundred and fifty-one, and only opposite to the Names of Persons included in the List No. 1. delivered to the Town Clerk by the Clerk of the Peace.

No. 8.

The LIST, for the Year 18 , of all PERSONS (not being on the Freeman's Roll) entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of any Right whatsoever (other than and except the Inhabitancy of a House of the yearly Value of Five Pounds, or the Occupation as rated Occupiers of Premises of the rated net annual Value of Eight Pounds or upwards).

Margin for entering Town Clerk's Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Date of Registry under 2 & 3 W. 4. c. 88. (if any).	Street, Lane, or other Place in this City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any). [When the Right of voting depends on Property.]

Note.—The Date of Registry under 2 & 3 W. 4. c. 88. is to be inserted only in the Year One thousand eight hundred and fifty and the next succeeding Seven Years, except One thousand eight hundred and fifty-one, and only opposite to the Names of Persons included in the List No. 2., delivered to the Town Clerk by the Clerk of the Peace.

(Signed) *A.B.* { Town Clerk for the City [*or* Town *or* Borough] of .

No. 9.

The LIST, for the Year 18 , of PERSONS on the Freeman's Roll for the City [*or* Town *or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Freeman at full Length.	Date of Registry under 2 & 3 W. 4. c. 88. (if any).	Place of his Abode.

(Signed) *A.B.* { Town Clerk of the City [*or* Town *or* Borough] of

Note.—The Date of Registry under 2 & 3 W. 4. c. 88. is to be inserted only in the Year One thousand eight hundred and fifty and the next succeeding Seven Years, except One thousand eight hundred and fifty-one, and only opposite to the Names of Persons included in the List No. 3., delivered to the Town Clerk by the Clerk of the Peace.

No. 10.

NOTICE of CLAIM.

To the Town Clerk of the City [*or* Town *or* Borough] of

I HEREBY give you Notice, That I claim to have my Name inserted in the List (No. .) made by you of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of and that the Particulars of my Qualification and Place of Abode are stated in the Columns below [and that I claim by virtue of Registration under the 2 & 3 W. 4. c. 88. [*if the Fact be so*] on the Day of in the Year].

Dated the Day of One thousand eight hundred

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in the City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) *A.B.*

Note.—If more than One List of Voters, the Notice of Claim should specify the List to which the Claim refers.

No. 11.

LIST, for the Year 18 , of CLAIMANTS, to be published by the TOWN CLERK.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of being rated in the last Rate as Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Eight Pounds or upwards, within the said City [*or* Town *or* Borough], or in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds within the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*To be inserted only in the Year 1850, and the next Seven Years, except 1851.*]	Street, Lane, or other like Place in this City [*or* Borough], where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) *A.B.*

Town Clerk of the City [or Town *or* Borough] of

No. 12.

No. 12.

LIST, for the Year 18 , of CLAIMANTS, to be published by the TOWN CLERK.

The following Persons claim to have their Names inserted in the List of Persons (not being on the Freeman's Roll) entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of any Rights whatsoever (other than and except the Inhabitancy of a House of the yearly Value of Five Pounds, or the Occupation as rated Occupiers of Premises of the rated net annual Value of Eight Pounds or upwards).

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*To be inserted only in the Year 1850, and in each of the next Seven Years, except 1851.*]	Nature of Qualification.	Street, Lane, or other Place in this City [Town *or* Borough] where the Property is situate, and Number of House (if any). [When the Right depends on Property.]

(Signed) *A.B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 13.

LIST, for the Year 18 , of CLAIMANTS, to be published by the TOWN CLERK.

The following Persons claim to have their Names inserted in the List of Persons on the Freeman's Roll for the City [*or* Town *or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Person, as in the Claim.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*To be inserted only in the Year 1850, and the next Seven Years, except 1851.*]	Place of his Abode.

(Signed) *A.B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 14.

NOTICE of OBJECTION.

To the Town Clerk of the City [*or* Town *or* Borough] of

I HEREBY give you Notice, That I object to the Name of being retained in the List (No.) of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of

Dated this Day of

(Signed) *A.B.* of [*Place of Abode*],
on the List of Voters for the City [*or* Town *or* Borough] of

Note.—If more than One List of Voters, the Notice of Objection should specify the List to which the Objection refers; and if the List contains Two or more Persons of the same Name, the Notice should distinguish the Person intended to be objected to; and if the Person be registered under 2 & 3 W. 4. c. 88. the Notice must so state.

No. 15.

No. 15.

FORM of NOTICE of OBJECTION to be given to PARTIES objected to.

To Mr.

I HEREBY give you Notice, That I object to your Name being retained on the List (No.) of Persons entitled to vote in the Election of Members [*or* a Member] for the City [*or* Town *or* Borough] of

Dated this Day of

(Signed) *A.B.* of [*Place of Abode*],
on the List of Voters for the City [*or* Town *or* Borough] of

Note.—If more than One List of Voters, the Notice of Objection should specify the List to which the Objection refers; and if the List contains Two or more Persons of the same Name, the Notice should distinguish the Person intended to be objected to; and if the Person be registered under 2 & 3 W. 4. c. 88. the Notice must so state.

No. 16.

LIST, for the Year 18 , of PERSONS objected to, to be published by the TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of being rated in the last Rate as Occupiers of Lands, Tenements, or Hereditaments rated separately or together at a net annual Value of Eight Pounds or upwards within the said City [*or* Town *or* Borough], or in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds within the said City [*or* Town *or* Borough].

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification (if registered under 2 & 3 W. 4. c. 88. so state).	Street, Lane, or other Place in the Parish where the Property is situate, and Number of the House (if any).

(Signed) *A.B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 17.

LIST, for the Year 18 , of PERSONS objected to, to be published by the TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons (not being on the Freeman's Roll) qualified to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of by virtue of any Rights whatsoever (other than and except the Inhabitancy of Houses of the Value of Five Pounds, or the Occupation as rated Occupiers of Premises of the rated net annual Value of Eight Pounds or upwards).

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification (if registered under 2 & 3 W. 4. c. 88. so state).	Street, Lane, or other Place in the City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) *A.B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 18.

No. 18.

LIST, for the Year 18 , of PERSONS objected to, to be published by the TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained on the List of Persons on the Freeman's Roll for the City [*or* Town *or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].

Christian and Surname of each Person objected to.	If registered under 2 & 3 W. 4. c. 88. so state.	Place of Abode.

(Signed) *A.B.*,
Town Clerk of the said City [*or* Town *or* Borough].

SCHEDULE (C.)

No. 1.

TABLE of RATES OF PAYMENT to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List or Copy of a List containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 100 Names	0	6
Exceeding 100 and not exceeding 200	1	0
Exceeding 200 and not exceeding 300	1	6
Exceeding 300 and not exceeding 400	2	0
Exceeding 400	2	6

No. 2.

TABLE of RATES OF PAYMENT to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register or any Part of any Register containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 1,000 Names	1	0
Exceeding 1,000 and not exceeding 3,000	2	6
Exceeding 3,000 and not exceeding 6,000	5	0
Exceeding 6,000 and not exceeding 9,000	7	6
Exceeding 9,000	10	0

CAP. LXX.

An Act empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand*. [14th *August* 1850.]

'WHEREAS by Letters Patent dated the Twelfth Day of *February* in the Fourth Year of the Reign of Her present Majesty certain Persons therein named were constituted a Body Corporate, with perpetual Succession and a Common Seal, by the Name of "The *New Zealand* Company," for the Purpose of purchasing, acquiring, and alienating Lands within Her Majesty's Colony of *New Zealand* and its Dependencies, and for other the Purposes therein set forth: And whereas Her Majesty on the Twenty-third Day of *December* One thousand eight hundred and forty-six issued under Her Majesty's Sign Manual and Signet certain Instructions accompanying the *New Zealand* Charter of the same Date, and providing, amongst other things, in the Thirteenth Chapter thereof, for the Settlement of the Waste Lands of the Crown in the said Colony of *New Zealand*, and on the Twenty-seventh Day of *January* One thousand eight hundred and forty-nine issued certain additional Instructions in relation to the said Lands: And whereas by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act to promote Colonization in* New Zealand, *and to authorize a Loan to the* New Zealand *Company*, after enacting that the Provisions relating to the Settlement of the Waste Lands of the Crown contained in the Thirteenth Chapter of the said Instructions, with

Letters Patent, dated 12th Feb. 4 Vict., constituting New Zealand Company.

Instructions of 23d Dec. 1846, under Sign Manual.

Additional Instructions of 27th Jan. 1849.

10 & 11 Vict. c. 112.

'with the Exceptions therein mentioned, should be suspended and of no Force and Effect within the 'Province of *New Munster* in the said Colony of *New Zealand* until the Fifth Day of *July* in the Year 'One thousand eight hundred and fifty, and during such further Time as should be directed by Par- 'liament, and that all the Demesne Lands of the Crown in the said Province of *New Munster*, and all 'the Estate and Right of Her Majesty therein, or Power and Authority over the same or any Part 'thereof, should from and immediately after the passing of the said Act, and during the Suspension of 'the said Instructions, be absolutely and entirely vested in the said *New Zealand* Company, in trust 'to sell or otherwise dispose of the same as therein mentioned, and after reciting that it was expedient 'to provide for the Contingency of the *New Zealand* Company finding themselves unable to continue 'their Proceedings with Profit to themselves and Benefit to the said Colony, it was enacted, that if the 'Directors of the said Company should give Notice to One of Her Majesty's Principal Secretaries of 'State, within Three Calendar Months next after the said Fifth Day of *April* One thousand eight hun- 'dred and fifty, by any Instrument under the Seal of the Company, that they were ready to surrender 'the Charters of the said Company to Her Majesty, and all Claim and Title to the Lands granted or 'awarded to them in the said Colony, all the Powers and Privileges of the said Company (except as 'therein provided) should cease and determine, and all the Lands, Tenements, and Hereditaments of the 'said Company in the said Colony should thereupon revert to and become vested in Her Majesty as Part 'of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless to any Contracts which 'should be then subsisting in regard to any of the said Lands, and upon certain other Conditions

Letters Patent, dated 13th Nov. 13th Vict., constituting the Canterbury Association.

'therein provided: And whereas by Letters Patent dated the Thirteenth Day of *November* in the 'Thirteenth Year of the Reign of Her present Majesty certain Persons therein named were constituted 'a Body Corporate, with perpetual Succession and a Common Seal, by the Name of "The *Canterbury* 'Association," for founding a Settlement in *New Zealand*, and were empowered to purchase, hold, 'and alienate Lands in the said Colony of *New Zealand* and its Dependencies: And whereas

Agreement between New Zealand Company and Canterbury Association, dated 1st Dec. 1849.

'by an Agreement dated the First Day of *December* One thousand eight hundred and forty-nine 'between the said "*Canterbury* Association" and the said *New Zealand* Company the said *New* 'Zealand Company agreed to reserve as the Site of the *Canterbury* Settlement therein mentioned, and 'to place at the sole Disposal of the said *Canterbury* Association, the Lands described in the Schedule 'hereto annexed, during the Term of Ten Years from the Date thereof, subject to the Payment by the 'said Association of such Sums of Money and the Performance of such Conditions as therein men- 'tioned: And whereas the said Association, with a view of founding their said intended Settlement in '*New Zealand*, issued a certain Document entitled "Terms of Purchase of Lands within the *Canterbury* 'Settlement," whereby, amongst other things, certain Benefits were reserved to certain Persons therein 'described as the First Body of Colonists, being such Persons as might become Purchasers of Land to an 'Extent not exceeding One hundred and one thousand Acres before the First Day of *July* One thousand 'eight hundred and fifty: And whereas the Directors of the said *New Zealand* Company have duly given 'Notice, in pursuance of the said Act, of their being ready to surrender the Charters of the said Com- 'pany in manner prescribed by the said Act, and all the Lands, Tenements, and Hereditaments of the 'said Company in the said Colony, including those described in the said Schedule, have thereupon 'reverted to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New* 'Zealand, subject nevertheless to any Contracts then subsisting in regard to any of the said Lands

Neither the 13th Chapter of Instructions of 23d Dec. 1846, nor additional Instructions of 27th Jan. 1849, to apply to Lands described in Schedule.

'and to certain other Conditions therein mentioned: And whereas it is expedient to provide for the 'said Association having the Disposal of the Lands described in the said Schedule for such Time and 'subject to such Conditions as are herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That neither the Thirteenth Chapter of the said Instructions dated the Twenty-third Day of *December* One thousand eight hundred and forty-six, or the said additional Instructions of the Twenty-seventh Day of *January* One thousand eight hundred and forty-nine, shall henceforth apply to the Lands described in the said Schedule during the Period herein-after provided.

Association empowered during Ten Years to dispose of certain Lands.

II. And be it enacted, That during the Term of Ten Years, and such further Term of Years as One of Her Majesty's Principal Secretaries of State may, by Writing under his Hand, declare, as herein-after provided, the said Association shall have Power, by Instrument under their Common Seal, to dispose of and convey all or any Part of the Lands described in the said Schedule, either by way of absolute Sale to Purchasers for Estates in Fee Simple, or by granting Licences for the Pasturage of the same, but subject to the Conditions following, and to the Terms of Purchase now or at any Time existing respecting the same as herein-after mentioned:

Subject to Conditions; viz.

That, excepting Land selected for Capital, &c., all Lands shall be Rural Lands.

1. That, with the Exception of such Land as has already been or may hereafter be selected by the Agent of the Association for the Site of the Capital Town, and of Harbour and Port Towns, and of such Land as may be reserved by the Association for Works of public Utility under the Terms of Purchase herein-before mentioned, all the Lands shall be open for Purchase as Rural Land.

Extent of Allotments.

2. That the Extent of a Rural Allotment shall be not less than Fifty Acres, and the Extent of a Town Allotment in the Capital Town shall be One Half Acre, and in other Towns One Quarter of an Acre.

Price of Land.

3. That the Land shall be sold at not less than the following Sums; that is to say, Rural Land at not less than Three Pounds *per* Acre, including the Sums contributed for special Purposes; an Half Acre Allotment in the Capital at not less than Twenty-four Pounds, and a Quarter Acre of Allotment in other Towns at not less than Twelve Pounds, including such Sums as aforesaid.

4. That

4. That all Land for the Time being remaining unsold shall be open, under Licence, for Pasturage Purposes, at the Rate of Twenty Shillings *per Annum* for every Hundred Acres. Unsold Land may be depastured.

5. That One Sixth Part of the whole Produce of such Sales, and of the Sums received for Licences for Pasturage, be paid by the said Association to Her Majesty, Her Heirs and Successors, such Payments to be made at such Times and to such Persons as One of Her Majesty's Principal Secretaries of State shall by Writing under his Hand determine, (saving nevertheless all such Rights as the *New Zealand* Company may possess, as herein-after mentioned, under the said recited Act of the Tenth and Eleventh Years of Her Majesty's Reign, to any Payments out of Sales of Demesne Land of the Crown in *New Zealand*,) and the Receipt of any One of Her Majesty's Principal Secretaries of State shall be a complete Discharge to the said Association for the Monies paid to him. A 6th of Produce of Sales, &c. to go to Her Majesty. Saving certain Rights of New Zealand Company.

6. That during the said Term of Ten Years, or further extended Term as aforesaid, the said Association shall make Sale of Land in the said Settlement to the Value in each Year from the First Day of *March* One thousand eight hundred and fifty of such Sum as, taken together with all Sums paid previously thereto, shall yield an average yearly Sum of not less than Fifty thousand Pounds, until the whole of the said Tract be sold, or the said Period of Ten Years, or such extended Term as aforesaid, expire. Amount of Land to be sold by the Association.

III. And be it enacted, That for the more convenient carrying on of their Business in the said Settlement it shall be lawful for the said Association, during the Continuance of such Term or extended Term as aforesaid, by any Deed or Instrument in Writing under their Common Seal, from Time to Time to constitute and appoint any Persons to be while actually within the said Settlement, and for such Period, if any, as the said Association may think fit, the Attornies of the said Association, to make and execute in the Name and on the Behalf of the said Association any such Conveyances, Deeds, or Instruments as the said Association are empowered to make and execute of any of the Lands of the said Settlement, and over and in respect of which the said Association may at any Time have any disposing or other Power or Authority whatsoever, subject to the Provisions of this Act, and from Time to Time as Occasion may require, and as to the said Association may seem meet, but not otherwise, and further to revoke any such Deed or Instrument if the said Association think expedient, and to make any other Deed or Instrument in lieu thereof, all which Conveyances, Deeds, and Instruments whatsoever to be made and executed by such Attornies shall be under the Signature of such Attornies, and under such Duplicate Seal as herein-after mentioned. Power to Association to appoint Attornies;

IV. And be it enacted, That the said Association shall and may have their Common Seal executed in Duplicate, with Power to alter, vary, break, and renew such Duplicate, and that it shall be lawful for the said Association to commit the same to the Custody of the Attornies for the Time being constituted and appointed as aforesaid for the Purpose of making and executing all such Conveyances, Deeds, and Instruments whatsoever; and every Conveyance, Deed, and Instrument made and executed by such Attornies shall be as valid and effectual in Law to all Intents and Purposes whatsoever as if the same had been duly made and executed by the said Association, without the Intervention of such Attornies. and to commit Duplicate of Seal to such Attornies. Deeds executed by them to be valid.

V. And be it enacted, That all Conveyances, Deeds, and Instruments whatsoever, signed or purporting to be signed by such Attornies as aforesaid, and under the Seal for the Time being committed to such Attornies, shall be *primâ facie* Evidence, not only of the Appointment and Continuance in Office of such Attornies, but also of their Signatures thereto, and the due sealing thereof with the Seal committed to such Attornies, and that it shall be the Duty of all Courts of Justice, Justices and others, as well within as without any of Her Majesty's Colonies, to receive the same as such *primâ facie* Evidence. Conveyances, &c. duly signed and sealed, primâ facie Evidence of due Execution.

VI. Provided nevertheless, and be it enacted, That not less than Two Persons shall be constituted and appointed such Attornies as aforesaid by any Deed or Instrument in Writing as aforesaid, and that if in any Deed or Instrument more than Two Persons are appointed, any Two of the Persons so appointed, whether they alone of the Persons so appointed shall have accepted or shall continue in Office or not, shall, unless the contrary be provided by such Deed or Instrument, be as fully competent to act in all respects as the whole Body of Persons thereby appointed. Not less than Two Attornies to be appointed.

VII. 'And whereas in the said recited Act of the Tenth and Eleventh of *Victoria* it was enacted, 'that upon such Reversion to Her Majesty of the Lands belonging to the said Company as aforesaid, 'amongst other things, there should be charged upon and paid to the *New Zealand* Company out of 'the Proceeds of all future Sales of the Demesne Lands of the Crown in *New Zealand*, after certain 'Deductions, a Sum of Money, with Interest thereon, as therein mentioned:' Now be it enacted, That notwithstanding anything in the said Act contained, the remaining Five Sixth Parts of the whole Produce of such Sales and Licences as aforesaid shall be retained by the said Association, and no Part thereof shall be available to the Purposes in the said Act mentioned, but the whole thereof shall be subject to the Provisions contained in the said Agreement of the First Day of *December* One thousand eight hundred and forty-nine, and in the Terms of Purchase now existing, or in such Terms of Purchase as may at any Time be made as herein-after provided. Application of remaining Five Sixths of Purchase Money, notwithstanding anything in recited Act 10 & 11 Vict. c. 112.

VIII. And be it enacted, That if the said Association should at any Time during the said Term of Ten Years, or such extended Term as aforesaid, omit or neglect to observe or perform any of the Conditions aforesaid, One of Her Majesty's Principal Secretaries of State may, if he shall think fit, by Writing under his Hand declare that the Power of Disposition over the Lands in the said Schedule hereby given to them has determined; but no Purchaser or Licensee shall be bound to inquire as to the Fulfilment of any of the said Conditions, or the Regularity of any Sale made or Licence granted by the said If Association neglect to perform Conditions aforesaid, Power of Disposition over the Lands to cease if One of Her Majesty's Secre-

taries of State so declare.

said Association, and all Sales made and Licences granted by the said Association shall, so far as the Safety of Purchasers or Licensees is concerned, be deemed to be within the aforesaid Power.

Association may make Terms of Purchases, to be approved by Secretary of State.

IX. And be it enacted, That during the said Term of Ten Years, or such extended Term as aforesaid, the said Association shall have Power and Authority from Time to Time to make and issue Terms of Purchase and Licence of Lands within the said Settlement, and at any Time to alter, vary, or modify the same, or to re-make and re-issue such Terms: Provided always, that any such Terms of Purchase and Licence shall not be repugnant to the Provisions of this Act; and provided also, that the same be approved by One of Her Majesty's Principal Secretaries of State.

Power for Secretary of State to extend Term of Ten Years.

X. And be it enacted, That One of Her Majesty's Principal Secretaries of State may, on the Application of the said Association, made under their Common Seal at any Time during the said Ten Years, by Writing under his Hand as aforesaid, extend the said Term of Ten Years for such further Time as he in his Discretion may think fit.

Reserving Rights of First Colonists.

XI. And be it enacted, That nothing herein contained shall prejudice the Rights of the said First Colonists under the Terms of Purchase first herein-before mentioned, or of any Person or Persons entitled or claiming to be entitled to any of the Lands described in the said Schedule by virtue of any Deed or Contract made or entered into previously to the passing of this Act.

On Expiration of Term Lands in Schedule unsold to revert to Her Majesty.

XII. And be it enacted, That at the Expiration or sooner Determination of the said Term of Ten Years, or such extended Term as aforesaid, all Lands (if any) comprised in the said Schedule hereto, then remaining undisposed of by the said Association, shall be at the Disposal of Her Majesty in the same Manner as other Demesne Lands of the Crown in *New Zealand*.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

The SCHEDULE to which this Act refers.

All that Tract of waste and unappropriated Land, formerly in the Possession of the New Zealand Company, situated in the Middle Island of New Zealand, being bounded by the Snowy Range of Hills from Double Corner to the River Ashburton, by the River Ashburton from the Snowy Hills to the Sea, and by the Sea from the Mouth of the River Ashburton to Double Corner, and estimated to contain 2,500,000 Acres, more or less, with the Exception of certain Buildings, and the Land marked out as appurtenant thereto, situate on Banks's Peninsula, and purchased by the said New Zealand Company from the Nanto Bordelase Company, and with the Exception also of certain Property acquired by Purchase and Exchange with Mr. De Belligny, such Lands so excepted being reserved to Her Majesty, Her Heirs and Successors.

CAP. LXXI.

An Act to continue an Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to prevent, until the First Day of* September *One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.* [14th *August* 1850.]

[11 & 12 *Vict. c.* 107. *continued until* 1*st September* 1851.]

CAP. LXXII.

An Act to amend the Laws for the Registration of Assurances of Lands in *Ireland*. [14th *August* 1850.]

6 Anne, c. 2. (I.)
8 Anne, c. 10. (I.)
8 G. 1. c. 15. (I.)
25 G. 3. c. 47. (I.)

'WHEREAS an Act of the Parliament of *Ireland* was passed in the Sixth Year of Queen *Anne*, intituled *An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments;* and an Act of the said Parliament for amending the said first-mentioned Act was passed in the Eighth Year of Queen *Anne;* and an Act of the said Parliament was passed in the Eighth Year of King *George* the First, for explaining and amending the said Acts; and an Act of the said Parliament was passed in the Twenty-fifth Year of King *George* the Third, intituled *An Act for amending the several Laws relating to the registering of Wills and Deeds in the Registry Office of this Kingdom, and for the better regulating and conducting the Business of the said Office;* and by the said Acts certain Provisions are made for registering Memorials of all Deeds (save certain Leases), Conveyances, and Wills affecting Honors, Manors, Lands, Tenements, or Hereditaments in *Ireland;* and by the said Act of the Sixth Year of Queen *Anne* it is enacted, "That every Memorial of any Deed, Conveyance, or Will shall contain the Day of the Month "and the Year when such Deed, Conveyance, or Will bears Date and was perfected, and the Names and "Additions of all the Parties to such Deed or Conveyance, and of the Devisor or Testatrix of such "Will, and of all the Witnesses to such Deed, Conveyance, or Will, and shall express or mention the "Honors, Manors, Lands, Tenements, or Hereditaments contained in such Deed, Conveyance, or Will, "and the Names of all the Counties, Baronies, Cities, Towns Corporate, Parishes, Townships, Hamlets, "Villages, and Precincts within this Kingdom where any such Honors, Manors, Lands, Tenements, or "Hereditaments are lying and being that are given, granted, conveyed, devised, or any way affected or

" charged

"charged by any Deed, Conveyance, or Will, in such Manner as the same are expressed or mentioned "in such Deed, Conveyance, or Will, or to the same Effect, and that the Registrar shall keep an alphabetical Calendar of all Counties, Baronies, Cities, Towns Corporate, Parishes, and Townships within this "Realm, with Reference to the Number of every Memorial that concerns the Honors, Manors, Lands, "Tenements, or Hereditaments in every such County, Barony, City, Town Corporate, Parish, or Township respectively, and of the Names of the Parties mentioned in such Memorial:" And whereas by an Act passed in the Third Year of King *William* the Fourth, intituled *An Act to regulate the Office for registering Deeds, Conveyances, and Wills in* Ireland, it is enacted, "That in every Memorial of any "Deed or Instrument dated after the Thirty-first Day of *December* One thousand eight hundred and "thirty-two, brought into the said Office to be registered, there shall be specified the County and "Barony, or the Town or County of a City, and Parish, or the Town and Parish, in which the Lands "and every of them to be affected by registering such Memorial are by such Deed or Instrument stated "to be situated, and where the Lands lie in Two or more Counties or Baronies or Parishes, or Streets, "or partly in one Barony, Parish, or Street, and partly in another, the same shall be distinctly stated "in the Memorial from the Deed, and that where the Instrument to which the Memorial relates shall "contain a Plan of the Lands or of any Part thereof, there may, if it be the Pleasure of the Party "requiring the Registration of the Memorial, be inserted in or be annexed on Parchment, to the "Memorial of such Instrument to be registered, a Copy of such Plan," and by the said last-mentioned Act an alphabetical Index of the Names of Persons affected by Memorials, to be called the "Index of Names" is required to be made, and kept in the Manner and Form specified in such Act, and it is enacted, "that there shall be provided in the said Office a Series of Parchment Books, to be called the "Index of Lands," and One Book of such Series shall be appropriated to each County, and One to each "City being a County of itself, and One Book to every such Number of Towns, being Counties of themselves, as heretofore it has been customary to index together, and One Book to every such Number of other "Towns as heretofore it has been customary to index apart from the Counties in which they are situated, "and every Book appropriated to a City, being a County of itself, or to a Number of Towns, shall be "divided into Parishes or Streets, and each such Book for Counties shall contain separate Divisions "under the Heads of Baronies, and for Cities or Towns under the Heads of Parishes or Streets, arranged "alphabetically, with alphabetical Subdivisions for Denomination of Lands, into which Books there "shall be entered, by the Initial Letter of each Name, the Names of all Lands, Tenements, and Hereditaments specified in every Memorial registered in the Office, and to the Name of the Land, Tenement, or Hereditament there shall be subjoined the Name of the Parish or the Place respectively in "which the same shall be described to be situated, and also the Year of Registry, and the Page of the "Day Book, and the Number and Volume respectively of the Abstract and Transcript Books, and the "Number and File of the Memorial relating thereto; and opposite to every such Entry of Lands there "shall also be entered the Surname and Christian Name of the Grantor, and also the Surname and "Christian Name of the Grantee; but where there shall be more than One Grantor the Name of the "first Grantor only shall be so entered, with the Word 'another' or 'others;' and where more than "One Grantee, in like Manner the Name of the first Grantee only, with the Word 'other' or 'others:'" And whereas by an Act passed in the Twelfth Year of Her Majesty, intituled *An Act to facilitate the Transfer of Landed Property in* Ireland, it is enacted, "That it shall be lawful for the Commissioners "of Her Majesty's Treasury, or any Three of them, for the Time being, by an Order under their Hands, "from Time to Time to make any Alterations in the Forms of the Indexes of Names and Lands directed "by the said Act of the Third Year of King *William* the Fourth to be made, and from the Time of "making any such Order, or from any Time to be specified therein, the said Indexes shall be made and "kept in such Manner and Form as the said Commissioners of Her Majesty's Treasury, or any Three "of them, shall in such Order specify and direct; and it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, in like Manner to vary or rescind any such "Order as aforesaid:" And whereas, for the Purpose of the more convenient registering of Instruments affecting Lands in *Ireland*, it is expedient that Indexes should be formed with Reference to the General Survey of *Ireland* made under the Direction of the Master General and Board of Ordnance, and that the said Acts should be amended:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to authorize and direct the Maps made and published and to be made and published under the Direction of the Master General and Board of Ordnance, or any altered or enlarged Maps (founded upon the Survey and revised Survey of *Ireland*) which may be made under the Direction of the said Master General and Board, and approved by the said Commissioners, to be used for the Purposes of this Act; and the said Commissioners, where they think fit, may cause Copies or Reprints of all or any of the Maps published under the Authority of the said Master General and Board, with any Additions to or Variations in the Matters marked on the said Maps which the said Commissioners may deem convenient for the Purposes of this Act, to be made, under the Direction of the said Master General and Board, and may, where they think fit, cause Maps on any enlarged Scale or Scales of any Cities, Towns, Parts, or Places in *Ireland* to be made, under the like Direction; and Copies of the Maps which the said Commissioners shall direct to be used for the Purposes of this Act shall be deposited in the said Register Office, and such Maps shall be published, and Copies thereof shall be sold, as the said Commissioners shall direct.

2 & 3 W. 4. c. 87. s. 29

11 & 12 Vict. c. 120.

Ordnance Maps to be adapted and used for the Purposes of this Act.

Land Indexes to be made, having References to the Maps.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to authorize and direct to be made for each County and City being a County of itself, and for each Town which it may seem to the said Commissioners expedient to index apart from the County in which it is situate, a Land Index, in such Form as they shall approve, so as to show in every such Index appropriated to a County the Baronies, Townlands, Denominations, and Sub-denominations and other Divisions of Land within such County, and in each Index appropriated to a City or Town the Parishes and Streets, Denominations, and Divisions of Land within such City or Town, having References in every such Index from the several Townlands, Denominations, Sub-denominations, Streets, and Divisions to the Maps to be used for the Purposes of this Act; and it shall be lawful for the said Commissioners to cause to be inserted in such respective Land Indexes or to give Directions for the Insertion therein from Time to Time of the Names or short Descriptions of the Manors and incorporeal Hereditaments which cannot be conveniently indexed with Reference to Maps within the respective Baronies, Parishes, and other Divisions of Land in every such County, City, and Town respectively, and every such Land Index shall be deposited in the said Register Office, and shall be a Land Index to be used for the Purposes of this Act.

Commissioners of the Treasury to give Notice of Commencement of Registration under this Act.

III. And be it enacted, That when the Maps and Land Indexes to be used for the Purposes of this Act have been completed it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be published in the *Dublin Gazette* Notice of a Time, not earlier than Three Calendar Months from the Time of the Publication of such Notice, when Registration under the Provisions of this Act shall commence, and the Time mentioned in such Notice shall be the Commencement of Registration under this Act.

No Memorial of Assurances to be registered, except by depositing Original, and by proper Entries.

IV. And be it enacted, That (except in the Cases herein-after expressly provided for) no Memorial of any Assurance executed after the Commencement of Registration under this Act by which any Lands in *Ireland* may be affected at Law or in Equity shall be registered in the said Register Office; and every such Assurance may be registered in the said Register Office by the Deposit of the original Document, or (where there are duplicate original Documents) of One of the duplicate original Documents, in the said Register Office, and by an Entry or Entries being made in the proper Index or Indexes to be kept in the said Register Office under the Provisions of this Act; and this Enactment shall extend to any Conveyance, Deed, Grant, Lease, or other Instrument which by any Act of Parliament now in force is exempted from Registration, except such Leases as are so exempted by the said Act of the Sixth Year of Queen *Anne*; and the several Documents to be deposited in the said Register Office as aforesaid shall from Time to Time be made up into Books or Parcels, and numbered.

Documents to be made up into Books, &c.

An "Index of Titles" to be kept for Ireland; and Assurances to be indexed, &c., by Numbers.

V. And be it enacted, That there shall be provided and kept in the said Register Office, in addition to the Land Indexes herein-before mentioned, One Index for all *Ireland*, to be intituled "The Index of Titles;" and all Assurances to be registered under this Act (except Wills and such other Assurances as are herein-after directed to be otherwise indexed) shall be indexed in the said Index of Titles under Heads to be respectively designated by Numbers in the Manner and according to the Regulations herein-after mentioned; (that is to say,)

1. Where the Grantor does not derive Title under Assurance, the same to be indexed under a new Head.

First.—Where the Grantor in the Assurance to be registered does not derive Title under an Assurance which has been indexed in the Index of Titles, the Assurance to be registered shall be indexed by making an Entry thereof under a new Head in such Index; and where the Assurance to be registered is a Conveyance or Assignment by the Commissioners for Sale of Incumbered Estates in *Ireland*, then, notwithstanding any previous Assurance affecting the Lands comprised in such Conveyance or Assignment may have been so indexed, such Commissioners shall not be deemed to derive Title under any such Assurance; and every such Conveyance or Assignment shall be indexed by making an Entry thereof under a new Head in such Index of Titles.

2. Where the Grantor does, Assurance to be indexed under the same Head as that under which Title derived.

Second.—Where the Grantor in the Assurance to be registered derives Title, either immediately or derivatively, under an Assurance which has been indexed in the Index of Titles, the Assurance to be registered shall be indexed by making an Entry thereof under the same Head as the Assurance under which such Title is derived; and if the Title be derived under several successive Assurances, which (by virtue of any Regulation herein-after contained) have been indexed under different Heads in the Index of Titles, the Assurance to be registered shall be indexed by making the Entry under the same Head as such One of the said successive Assurances as has been last executed.

3. Assurance under Regulation 2. may be indexed under new Head.

Third.—Where by the Second Regulation an Assurance is required to be indexed under an existing Head, the Person requiring the Registration may direct the Assurance, instead of being indexed under such existing Head, to be indexed under a new Head, and the Assurance shall be indexed accordingly; and a Reference shall be made under such existing Head to the Head under which the Assurance shall be indexed under this Regulation.

4. No Assurance to be indexed under more than One Head.

Fourth.—Where, by the Effect of the First and Second Regulations, an Assurance would be required to be indexed in the Index of Titles in respect of different Lands or different Interests in Lands under any Two or more Heads, the same shall be indexed under such One only of the said Heads (whether an existing Head or a new Head) as the Person requiring the Registration of the Assurance shall by any Writing direct, or in default of any such Direction, as the Officer by whom the Assurance is indexed shall think fit; and in case any other of such Heads be an existing Head, a Reference shall be made under every such other existing Head to the Head under which the Assurance shall be indexed; and in any such Case as is provided for by this Regulation the

Power

Power given by the Third Regulation is not to be exercised so as to occasion the Assurance to be indexed under more than One Head.

Fifth.—Where by any of the preceding Regulations an Entry is directed to be made in the Index of Titles, the Entry shall express the Year and the Day of the Month when the same is made, and the Book or Parcel in which the Document deposited at the said Register Office is made up, and the Number of such Document in such Book or Parcel; and such other Particulars as under any Regulations to be made as herein-after mentioned shall be directed. 5. Particulars to be expressed on indexing an Assurance.

Sixth.—Where Lands are conveyed or otherwise assured to any Person or Persons in trust to be sold, or otherwise converted into Money, for the Purpose only of securing the Payment of any Sum of Money, or the Transfer or Assignment of any Parliamentary or other Stocks, Funds, or Securities, and are redeemable before the Sale and Disposal thereof, either by express Stipulation or otherwise, and in every other Case where an Assurance of Lands is intended only as a Security for the Payment of any Sum or Sums of Money, whether annual or in gross, or otherwise to be payable, or as a Security for the Transfer or Assignment of any Parliamentary or other Stocks, Funds, or Securities, any Person entitled to the Right or Equity of Redemption or Reversion in such Lands or to any Interest therein, or entitled to such Lands or any Interest therein subject to the Security so made by such Assurance as aforesaid, shall not for the Purposes of the preceding Regulations be considered to have derived his Title to such Right or Equity of Redemption or Reversion or such Interest therein, or his Title to such Lands or such Interest therein subject as aforesaid, through or under the Assurance by which such Mortgage or other Security has been made; and such Assurance shall for such Purposes, and as to such Person entitled as aforesaid, be considered not to have been made or executed. 6. The Grantor of an Equity of Redemption is not to be considered as deriving his Title under the Mortgage Deed.

VI. And be it enacted, That where an Entry of an Assurance is made under a new Head in the Index of Titles an Entry shall be made in the Land Index for the County, or County of a City or Town, in which the Land or Hereditament affected by such Assurance is situate, opposite to the Name or Number of every Townland, Denomination, and Sub-denomination or other Division of Land, or the Name or Description of the Hereditament affected by the Assurance entered under such new Head, which Entry in the Land Index shall contain a Reference to such new Head in the Index of Titles; and where an Entry is made under any existing Head in the Index of Titles of an Assurance affecting any Townland, Denomination, or Sub-denomination or other Division of Land, or any Hereditament, opposite to the Name, Number, or Description of which in the Land Index no Reference to such existing Head in the Index of Titles has been previously made, an Entry shall be made in the Land Index opposite to the Name, Number, or Description of such Townland, Denomination, Sub-denomination, Division, or Hereditament, which Entry shall contain a Reference to such existing Head in the Index of Titles; and where any Manor or other incorporeal Hereditament opposite to the Name or Description of which in the Land Index an Entry is required to be made under this Enactment is not already shown in such Index, the Name or Description of such Manor or Hereditament shall, at the Time when such Entry as last aforesaid is required to be made, be entered in the Land Index for the County, or County of a City or Town, in which the same is situate, and when so entered such Entry as is required as aforesaid to be made in such Land Index opposite to the Name or Description of such Manor or Hereditament shall be made. Entries to be made in "Land Index" containing References to the Entries in the "Index of Titles."

VII. And be it enacted, That every Decree or Order of any Court of Equity made after the Commencement of Registration under this Act, by which any Estate or Interest in any Lands in *Ireland* is created, declared, transferred, foreclosed, or determined, and also every Decree or Order of any Court of Equity made after such Commencement by which any such Decree or Order as aforesaid is varied or reversed, shall for the Purposes of this Act be considered an Assurance affecting such Lands, and in every such Case the Document to be deposited shall be a Memorial of the Decree or Order, which Memorial shall express the Date of the Decree or Order, and the Title of the Cause wherein the same purports to be made, and shall also express the Decree or Order, or so much thereof as relates to the Estate or Interest created, declared, transferred, foreclosed, or determined by the Decree or Order to be registered, or by the Decree or Order which is varied or reversed by the Decree or Order to be registered (as the Case may be); and every such Memorial as aforesaid shall, previously to the same being deposited in the said Register Office, be examined with the Decree or Order by some Officer authorized to give out an Office Copy of such Decree or Order, and shall be certified by the Signature of such Officer; and every such Officer is hereby required to examine any such Memorial, and certify the same by his Signature, at the Request of any Person, upon being paid the Sum of Two Shillings and Sixpence; and every Order of Exchange, or of Partition, or of Division and Allotment, made after the Commencement of Registration under this Act by the Commissioners for Sale of Incumbered Estates in *Ireland*, shall, for the Purposes of this Act, be considered an Assurance affecting the Lands to which such Order may relate, and in every such Case the Document to be deposited shall be such Order or a Copy thereof under the Seal of such Commissioners; and every Civil Bill Decree made after the Commencement of Registration under this Act which, under an Act of the Fifty-sixth Year of King *George* the Third, intituled *An Act to amend the Law of* Ireland *respecting the Recovery of Tenements from absconding, over-holding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress*, is authorized to be registered in the said Office, shall, for the Purposes of this Act, be deemed an Assurance affecting the Lands of which the Possession is thereby decreed, and the Registration thereof under this Act shall give the like Effect to such Decree as would have been given by the Registry thereof in the said Office if this Act

Decrees in Equity creating, &c. Interests in Land, or by which any prior Decree shall be varied or reversed, and Orders of Exchange, &c. made by Incumbered Estates Commissioners, are to be considered Assurances.

Civil Bill Decrees under 56 G. 3. c. 88. may be registered.

Act had not been passed, and in the Case of every such Decree the Document to be deposited shall be such Memorial as may now be lodged for the Purpose of the Registry of a like Decree.

Every private Act of Parliament affecting Lands to be an Assurance.

VIII. And be it enacted, That every private Act of Parliament to be passed after the Commencement of Registration under this Act by which any Lands in *Ireland* are affected shall for the Purposes of this Act be considered an Assurance affecting such Lands, and the Document to be deposited in the Case of any such Act as aforesaid shall be a Copy of the Act printed by Her Majesty's Printers, or if the Act be not so printed, then an examined Copy of the same.

Affidavit of Ownership made under 13 & 14 Vict. c. 29. to be an Assurance.

IX. And be it enacted, That every Affidavit made and filed by any Creditor under any Judgment, Decree, Order, or Rule under an Act of the present Session of Parliament, "to amend the Laws concerning Judgments in *Ireland*," which shall be made after the Commencement of Registration under this Act, shall for the Purposes of this Act be considered an Assurance affecting the Lands mentioned in such Affidavit, and the Document to be deposited shall be an Office Copy of such Affidavit, and the Debtor under such Judgment, Decree, Order, or Rule shall for the Purposes of this Act be deemed the Grantor in such Assurance.

Where Lands are vested upon the Payment of Money, &c., a Memorandum of the same may be registered.

X. And be it enacted, That in every Case where the Provisions of any Act of Parliament, passed or to be passed, have the Effect of vesting Lands or any Estate or Interest in Lands in *Ireland* in any Person by or upon the Payment of Money, or by or upon any other Act, (other than any Assurance hereinbefore authorized to be registered,) and such Lands, Estate, or Interest become so vested by or upon any such Payment or other Act made or done after the Commencement of Registration under this Act, any Person claiming under or by virtue of the vesting of such Lands, Estate, or Interest as aforesaid may register a Memorandum containing a Reference to such Act of Parliament, and a Description of the Lands, and expressing the Payment or other Act by or upon which such Lands, Estate, or Interest shall have so vested as aforesaid, and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting the Lands: Provided always, that nothing in this Enactment contained shall be deemed to apply or have reference to the vesting of the Estate of a Bankrupt or Insolvent in the Assignee or Assignees or Trustee of such Bankrupt or Insolvent.

Not to extend to vesting of the Estate of a Bankrupt, &c.

Equitable Mortgage by Deposit of Deeds may be registered by depositing a Memorandum.

XI. And be it enacted, That any Person claiming any Interest under any equitable Mortgage affecting any Lands in *Ireland* made by Deposit of Title Deeds after the Commencement of Registration under this Act may register a Memorandum containing a Description of the Lands and the Names of the Persons by and with whom respectively the Title Deeds are deposited, and expressing the Principal Sum of Money secured by such equitable Mortgage, or, in case the total Amount of the Principal Money secured or to be ultimately recoverable upon such equitable Mortgage shall be limited not to exceed a given Sum, the total Amount of such Money, or in case the Money secured by such equitable Mortgage shall be without any Limit, that the Money secured by such equitable Mortgage is unlimited; and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting such Lands.

Liens by reason of Nonpayment of Purchase Money may be registered by depositing a Memorandum.

XII. And be it enacted, That where, by reason of the Nonpayment of Purchase Money, a Vendor has, after the Commencement of Registration under this Act, acquired a Lien for such Purchase Money on any Lands in *Ireland*, any Person claiming an Interest in such Lien may register a Memorandum containing such Particulars of the Conveyance by the Vendor as are sufficient to identify the same, and also containing a Description of the Lands, and expressing the Amount of the Money for which a Lien is claimed; and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting such Lands.

The Assurance to be considered to have been made by the Person whose Right, &c. in the Lands shall be bound by the Decree, &c.

XIII. And be it enacted, That in the several Cases provided for by the Six immediately preceding Sections, the Assurance to be registered shall for the Purposes of this Act be considered to have been made by the Person whose Right or Interest in the Lands shall be bound or affected by the Decree or Order, the private Act of Parliament, the vesting of the Lands, Estate, or Interest, the equitable Mortgage or the Lien (as the Case may be); and the same Entry or Entries shall be made on registering such Assurance as would have been required under the Provisions herein-before contained for regulating the Entries on registering Assurances, if the Lands to be affected by the Decree or Order, the private Act of Parliament, the vesting of the Lands, Estate, or Interest, the equitable Mortgage or the Lien (as the Case may be), had been so affected by the Grant or Conveyance of such Person; and in the several Cases provided for by the Three immediately preceding Sections, every Person claiming or deriving any Right or Title under or by virtue of the vesting of the Lands, Estate, or Interest, the equitable Mortgage or the Lien (as the Case may be), shall for the Purposes of this Act be considered to claim or derive such Right or Title under the Assurance which by virtue of the Section applicable to the Case shall have been so registered as aforesaid.

Registration of Wills.

XIV. And be it enacted, That any Will by which any Lands in *Ireland* may be affected at Law or in Equity, where the Testator dies after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit of the original Will or (where there are duplicate original Wills) of one of the duplicate original Wills in the said Register Office; or if such Will be proved, or Letters of Administration with such Will annexed be granted, in any Court in *Ireland* having Jurisdiction for the Probate of Wills, and such Will be deposited in such Court, the same may be registered in the said Register Office by the Deposit in such Office of a Memorial of such Will, containing such Particulars as are now by Law required in the Case of a Will registered in the said Register Office, and also mentioning the Court in which and the Time when such Will was proved or such Letters of Administration granted, or by the Deposit in the said Register Office of an Office or authenticated Copy of the Will duly

duly certified by the Registrar or other chief Officer of the Court in which such Will was proved or such Letters of Administration granted; or if such Will be proved or Letters of Administration with such Will annexed be granted in any Court having Jurisdiction for the Probate of Wills in *England*, or elsewhere out of *Ireland*, or be by any Law for the Time being in force in the United Kingdom or elsewhere required to be filed or deposited or kept in any Office or Place out of *Ireland*, in respect of Property affected thereby, such Will may be registered in the said Register Office by the Deposit in such Office of a Copy of the same; provided, that where there is any Officer authorized to give out an Office or authenticated Copy from the Office or Place of Deposit of such Will, the Copy to be deposited in the said Register Office shall be an Office or authenticated Copy duly certified by such Officer; and the Wills and Memorials and Copies of Wills to be deposited in the said Register Office as aforesaid shall from Time to Time be made up into Books or Parcels separately from other Documents deposited in the said Office under this Act, and numbered.

Letters of Administration or Affidavit of Intestacy may be registered.

XV. And be it enacted, That Letters of Administration without a Will annexed, granted in respect of the Estate and Effects of any Person dying after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit in such Office of an Office Extract of such Letters, and any Person who claims any Estate or Interest in Land in *Ireland* as Heir or otherwise which might have been defeated or affected by the Will of any Person dying after the Commencement of Registration under this Act, and believes such Person to have died intestate or intestate as to such Land, may make and register an Affidavit, stating that the Deponent claims such Estate or Interest, and stating the Time of the Death of such deceased Person, and that the Deponent believes that such deceased Person died without a Will, or without any Will other than any Will in such Affidavit mentioned; and such Affidavit shall be sworn before the Registrar or an Assistant Registrar of the said Register Office, or One of the Judges of Her Majesty's Superior Courts of Law in *Ireland* or at *Westminster*, or Two of Her Majesty's Justices of the Peace, and shall be deposited in the said Register Office; and all such Office Extracts of Letters of Administration, and all such Affidavits as aforesaid, shall be made up in the same Books or Parcels as Wills registered in the said Register Office, and shall be numbered in like Manner as if the same were Wills.

An Index, to be called "The Index to Wills and Administrations," to be kept for Ireland; and where a Will, &c. is registered, an Entry of the Testator's or Intestate's Name, &c. to be made in such Index.

XVI. And be it enacted, That there shall be provided and kept in the said Register Office for the whole of *Ireland* an alphabetical Index, to be intituled "The Index to Wills and Administrations;" and where any Will, Letters of Administration, or Affidavit of Intestacy, is or are registered under this Act, an Entry of the Name of the Testator or Intestate, with his Addition, if any, as set forth in the Will, Letters of Administration, or Affidavit, shall be made in the said Index to Wills and Administrations; and opposite to the Name of every Testator or Intestate whose Name is so entered an Entry shall be made, expressing the Year and Day of the Month when such Entry is made, and the Nature of the Document deposited, and the Book or Parcel in which the Will or Memorial or Copy or Office Extract of Letters of Administration or Affidavit is made up, and the Number thereof in such Book or Parcel, and no Will or Letters of Administration, nor any such Affidavit as aforesaid, shall be deemed duly registered under this Act unless and until such Entries shall be duly made.

Where the Original is lost, a Copy or Extract may be deposited.

XVII. And be it enacted, That where the original Document or (if there be Duplicates) the several original Documents are destroyed or lost, a Copy of or (in Cases where no Copy is known to exist) an Extract from the original Document, or of or from any One of the duplicate original Documents, may, on registering the Assurance, be deposited in the said Register Office in lieu of an original Document, and thereupon the Registration of the Assurance shall (so far as respects depositing a Document) be as valid and effectual as if an original Document had been deposited in the said Register Office; provided always, that in every such Case an Affidavit of the Destruction or Loss of the original Document or (if there have been duplicate Originals) of the Destruction or Loss of the several original Documents, and (where an Extract only is deposited) of the Nonexistence, to the best of the Deponent's Belief, of any Copy of the original Document or of any one of the original Documents (as the Case may be), shall be brought or sent to the said Register Office with the Instrument which is brought or sent for the Purpose of being deposited as aforesaid, and shall be deposited together with the same in the said Register Office; and every such Affidavit as aforesaid shall be sworn before and signed by the Registrar or an Assistant Registrar (who is hereby empowered to administer an Oath for such Purpose), or One of the Judges of Her Majesty's Superior Courts of Law in *Ireland* or at *Westminster*, or Two of Her Majesty's Justices of the Peace: Provided always, that in the Case of an Extract the Registration of the Assurance shall be effectual only so far as such Extract extends, and so far as the same substantially and in material respects agrees with the original Document.

Registration effectual only as far as Extract agrees with Original.

Where Document directed by this Act to be deposited at the Register Office is required to be deposited at any other Office or Place, a Copy may be deposited at the Register Office.

XVIII. Provided always, and be it enacted, That where the Document which by any of the Provisions of this Act would be required to be deposited in the said Register Office on registering any Assurance is by any Law for the Time being in force in the United Kingdom or elsewhere required to be filed or deposited or kept in any other Office or Place, a Copy of such Document may, on registering the Assurance, be deposited in the said Register Office in lieu of such Document, and thereupon the Registration of the Assurance shall (so far as respects depositing a Document) be as valid and effectual as if the original Document had been deposited at the said Register Office; provided that where there is any Officer authorized to give out an Office or authenticated Copy of such Document the Instrument to be deposited in the said Register Office under this Enactment shall be an Office or authenticated Copy duly certified by such Officer.

XIX. And

Power to any Person claiming under an Assurance to compel the Registration thereof by Application to a Judge.

XIX. And be it enacted, That any Person having an Interest in any Lands under any Assurance by this Act authorized to be registered, which has not been registered, may require any Person in possession of the original Document, or (if there be Duplicates) any one of the original Documents, or (where the original Document or the several original Documents is or are lost) a Copy of, or (in case where no Copy is known to exist) an Extract from the original Document or of or from any of the original Documents, to deliver or send the same at or to the said Register Office for the Purpose of its being registered; and in case the Person in whose Possession the same shall be refuse so to do, it shall be lawful for any Judge of any of the Superior Courts of Law in *Ireland* or at *Westminster*, upon a summary Application, to make such Order respecting the Delivery or sending of such Document or Copy or Extract as aforesaid at or to the said Register Office for the Purpose aforesaid as to such Judge in the Exercise of his Discretion shall, under the Circumstances of the Case, appear proper: Provided always, that this Enactment shall not authorize any Person to require or enforce the Registration of any Assurance or Copy or Extract in case any Agreement or Provision have been made for the Non-registration of such Assurance by him or by any Person from or through whom he derives an Interest under such Assurance.

Judge to make Order as to Costs, and order Office Copy to be furnished at the Expense of Applicant.

XX. And be it enacted, That it shall be lawful for the Judge to whom any such Application is so made to make such Order respecting the Costs of such Application, and the Costs incidental thereto, and the Cost of Registration, as to such Judge shall seem proper; and it shall also be lawful for such Judge, if he think proper so to do, to order that an Office Copy of the original Document, or of the Copy or Extract to be delivered or sent as aforesaid, shall be furnished to the Party by whom the same shall be so delivered or sent, at the Expense of the Party by whom the Application is made.

Appointments of Assignees in Bankruptcy in England and Ireland and Acts and Warrants of Confirmation in Scotland may be registered by Deposit of Copy and making proper Entry.

XXI. And be it enacted, That every Appointment or Choice of Assignees of any Bankrupt, whether such Bankruptcy be in *England* or *Ireland*, made after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit in the said Register Office of an Office Copy of the Certificate of such Appointment or Choice, and by the Entry required by the Provision in that Behalf herein-after contained being made in the proper Index in the said Register Office; and every Act and Warrant of Confirmation to the Trustee on the sequestrated Estate of any Bankrupt in *Scotland* made after the Commencement of Registration under this Act may be registered in the said Register Office by the Deposit in such Office of a Copy of such Act and Warrant, certified by One of the Bill Chamber Clerks, and authenticated by the Seal of the Court of Session; and by the Entry required by the Provision herein-after in that Behalf contained being made in the proper Index in the said Register Office; and all such Copies as aforesaid shall from Time to Time be made up into Books or Parcels, and numbered.

Any Order or Appointment, &c. of Assignees in Insolvency may be registered by Deposit of a Copy or Certificate and making the proper Entry.

XXII. And be it enacted, That where by virtue of any Vesting or other Order made after the Commencement of Registration under this Act by any Court, Commissioner, or Judge (whether in *Ireland*, *England*, or any other Part of Her Majesty's Dominions,) having Jurisdiction in this Behalf, or of any Nomination, Appointment, or Choice of any Provisional, Official, or other Assignee or Assignees made after such Commencement by such Court, Commissioner, or Judge, or by Creditors of any Insolvent Debtor, the Estate and Effects of any Insolvent Debtor become vested in any such Assignee or Assignees, every such Order, Nomination, Appointment, or Choice may be registered in the said Register Office by depositing in the said Register Office an Office or authenticated Copy or Certificate of such Order, Nomination, Appointment, or Choice, and by the Entry required by the Provision in that Behalf herein-after contained being made in the proper Index in the said Register Office; and all such Copies and Certificates shall from Time to Time be made up into Books or Parcels and numbered.

An Index, to be called "The Index to Bankrupts and Insolvents," to be kept for Ireland.

XXIII. And be it enacted, That there shall be provided and kept in the said Register Office for the whole of *Ireland* an alphabetical Index, to be intituled "The Index to Bankrupts and Insolvents;" and where any Appointment or Choice of Assignees, or Act and Warrant of Confirmation in any Bankruptcy, or any such Vesting or other Order, Nomination, Appointment, or Choice of any Assignee or Assignees in any Insolvency, is registered under this Act, an Entry of the Name of the Bankrupt or Insolvent, with the Addition (if any) of such Bankrupt or Insolvent as set forth in the Copy or Certificate deposited as aforesaid on such Registration, shall be made in the said Index to Bankrupts and Insolvents; and opposite to the Name of every Bankrupt or Insolvent whose Name is so entered an Entry shall be made expressing the Year and Day of the Month when the same Entry is made, and the Book or Parcel in which the said Copy or Certificate has been made up, and the Number of the same in such Book or Parcel.

Assurances authorized to be registered void as against Purchasers, unless registered.

XXIV. And be it enacted, That every Assurance by this Act authorized to be registered, other than a Will, shall (so far as regards any Lands to be affected thereby) be void as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, unless the prior Assurance has been registered in the Manner directed by this Act before the Registration of the subsequent Assurance.

Estate or Interest arising under public Act upon Payment of Money, &c.

Equitable Mortgage by Deposit of

XXV. And be it enacted, That where any public Act of Parliament, passed or to be passed, contains any Provision for vesting any Lands, or any Estate or Interest in Lands, in *Ireland*, in any Person by or upon the Payment of Money, or by or upon any other Act (except any Act under any Bankruptcy or Insolvency) or an Assurance herein-before authorized to be registered), and such Lands, Estate, or Interest become so vested by or upon any such Payment or other Act (except as aforesaid), made or done after the Commencement of Registration under this Act, and where any Equitable Mortgage affecting Lands in *Ireland* is made by the Deposit of Title Deeds after the Commencement of Registration under this Act, and where by reason of the Nonpayment of Purchase Money a Vendor has, at any Time after the

Commencement

Commencement of Registration under this Act, acquired a Lien for such Purchase Money on any Lands in *Ireland*, such vesting of such Lands, Estate or Interest, Equitable Mortgage and Lien respectively, shall be void as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, unless in the respective Case of such vesting of such Lands, Estate or Interest, Equitable Mortgage and Lien, such Memorandum as is herein-before in such respective Case authorized to be registered be registered in the Manner required by this Act before the Registration of the subsequent Assurance.

Deeds, and Lien for Purchase Money, to be void as against Purchasers, unless Memorandum registered.

XXVI. And be it enacted, That no Assurance shall be deemed registered under this Act unless and until all the Entries required by this Act in respect of such Assurance have been duly made, provided that where, upon the Registration under this Act of an Assurance, all the Entries which would be required for such Registration have been duly made as to Part only of the Lands affected thereby, such Assurance shall, as to the Lands with respect to which such Entries have been so made, but not as to the Residue of the Lands affected by such Assurance, be deemed duly registered under this Act.

Assurance duly entered as to Part only of the Lands to be deemed duly registered as to such Part.

XXVII. And be it enacted, That where any Will, Letters of Administration, or Affidavit of Intestacy, authorized to be registered under this Act, has or have been duly registered under this Act, every other Will affecting Lands in *Ireland* authorized to be registered under this Act, and made by the Person by whom such first-mentioned Will was made, or in respect of whose Estate and Effects such Letters of Administration were granted, or with respect to whose Intestacy or alleged Intestacy such Affidavit was made, shall, so far as regards such Lands, be void as against any Person claiming for valuable Consideration under any Assurance duly registered made after the Death of the Testator by any Person claiming immediately or derivatively under such first-mentioned Will or such Letters of Administration, or by any other Person by whom such Assurance might have been made if such other Will as aforesaid had not been executed, unless such Will be registered before the Registration of such Assurance or such first-mentioned Will, Letters of Administration, or Affidavit: Provided always, that every Will registered within Two Years after the Death of the Testator shall be as valid and effectual as if the same had been registered immediately after the Death of the Testator: Provided also, that if by reason of the Concealment, Suppression, or contesting of any Will, or other inevitable Difficulty, any Person interested thereunder be disabled from registering the same within such Two Years, and such Person, or any Person on his Behalf, within such last-mentioned Period, make and register, in manner herein directed, an Affidavit stating the Name and Addition of the Testator, the Date of his Death, and the Impediment to the Registration of such Will which may be existing at the Time of making such Affidavit, then and in such Case the Registration of such Will in manner directed by this Act within Six Calendar Months next after all Impediments to the Registration thereof are removed shall be as valid and effectual as if the same had been registered immediately after the Death of the Testator; and such Affidavit as aforesaid shall be sworn before the like Person or Persons as an Affidavit of Intestacy, and registered by the Deposit thereof in the said Register Office, and shall be made up and numbered with the Wills registered in the said Office, and an Entry shall be made of such Affidavit in the Index to Wills and Administrations in like Manner as in the Case of a Will, save that in describing the Document deposited the same shall be called an Affidavit of a Will.

Unregistered Will to be void against Purchaser from Persons entitled under a registered Will, or in default of a Will where Letters of Administration or Affidavit of Intestacy registered.

XXVIII. And be it enacted, That where the first Appointment of Assignees in any Bankruptcy in *England* or *Ireland*, or the first Act and Warrant of Confirmation to a Trustee in any Bankruptcy in *Scotland*; or the first Vesting or other Order, or Nomination, Appointment, or Choice of any Assignee or Assignees in any Insolvency, under which the Estate and Effects of the Bankrupt or Insolvent becomes vested in any Assignee or Assignees or Trustee under the Bankruptcy or Insolvency, is made after the Commencement of Registration under this Act, such Bankruptcy, or any Appointment or Choice of Assignees, or Act and Warrant of Confirmation thereunder, or such Insolvency, or any Vesting or other Order, Nomination, Appointment, or Choice of Assignee or Assignees thereunder, shall not, as against any Person claiming for valuable Consideration under any Assurance duly registered under this Act made by the Bankrupt or Insolvent or any other Person by whom the same might have been made if such Bankruptcy or Insolvency had not happened, invalidate or affect such Assurance, unless such Appointment or Choice of Assignees, or Act and Warrant of Confirmation, (in the Case of Bankruptcy,) or Vesting or other Order, or Nomination, Appointment, or Choice of Assignee or Assignees, (in the Case of Insolvency,) as is authorized to be registered under this Act, be duly registered under this Act before the Registration of such Assurance as aforesaid, or within Two Calendar Months after the Date of the first Appointment, or Act and Warrant of Confirmation, (in Bankruptcy,) or Order, Nomination, Appointment or Choice, (in Insolvency,) under which the Estate and Effects of the Bankrupt or Insolvent shall vest in any Assignee or Assignees or any Trustee under the Bankruptcy or Insolvency.

Purchasers protected against Bankruptcy and Insolvency unless Appointment of Assignees, &c. be registered,

XXIX. And be it enacted, That the Priority given by the Provisions herein-before contained to any Person claiming for valuable Consideration, without Fraud, under a subsequent Assurance, shall not be taken away by any Court of Equity in consequence of such Person having been affected with Notice; and where, under the Provisions herein-before contained, Priority shall be given to any Person claiming for valuable Consideration under a subsequent Assurance an equitable Estate or Interest, such Priority shall be enforced in Equity, although the Person claiming under such subsequent Assurance shall have been affected with Notice.

Priority given by preceding Clauses to be enforced in Equity, notwithstanding Notice.

XXX. And be it enacted, That where any Estate or Interest in Lands in *Ireland* is vested in any Person under any Assurance registered under this Act, no Purchaser for valuable Consideration, without Fraud,

Purchaser for valuable Consideration not

to be affected by Notice of Uses or Trusts not manifested by a registered Assurance, nor by Uses or Trusts declared by reference to an unregistered Assurance.

Fraud, claiming under any Assurance made by the Person in whom such Estate or Interest is so vested, shall be affected or bound by reason of Notice of any Use, Trust, or Confidence affecting such Estate or Interest not manifested or proved by such first-mentioned Assurance, or some other Assurance duly registered under this Act before the Registration of the Assurance under which such Purchaser so claims; and where in any Assurance registered under this Act any Use, Trust, or Confidence affecting any Estate or Interest in Lands in *Ireland* vested in any Person under any Assurance registered under this Act is declared or created by reference to and depends for its Validity or for the Terms thereof upon some other Assurance executed after the Commencement of Registration under this Act, no Purchaser for valuable Consideration, without Fraud, claiming under any Assurance made by the Person in whom such Estate or Interest is so vested, shall be affected by such Use, Trust, or Confidence, unless the Assurance by reference to which such Use, Trust, or Confidence is so declared or created be registered under this Act before the Registration of the Assurance under which such Purchaser so claims.

Persons interested under Uses or Trusts affecting Estates vested under a registered Assurance may enter an Inhibition against Alienation.

XXXI. And be it enacted, That where any Person is interested under any Use, Trust, or Confidence affecting any Estate or Interest in Lands in *Ireland* which is vested in any Person under any Assurance registered under this Act, and such Use, Trust, or Confidence is not manifested or proved by any Assurance registered under this Act, or is in any Assurance registered under this Act declared and created by reference to and depends for its Validity or for the Terms thereof upon some other Assurance executed after the Commencement of Registration under this Act, and not registered under this Act, any Person so interested as aforesaid may, by a Requisition in Writing under his Hand, delivered at the said Register Office together with such Affidavit as herein-after mentioned, require an Inhibition in respect of any Lands to be mentioned in such Requisition to be entered in the said Register Office against any Person to be mentioned in such Requisition in whom such Estate or Interest is vested as aforesaid, inhibiting such last-mentioned Person from alienating, charging, or affecting such Lands by virtue of such Estate or Interest, without Notice being first given by the said Registrar to the Person signing such Requisition, or some Person on his Behalf, at some Office or Place to be mentioned in such Requisition, and situate within Ten Miles of the said Register Office; and such Requisition shall specify the Date of and Parties to the Assurance under which such Estate or Interest is vested, and the Head under which the same is entered in the Index of Titles; and the Affidavit to be delivered with such Requisition shall be made by the Person signing such Requisition, and such Person shall therein swear that he believes that he is interested under such Use, Trust, or Confidence as aforesaid, and such Affidavit shall be sworn before any Person or Persons before whom any other Affidavit authorized to be deposited in the said Register Office under this Act may be sworn; and all Requisitions for Inhibitions shall, together with the respective Affidavits delivered therewith, be from Time to Time made up into Books or Parcels, and numbered, the Affidavit delivered with each Requisition being numbered with the same Number as the Requisition.

Inhibition to be entered in Index of Titles.

XXXII. And be it enacted, That where an Inhibition is so required to be entered as aforesaid an Entry shall be made in the Index of Titles under the same Head and expressing the like Particulars as if the same were an Assurance to be registered under this Act.

Provision for cancelling Inhibition.

XXXIII. And be it enacted, That any Person against whom such Inhibition is so entered as aforesaid, or any Person interested in the Lands to which the same relates, may, by Writing signed by such Person, and lodged at the said Register Office, require the said Registrar to cancel the Entry in the said Index of Titles of such Inhibition; and the said Registrar shall, within Two Days after such Requisition, give Notice thereof to the Person on whose Requisition the Inhibition has been entered, and shall state in such Notice that on the Expiration of Fourteen Days after the Service thereof the Inhibition will be cancelled; and the Service of such Notice at the Office or Place mentioned in the Requisition for the Inhibition shall be deemed good Service thereof; and at the Expiration of the said Period of Fourteen Days after such Service the said Registrar, unless sooner restrained by the Order of the Court of Chancery as herein-after mentioned, shall cancel the Entry in the Index of Titles of the said Inhibition.

Court of Chancery may restrain Registrar from cancelling Inhibition.

XXXIV. And be it enacted, That it shall be lawful for the Court of Chancery in *Ireland*, upon the Application of any Party interested, by Motion or Petition in a summary Way, without Bill filed, to restrain the Registrar of the said Register Office from cancelling the Entry of any Inhibition entered under this Act: Provided always, that the said Court of Chancery shall have full Power, upon the Application of any Party, to discharge or vary such Order, and to award such Costs on such Application as such Court may see fit, and generally to make such Order in relation to the Premises as to the same Court may seem fit.

Persons claiming under Assurances made while Inhibition is on the Register.

XXXV. And be it enacted, That any Person claiming, under any Assurance made by any Person against whom any Inhibition is entered as aforesaid, by virtue of any Estate or Interest in Lands in *Ireland* vested in such last-mentioned Person in relation to which such Inhibition is entered, shall, where such Assurance is executed after the Entry of such Inhibition, and before the same is cancelled, be affected by and take, subject to the Uses, Trusts, and Confidences affecting such Estate and Interest, in like Manner as if such Uses, Trusts, and Confidences had been manifested by a registered Deed.

Priority of Assurances registered at same Time.

XXXVI. And be it enacted and declared, That where any Two or more Assurances to be registered under this Act shall be registered at the same Time, such Assurances shall have Priority according to the Order of Time in which the same shall have been executed.

Protection to persons who

XXXVII. And be it enacted and declared, That every Person who shall claim without valuable Consideration under any Person who shall have claimed for valuable Consideration shall be entitled to the same

same Preference, Protection, and Advantage under the Provisions of this Act as the Person who shall have so claimed for valuable Consideration. claim under Purchasers.

XXXVIII. And be it enacted, That in any Case in which Priority or Protection might but for this Act have been given or allowed in Equity to any Estate or Interest in Lands in *Ireland*, by reason or on the Ground of such Estate or Interest being protected by or tacked to any legal or other Estate or Interest in such Lands, no such Priority or Protection shall, after the Commencement of Registration under this Act, be so given or allowed, except as against any Estate or Interest which shall have existed prior to such Commencement; and full Effect shall be given in every Court of Equity to this present Provision, although the Party claiming such Priority or Protection as aforesaid shall claim as a Purchaser for valuable Consideration, and without Notice. Protection by legal Estate and tacking not to be allowed.

XXXIX. And be it enacted, That when any Assurance has been registered under this Act in the said Register Office, any Person may, by a Requisition in Writing under his Hand delivered at the said Register Office, require the Registrar to make an Entry of such Assurance in the Index of Titles, under any Head or Heads to be specified in such Requisition; and such Entry shall express the Year and Day of the Month when the same is made, and the Book or Parcel in which such Assurance is made up, and the Number of such Assurance in such Book or Parcel, and, where such Assurance is entered in the Index of Titles, the Number of the Head under which such Assurance has been indexed. Any Person may require an Entry of an Assurance to be made under a specified Head in the Index of Titles.

XL. And be it enacted, That where any Lands which shall be affected by an Assurance by this Act authorized to be registered shall be subject to any Term of Years or other particular Estate (whether vested or contingent or executory), or to any Charge (whether vested or contingent or executory), and such Assurance would (so far as this present Enactment does not operate) have the Effect, either immediately or at any Time afterwards, of merging or extinguishing such Term of Years or other particular Estate, or of releasing or extinguishing such Charge or any Part thereof, or any Interest therein or in any Part thereof, the same Assurance shall not have such Effect as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, whereby such Term of Years or other particular Estate or such Charge or Interest shall be assigned or otherwise affected by any Person, who, if such Merger, Release, or Extinguishment had not taken place, would have been entitled to make such Assurance, unless before the Registration of such subsequent Assurance an Entry of the Assurance which would have the Effect of merging, releasing, or extinguishing such Term of Years or other particular Estate, or Charge or Interest, or Part respectively, be made in the Index of Titles under the existing Head (if any) under which an Assurance of such Term of Years or other particular Estate, or Charge or Interest, if the same were subsisting, ought under the Provisions of this Act to be indexed or entered. An Assurance which would have the Effect of merging any Interest not to have such Effect as against a subsequent Purchaser of such Interest, unless an Entry be made to lead such Purchaser to the Assurance.

XLI. And be it enacted, That any Person may, by a Requisition in Writing under his Hand, delivered at the said Register Office, require a Caveat in respect of any Lands to be mentioned in such Requisition to be entered in the said Register Office in favour of any Person described in such Requisition; and the Requisitions for Caveats shall from Time to Time be made up into Books or Parcels, and numbered. Power to enter a Caveat.

XLII. And be it enacted, That where a Caveat is so required to be entered an Entry shall be made in the Index of Titles under the same Head (whether an existing or new Head) and expressing the like Particulars as if the same were an Assurance to be registered under this Act affecting the Lands mentioned in the Requisition for such Caveat, and made by the Person requiring such Caveat to be entered; and where an Entry in the Land Index would be required under this Act if the Entry so made in such Index of Titles were an Entry of such Assurance, the like Entry shall be made in the Land Index in the Case of such Entry in such Index of Titles of such Caveat. Mode of entering Caveats.

XLIII. And be it enacted, That where a Caveat is duly registered under this Act as to any Lands, every Person claiming for valuable Consideration under any Assurance affecting the same Lands to be made by the Person by whom the Entry of the Caveat has been required, or any Person claiming under him, to or with the Concurrence of the Person in whose Favour the Caveat was so entered, or his Heirs, Executors, Administrators, or Assigns, and registered in the Manner directed by this Act within Three Calendar Months after the Caveat has been so entered as to such Lands, shall be entitled to the same Preference, Protection, and Advantage under the Provisions of this Act as if such Assurance had been executed and so registered as aforesaid at the Time of entering the Caveat. Extent of Protection to be afforded by Caveats.

XLIV. Provided always, and be it enacted, That no Caveat which shall be entered under the Provisions of this Act shall be of any Force or Effect, except by way of Protection to a Contract entered into at or before the Date of the Entry of the Caveat, or by way of Protection to an Assurance for valuable Consideration made or executed in pursuance of such Contract, or by way of Protection to any Assurance for valuable Consideration which at the Date of the Entry of the Caveat shall have been executed by some One or more of the Parties by whom the Lands shall be conveyed or otherwise affected, or by way of Protection to any Assurance for valuable Consideration which shall have been in contemplation at the Date of such Entry; and no Caveat shall have any Force or Effect as against the Operation of the Bankruptcy or Insolvency of the Person requiring any Caveat to be entered, or any Act under such Bankruptcy or Insolvency. The Protection of Caveats restricted to specified Cases.

XLV. And be it enacted, That there shall be made and kept at the said Register Office a Seal, to be called "The Seal of the Register Office," and judicial Notice shall be taken of the Impressions thereof in all Courts, without any Evidence of the said Seal having been impressed, or any other Evidence in relation thereto. A Seal to be kept, and the Impressions to be taken judicial Notice of.

Duplicates of deposited Documents may be compared at the Office, and certified.

XLVI. And be it enacted, That where there are duplicate Originals of any Assurance which is registered under this Act, it shall be lawful for any Person to bring or send to the said Register Office any duplicate Original which has not been deposited in the said Register Office, in order that the same may be compared with the deposited Original, and thereupon the Document so brought or sent shall be compared accordingly, and any Variances which may be found shall be noted in the Margin of such Document; and in every such Case the Seal of the Register Office shall be impressed on each Skin or Sheet of the Document brought or sent to be compared as aforesaid; and a Certificate, signed by the proper Officer of the said Register Office, shall be written at the Head or in the Margin of such Document, or shall be endorsed on the same, which Certificate shall contain a Statement that a Duplicate of the Document in or upon which the same is written has been deposited in the said Register Office, and shall state the Parties by whom the deposited Original appears to have been executed, and shall specify the Book or Parcel in which the same is made up, and the Number of the Document in such Book or Parcel; and every Document so sealed, with such Certificate thereon, containing such Statement, and purporting to be so signed as aforesaid, shall in all Cases be Evidence that another Part of the same Assurance has been deposited in the said Register Office, and is made up in the Book or Parcel mentioned in such Certificate, and is numbered in the said Book or Parcel as in such Certificate is specified.

Documents, so certified, to be Evidence of the Deposit of another Part of the Assurance.

Copies of and Extracts from deposited Instruments to be provided, on Application, and to be certified.

XLVII. And be it enacted, That the Registrar shall cause to be provided for any Person applying for the same Copies or Extracts from any Document which has been deposited in the said Register Office under this Act; and in every Case when a Copy or Extract is so provided the Seal of the said Register Office shall be impressed on each Sheet of such Copy or Extract; and a Certificate, signed by the proper Officer of the said Register Office, shall be written at the Head or in the Margin of such Copy or Extract, or shall be endorsed on the same, which Certificate shall contain a Statement that the Copy or Extract on which the same is written is an examined Copy of or Extract from a Document deposited in the said Register Office, and shall specify the Book or Parcel in which such Document is made up, and the Number of such Document in such Book or Parcel; and every Document so sealed, with such Certificate thereon, containing such Statement and purporting to be so signed as aforesaid, shall be Evidence that such Document is a Copy or Extract from a Document deposited in the said Register Office, and made up in the Book or Parcel specified in such Certificate, and numbered in such Book or Parcel as in such Certificate is expressed, and of the Contents of the Document deposited in the said Register Office, or of such Part thereof as is purported to be extracted.

The Seal of the Office, with a Certificate, to be Evidence of such Copies and Extracts.

Where there are Duplicates of a registered Assurance, One Duplicate to be exempted from Stamp Duty, provided the deposited Document is duly stamped.

XLVIII. And be it enacted, That where there are duplicate Originals of any Assurance which has been registered under this Act, and the duplicate Original which has not been deposited in the said Register Office is brought or sent to the said Register Office for the Purpose of being compared, such duplicate Original shall be exempted from the Stamp Duty or Duties payable thereon, provided the proper Stamp or Stamps has or have been impressed on the deposited Original; and upon the duplicate Original which has not been deposited being brought or sent to the said Register Office for the Purpose of being compared as aforesaid, the proper Officer of the said Register Office shall endorse on such duplicate Original a Certificate specifying the Description and Amount of the Stamp or Stamps which has or have been impressed on the deposited Original, which Certificate shall be stamped with the Seal of the said Register Office, and signed by the Officer by whom the same is given; and every such Certificate sealed and purporting to be signed as aforesaid shall be sufficient Evidence in all Courts and before all Persons that the Stamp or Stamps specified in such Certificate is or are impressed on the Original deposited in the said Register Office as aforesaid, and that the Document on which such Certificate is endorsed is the duplicate Original exempted from Stamp Duty under this Enactment: Provided always, that where any such Certificate as aforesaid is given under this Enactment the proper Officer of the said Register Office shall enter in the Margin of the Document deposited a Memorandum that a Duplicate thereof has been exempted from Stamp Duty, and no Certificate shall afterwards be given for exempting from Stamp Duty any duplicate Original of such Document: Provided also, that no such Certificate as aforesaid shall be given for exempting from Stamp Duty the Duplicate of any Lease in any Case where either the duplicate Original deposited in the said Register Office, or the duplicate Original brought or sent to the said Register Office for the Purpose of being compared as aforesaid, is executed by the Lessee, unless another duplicate Original with the proper Stamp or Stamps (if any) shall at the same Time be produced at the said Register Office; and every Certificate which is so given in respect of any such Lease as aforesaid shall state the Names of the Parties by whom the Document on which such Certificate is endorsed appears at the Date of the Certificate to have been executed, and if such Document be afterwards executed by any other Person the Certificate shall no longer be of any Force or Effect.

The Exemption not to apply to Duplicates of Leases where either Part is executed by Lessee.

Memorials, Copies, Requisitions, &c. to be exempt from Stamp Duty.

XLIX. And be it enacted, That all Memorials and Copies to be registered pursuant to this Act, and all Copies and Extracts of or from any of the Documents to be deposited in the said Register Office, and all Extracts from any of the Indexes to be kept at the said Register Office, and all Certificates of the Result of Searches in the said Indexes, and all Requisitions for such Copies, Extracts, and Searches respectively, shall be exempt from Stamp Duty.

Documents deposited at Register Office not to be removed.

L. And be it enacted, That no Document deposited in the said Register Office under this Act shall be removed from the same, except in obedience to any legal Process for the Production thereof, and none of the Indexes to be kept at the said Register Office as aforesaid shall be removed from the same on any Account whatsoever.

Wills deposited at the Register

LI. Provided always, and be it enacted, That where any Will has been registered under this Act by the Deposit of the original Will, the Registrar shall, upon the Request of any Person entitled to prove such

such Will, or to take out Letters of Administration to the Testator with such Will annexed, such Request to be testified by some Writing signed by and containing the Address of the Person making such Request, and specifying the Court in which the Will is desired to be proved, or in which Administration to the Testator with the Will annexed is desired to be taken out, cause such Will, together with a Certificate of the same having been deposited in the said Register Office, which Certificate shall be sealed with the Seal of the Register Office, and signed by the Registrar or an Assistant Registrar, to be transmitted to the Court so specified, in order that the same may be proved in such Court, or that Administration to the Testator with such Will annexed may be granted by such Court; and the Registrar or other the Chief Officer of the Court to which the same Will is so transmitted, or his Deputy, shall, immediately after such Will has been proved in such Court, or after Letters of Administration of the Effects of the Testator with such Will annexed have been granted by such Court, or immediately after the Termination of the Proceedings in such Court, cause the same Will to be returned to the said Register Office.

Office may be removed for the Purpose of being proved, &c.

After being proved, &c. the Will is to be returned.

LII. And be it enacted, That, subject to such Regulations as may be made from Time to Time by the Commissioners of Her Majesty's Treasury, every Person, on Application at the said Register Office, shall be allowed to inspect and search any of the Indexes to be kept at the said Register Office as aforesaid, and to examine and inspect any of the Documents to be deposited in the said Register Office as aforesaid, and to take Extracts from any such Indexes or Documents as aforesaid; and the said Registrar shall, upon the Delivery of such Requisitions as under such Regulations may be required in this Behalf, give negative and other Certificates of the Result of Searches; and every such Certificate shall be sealed with the Seal of the said Register Office, and signed by the Registrar or an Assistant Registrar of the said Register Office.

Searches of Indexes and Inspections of deposited Instruments.

Registrar to give Certificates of Search.

LIII. And be it enacted, That in every Case in which it shall be the Duty of any Attorney, Solicitor, or certificated Conveyancer to make any Search in any of the Indexes to be kept at the said Register Office, such Attorney, Solicitor, or certificated Conveyancer shall be held to have fulfilled his Duty in that Behalf by making an Application at the said Register Office for such Search to be made, and obtaining a Certificate of the Result of the same, and shall not be responsible for any Error or Mistake in the Result of such Search as stated in such Certificate; and in all other Cases every Attorney, Solicitor, or certificated Conveyancer shall stand indemnified in relying on the Accuracy of any Certificate to be made or given in pursuance of this Act.

Duty of Attornies, &c. with regard to Searches.

Indemnity.

LIV. And be it enacted, That for facilitating the making up into Books or Parcels of the several Documents to be deposited at the said Register Office as aforesaid, and for the Convenience of Reference thereto, it shall be lawful for the Registrar from Time to Time (either before or after the Commencement of Registration under this Act), by a Notice to be published at least Four Times in the "*Dublin Gazette*," of which the last Time shall be not less than Three Calendar Months before the Time when the same is intended to take effect, to order and direct that all Documents of any Description to be specified in such Notice which shall be brought or sent to the said Register Office in order to be deposited in the same under this Act (with any Exceptions which shall be specified in such Notice) shall be written or ingrossed bookwise, or in such other Manner as shall be specified in such Notice, and shall be written or ingrossed either on Paper, Vellum, or Parchment, as shall in that Behalf be in such Notice directed, and to order and direct that such Paper, Vellum, or Parchment shall be of such Description and of such Shape and Dimensions as in such Notice shall be specified; and if in any Case after the Time when any Notice to be given in pursuance of this Power has taken effect any Document within the Meaning of such Notice be brought or sent to the said Register Office to be deposited as aforesaid, which is not conformable with the Direction or Directions in respect of the same contained in such Notice, the Person by whom the Application for the Registration or for entering the Caveat is made shall pay, in addition to the ordinary Fee herein-after made payable for the same, such extra Fee as the Registrar may in each Case think fit, not exceeding the Amount of the said ordinary Fee.

Power to the Registrar to order that Documents to be deposited shall be written bookwise, or otherwise, &c.

Additional Payment on Documents deposited which are not conformable with such Order.

LV. And be it enacted, That it shall be lawful for the Registrar from Time to Time, either before or after the Commencement of Registration under this Act, by a Notice to be published not less than Four Times in the "*Dublin Gazette*" (of which the last Time shall be at least Three Calendar Months before the Time when the same shall be intended to take effect), to require that any Statements which may appear to the said Registrar necessary or proper for directing or regulating the Entries to be made on Registration, and for affording Information for the making of such Entries, shall be made and brought or sent to the said Register Office; and it shall also be lawful for the Registrar by any such Notice to specify the Form of such Statements as aforesaid, and to require that the same shall be signed by the Persons respectively requiring the Registration, and shall contain the Address of such Persons respectively, and also to require that the same shall be either written in or endorsed on the Documents to be deposited as aforesaid, or written on separate Papers, as the Registrar shall think fit.

Power to the Registrar to require Statements for regulating the Entries to be sent with Assurances.

LVI. And be it enacted and declared, That nothing in this Act contained shall render the Registrar or any other Officer of the said Register Office in any way responsible or liable in respect of any Loss or Damage which may be sustained or incurred by any Person in consequence of the Omission of any Entry or Reference required by this Act on the Registration of any Assurance, or in consequence of any Delay in making any such Entry or Reference, or in consequence of any Error in any such Entry or Reference, in any Case where no Statement has been sent to the said Register Office conformably with any such Order as aforesaid, or in any Case where such Statement has been so sent as aforesaid and Entries or References in conformity therewith have been made.

No Officer of the Register Office to be responsible for Omissions or Mistakes occasioned by Defects in the Statement.

LVII. And

Treasury to fix Fees to be taken under this Act.

LVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by an Order to take effect on the Commencement of Registration under this Act, to fix the Fees to be taken in the said Register Office in respect of Documents to be registered, Searches, Certificates, Office Copies, and other Matters to be done in the said Office under this Act; and the Powers contained in the said Act of the Third Year of King *William* the Fourth, of reducing, altering, or varying Fees established in the said Register Office and establishing other Fees, shall extend to the Fees to be fixed as aforesaid; and the Fees to be taken under this Act shall be accounted for and applied according to the Provisions of the said Act.

Power for the Treasury to make Regulations as to numbering Documents, making Entries, examining Documents, making Copies, Extracts, and Searches, granting Certificates, &c.

LVIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to make such Orders, Rules, and Regulations as they from Time to Time deem proper, as to the Mode and Time in and at which the Documents herein-before directed to be made up into Books or Parcels and numbered shall be so made up and numbered; and as to the Manner and Time in and at which the Entries hereby directed to be made shall be made; and as to the Use of the Seal of the said Register Office; and as to the Examination and Comparison of duplicate Originals of deposited Documents, and the granting of Certificates with reference thereto; and as to the making of Copies of and Extracts from deposited Documents, and the granting of Certificates with reference thereto, and the Restrictions and Conditions under which such Copies, Extracts, or Certificates shall be given; and as to the making Searches of and providing and issuing Extracts from any of the Indexes to be kept at the said Register Office, and granting Certificates with reference thereto; and as to the Forms of Requisitions for such Copies, Extracts, or Searches as aforesaid, and the giving of Receipts for Documents received at the said Register Office; and as to the Mode in which and the Restrictions and Conditions under which Searches of the Indexes kept at the said Office, and Inspection of the Documents deposited there, shall be permitted; and as to the Payment and Application of the Fees received by the Registrar or by the said Office; and as to the Expenses and Disbursements of the said Office, and the auditing of the Accounts thereof; and as to all other Matters and Things whatsoever connected with the Regulation and Management of the said Register Office and the Execution of this Act, not specially hereby provided for; and from Time to Time to alter, vary, or revoke any such Order, Rule, or Regulation, and make any new Orders, Rules, and Regulations for the Purposes aforesaid; and by any such Order, Rule, or Regulation as herein-before mentioned to leave or refer any of the several Matters aforesaid, or any other Matter connected with the Execution of this Act, to the Discretion of the Registrar.

Registration under this Act to have the same Effect against Acts prior to Commencement of Registration as Registration under former Acts.

LIX. And be it enacted, That the Registration under this Act of any Assurance executed after the Commencement of Registration under this Act, or of any Will of any Testator who shall die after such Commencement of Registration, or of any Appointment, Choice, Act and Warrant, Nomination or Order, made after such Commencement, in any Bankruptcy or Insolvency, shall have the same Effect in giving Validity and Priority to such Will or other Assurance, Appointment, Choice, Act and Warrant, Nomination or Order, as against Persons claiming under any Assurance made before the Commencement of Registration under this Act, or under any Will made by any Testator who has died before such Commencement, as the Registration of a Memorial of such Assurance executed after such Commencement, or of such Will of any Testator who shall die after such Commencement, or the Registration of the proper Document evidencing such Appointment, Choice, Act and Warrant, Nomination or Order, so respectively made after such Commencement, would have had in case this Act had not been passed, and such Memorial or Document had been registered at the Time at which such Assurance, Will, Appointment, Choice, Act and Warrant, Nomination or Order, shall be registered under the Provisions of this Act.

Entries of Decrees, Judgments, Rules, Statutes, Recognizances, Crown Debts, and Acceptances of Office under 7 & 8 Vict. c. 90. not affected.

LX. Provided always, and be it enacted, That, except as herein particularly mentioned, no Decree or Order of any Court of Equity, and no Judgment, Rule, Statute, or Recognizance, (whether the same be obtained or entered into in the Name or upon the Account of Her Majesty, Her Heirs or Successors, or of any other Person,) and no Inquisition and no Obligation or Specialty made to Her Majesty, Her Heirs or Successors, and no Acceptance of Office whereby the Lands of the Officer become chargeable, and no Lis pendens, shall be registered under the Provisions of this Act, but every such Decree, Order, Judgment, Rule, Statute, Recognizance, Inquisition, Obligation, Specialty, Acceptance of Office, and Lis pendens entered or registered under the Provisions of an Act passed in the Session of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, as amended by the said Act of the Twelfth Year of Her Majesty, to facilitate the Transfer of Landed Property in *Ireland*, and the Act of the present Session, to amend the Laws concerning Judgments in *Ireland*, shall have the same Protection and Priority as if this Act had not been passed, a Registration of any Assurance, Will, or other Act under the Provisions of this Act being for the Purposes of this Enactment to be deemed to have the same Effect as a Registration by Memorial or otherwise under the Provisions of the Acts now in force for the Registration of such Assurance, Will, or Act respectively.

Shares in Companies not to be affected.

LXI. Provided also, and be it enacted, That such Transfers and other Assurances of or relating to Shares in any public or private Works or Undertaking of any Corporation, Company, or Society, as by virtue of any local or other Act of Parliament are or shall be required to be registered or otherwise entered or minuted in the Books of the Corporation, Company, or Society, shall not be affected in any Manner whatever by reason of the same not having been registered under the Provisions of this Act.

Punishment for forging Signa-

LXII. And be it enacted, That if any Person shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, or knowingly act or assist in forging, counterfeiting, or imitating, upon

upon any Document upon which the Seal of the said Register Office is or shall be required or authorized to be impressed, the Impression or any Part of the Impression of the Seal of the said Register Office, or shall knowingly stamp or mark, or cause or procure to be stamped or marked, or knowingly act or assist in stamping or marking, any such Document with any forged or counterfeited Seal of the said Register Office, with the Intent to defraud any Person whomsoever, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting, the Name, Signature, or Handwriting of any Officer of the said Register Office, in any Case in which the Signature of such Officer is or shall be required or authorized to be made, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting, the Name, Signature, or Handwriting of any Person whomsoever to any Document which is or shall be required or directed to be signed by such Person, or shall, with an Intention to defraud any Person whomsoever, use any Document upon which any Impression or Part of the Impression of any Seal of the said Register Office shall have been forged, counterfeited, or imitated, knowing the same to be forged, counterfeited, or imitated, or any Document the Signature of which shall be so forged or counterfeited as aforesaid, knowing the same to be forged or counterfeited, every such Person so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than One Year.

tures required by this Act, or counterfeiting Impressions of the Seal of the Register Office.

LXIII 'And whereas by the Operation of the Act of the present Session, "to amend the Laws concerning Judgments in *Ireland*," the Duties of the Office of the Registrar of Judgments will be diminished, and it may be expedient to discontinue the same as a separate Office:' Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they see fit, to order the Consolidation with the said Register Office of the Office established under the said Act of the Seventh and Eighth Years of Her Majesty, and to transfer to the said Register Office all or any of the Officers and Clerks appointed or authorized to be appointed under such last-mentioned Act, and to order that the Offices of all or any of such Officers and Clerks shall be abolished upon the Persons who may hold such Offices respectively at the Time of the making of such Order ceasing to hold the same, and to make such Order for the Regulation of the Business to be transacted in the said Register Office upon such Consolidation as the said Commissioners may see fit; and the Officers to whom any Duties of the said Office established under the said Act of the Seventh and Eighth Years of Her Majesty shall be transferred under such Order shall have as full Powers and Jurisdiction for all official Purposes, and be subject to the like Liabilities in respect of such Duties and the Performance thereof, as the Officers whose Duties shall be so transferred enjoyed or were subject to before such Consolidation; and all Books belonging to the said Office established under the said Act of the Seventh and Eighth Years of Her Majesty shall, on such Day as shall be mentioned in any Order of the said Commissioners, be deposited in the said Register Office, subject to the like Right of Access thereto, and upon the like Payment, as if the same had remained in the Office from which the same shall be removed.

Power to the Treasury to consolidate the Registrar of Judgments Office with the Office established under 7 & 8 Vict. c. 90.

LXIV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; Words importing the Masculine Gender shall include Females; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; the Word "Lands" shall extend to all Manors, Messuages, Lands, Advowsons, Rectories, Tithes, Rents, and other Hereditaments whatsoever, whether corporeal or incorporeal, and also to any Estate or Interest in any such Manors, Messuages, Lands, Advowsons, Rectories, Tithes, Rents, or other Hereditaments, whether the same be a Freehold or a Chattel Interest, and whether legal or equitable; the Word "Assurance" shall extend to a Contract; the Word "Will" shall extend to a Codicil, and to an Appointment by Will or by Writing in the Nature of a Will in exercise of a Power; the Word "Person" shall extend to a Body Corporate as well as an Individual; the Word "Title" shall extend to a Power or Right to convey or otherwise affect Lands; the Word "Grantor" shall apply to any Person by whom Lands shall be conveyed, appointed, charged, or otherwise affected; and every Person claiming derivatively under any Assurance shall be considered as claiming under the same; and the Word "Addition," where the Addition of any Person whose Name is required by this Act to be entered in any Index to be kept at the said Register Office is hereby directed to be entered with such Name, shall mean the Description as to Residence, Title, Rank, Profession, or Occupation.

Interpretation of Terms.

LXV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXXIII.

An Act to amend the Law relating to Proceedings by Process of Attachment of Goods in the Borough and other Courts of Record in *Ireland*. [14th *August* 1850.]

'WHEREAS by an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it was amongst other things enacted that in all Cases of Debt or liquidated Damages, in which the Plaintiff should be desirous of proceeding

3 & 4 Vict. c. 108.

'proceeding in the Court of Record of any Borough, by Attachment of Goods, the Plaintiff, or One of 'the Plaintiffs, or some Person able to depose to the Facts of his own Knowledge, should first make an 'Affidavit, before the Recorder or the Mayor of such Borough, of the Cause of Action in manner therein 'provided, and that thereupon it should be lawful for such Recorder or Mayor to issue an Attachment, 'to be directed to the proper Officer of the Court, to attach the Goods of the Defendant within the 'Borough; and thereupon such Officer is by the said Act authorized and required to seize such Goods, 'and to detain the same until the Defendant shall have given Special Bail to pay such Sum of Money as 'may be adjudged to the Plaintiff in that Suit: And whereas it is expedient to amend the Law relating 'to Proceedings by Attachment of Goods to compel Appearance in the Borough and other Courts of 'Record in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act so much of said Act as authorizes and requires the Officer of any such Borough Court to seize the Goods of a Defendant, and to detain the same until the Defendant shall have given Special Bail to pay such Sum of Money as may be adjudged to the Plaintiff in the Suit, shall be and the same is hereby repealed.

So much of recited Act as regulates the Special Bail to be given in Attachments out of Borough Courts against Goods, repealed.

No Attachment to issue unless Debt, &c. exceeds 20*l.*

II. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to proceed in any such Court of Record in *Ireland* by way of Attachment of Goods to compel Appearance, or by way of Foreign Attachment, where the Debt or Damages sought to be recovered in such Action, and sworn to be due, shall not exceed the Sum of Twenty Pounds.

What Plaintiff's Affidavit must state where Plaintiff desires to proceed by Attachment of Goods, &c.

III. And be it enacted, That from and after the Commencement of this Act, in all Cases of Debt or liquidated Damages where the Sum sought to be recovered and sworn to in such Action shall exceed the Sum of Twenty Pounds, and in which the Plaintiff shall be desirous of proceeding in any such Court of Record by Attachment of Goods, in addition to the Statements now by Law required to be made in the Affidavit to be sworn and filed by or on behalf of the Plaintiff or Plaintiffs before the issuing of any Writ of Attachment of Goods to compel Appearance, it shall be necessary to show by such Affidavit that there is probable Cause for believing that the Defendant is about to abscond or to quit *Ireland*, or to remove, conceal, assign, or otherwise dispose of his Goods or Chattels with Intent to defraud his Creditors.

In Cases in which Goods shall be seized by Attachment, Special Bail by Defendant to be sufficient.

IV. And be it enacted, That from and after the Commencement of this Act in all Cases in which Goods shall be seized under or by virtue of any such Attachment, the same shall not be removed off the Defendant's Premises, if seized thereon, until the Expiration of such a Period of Time not exceeding Four Days as the said Defendant, by Notice in Writing to be delivered to the Bailiffs or other Persons who shall have seized the same, shall require; and it shall be sufficient, instead of giving Special Bail to pay such Sum of Money as may be adjudged to the Plaintiff, as by the said recited Act or otherwise required, that Special Bail shall be given by the Defendant to pay all such Debt, Damages, Expenses, and Costs as shall be adjudged in that Cause to the Plaintiff against the Defendant, or to render the Body of the Defendant into the Custody of the Marshal of the Marshalsea of the Four Courts of the City of *Dublin*, in case the Action shall be pending in the Court of the Borough of *Dublin*, or other Prison as herein-after provided of the Court out of which such Attachment shall issue, as the Case may be.

In default of Special Bail Appearance may be entered for Defendant.

V. And be it enacted, That in every Case in which the Goods of any Defendant shall be seized under any such Attachment, and the Defendant shall not give Special Bail in manner aforesaid within the Time now limited by Law for appearing to such Action or giving Special Bail, or according to the Course of the Court, it shall be lawful for the Plaintiff in such Action, upon filing a Certificate of the Marshal or other Officer of the Court having the Custody of the Goods so attached that the same are in his Custody for Want of Special Bail, to enter an Appearance or file Common Bail for the Defendant, and thereupon to serve on the Defendant Notice of such Appearance having been entered or Common Bail filed, by leaving with him or at his usual Place of Abode a Copy of such Notice, and such Service shall be verified on Oath in such Manner as the Court shall direct, and the Plaintiff may thereupon proceed to obtain Judgment, according to the Course of the Court, as if an Appearance had been duly entered by the Defendant.

Power to Defendant to get Goods appraised, and give Bail to the Amount of the Appraisement.

VI. Provided always, and be it enacted, That it shall be lawful for any Defendant to procure the Goods which shall have been seized under an Attachment, and before the Removal thereof, to be appraised (the Appraisement to be made by such Person or Persons and in such Manner and within such Time as the Court shall by any General or Special Order direct), and the Expenses of such Appraisement shall be defrayed in the first instance by the Defendant, but shall be Costs in the Cause, and abide the Event of the Suit; and in case the Goods seized shall amount in Value to less than the Sum for which the Attachment issued, it shall be sufficient for the Defendant to give Special Bail (in double the Amount of the appraised Value of the Goods) to pay all such Debt, Damages, Expenses, and Costs as shall be adjudged in such Cause to the Plaintiff against the Defendant, or to render the Body of the Defendant into the Custody of the Marshal of the Marshalsea of the Four Courts of the City of *Dublin*, in case such Action shall be pending in the said Court of the Borough of *Dublin*, or other Prison, as herein-after provided, of the Court out of which such Attachment shall issue, as the Case may be.

Mode of Surrender in discharge of Bail.

VII. Provided also, and be it enacted, That in all Cases in which the Attachment shall have issued out of the Court of Record of the Borough of *Dublin*, the Defendant who shall have been held to Special Bail as aforesaid may be rendered in discharge of his Bail to the Marshal of the Marshalsea of the Four Courts of the City of *Dublin*; and in all Cases in which the Attachment shall have issued out of any other

Borough

Borough or other Court than the Borough Court of *Dublin*, the Defendant may be rendered in discharge of his Bail to the Marshalsea or other Prison of the Borough or other Court by which his Goods were attached, and if there be no such Prison of any such Borough or other Court, then to the Common Gaol of the County in which such Borough, Town, or Place, or such Part thereof in which his Goods were attached, shall be situate; and the Render to the said Marshalsea or Gaol shall be effected in the Manner following, that is to say, the Defendant or his Bail, or one of them, shall for the Purpose of such Render obtain an Order of the Court out of which the Writ of Attachment issued, and shall lodge such Order with the said Marshal or with the Gaoler of such Prison or Gaol (as the Case may be), and a Notice in Writing of the Lodgment of such Order, and of the Defendant's being actually in Custody of such Marshal or Gaoler by virtue of such Order, signed by the Defendant or the Bail, or either of them, or by the Attorney of any or either of them, shall be delivered to the Plaintiff's Attorney, and the Marshal or Sheriff, or other Person responsible for the Custody of Debtors in such Marshalsea Prison or Gaol, shall on such Render so perfected be duly charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

Mode of Surrender if a Defendant already in Custody.

VIII. And be it enacted, That a Defendant who shall at any Time at or after the Commencement of this Act be in Custody of the Marshal of the said Marshalsea, or of the Gaoler of the Prison or Gaol of any County, County of a City, or County of a Town in *Ireland*, at the Time of the Seizure of his Goods, under any Writ of Attachment out of any such Borough or other Court, may give such Special Bail, and thereupon may forthwith be rendered to such Marshal or Gaoler of the Prison or Gaol in which such Defendant shall then be in Custody in discharge of his said Bail in any Action in such Court of Record in the Manner herein-before provided for a Render in discharge of Bail, and the Marshal or Sheriff or other Person responsible for the Custody of Debtors in such Marshalsea Prison or Gaol shall, on such Render, be charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

If a Plaintiff shall not obtain Judgment for a Sum exceeding 20*l.*, the Defendant shall be entitled to Costs.

IX. And be it enacted, That if the Plaintiff in any such Proceeding by way of Attachment shall not obtain Judgment for Debt or Damages for a Sum exceeding Twenty Pounds, he shall not be entitled to any Costs, but the Defendant shall be entitled to recover his Costs from the Plaintiff, unless the Judge of the Court from which such Attachment shall have issued shall, within One Month after final Judgment, certify that the Plaintiff had reasonable Cause for filing an Affidavit of Debt for the full Amount for which such Attachment issued; and in case any such Defendant shall be entitled to his Costs from the Plaintiff as aforesaid, the Court shall, by a General or Special Order, limit the Period within which the Defendant shall have the Amount of such Costs taxed and ascertained, and until the Expiration of such Period, unless the Defendant's Costs shall be taxed and ascertained in the meantime, the Plaintiff shall be disabled from taking out any Execution for the Sum recovered by the Judgment; and in case the Defendant's Costs shall be ascertained within the Period aforesaid the Plaintiff shall take out Execution in such Sum only by which the Amount of the Judgment shall exceed the Amount of the taxed Costs of the Defendant; and in such Case, if the Sum recovered by the Judgment shall be less than the Amount of the Defendant's taxed Costs, then the Defendant shall be entitled, after deducting the Amount of the Judgment from the Amount of his taxed Costs, to take out Execution for the Balance of his taxed Costs in like Manner as a Defendant in any such Court may now have Execution for Costs in other Cases, or in such Manner as such Court may, by a general or any special Order, direct.

Before whom Affidavits may be sworn.

X. And be it enacted, That all Affidavits which may now be made before the Recorder or Mayor, Sovereign, or Seneschal of any Borough or of any such other Court, and all other Affidavits in Proceedings relating to Attachments or Foreign Attachments in any of the Borough or other Courts of Record in *Ireland*, may, from and after the Commencement of this Act, be sworn before the Town Clerk or the Registrar or Deputy Registrar of any such Borough or other Court, or before a Commissioner for receiving Affidavits and Special Bail in and for the Borough Court of *Galway*, whether such Affidavit is intended to be filed in the Court of which such Town Clerk, Registrar or Deputy Registrar, or Commissioner is an Officer, or in any other such Court in *Ireland;* and all Proceedings thereupon or in reference thereto shall be as valid and regular as if the same had been sworn before the Recorder or Mayor, Sovereign, or Seneschal of the Borough or Court in which the same shall be filed; and any Person who shall wilfully and corruptly make and subscribe any such Affidavit, knowing the same to be untrue, shall be deemed guilty of Perjury, and be liable to be prosecuted and punished accordingly.

So much of 3 & 4 Vict. c. 108. repealed as is inconsistent with this Act.

XI. And be it enacted, That so much of the said herein-before mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty as is inconsistent with the Provisions of this Act shall, from and after the Commencement of this Act, be and the same is hereby repealed.

Interpretation of Terms.

XII. And be it enacted, That in the Construction of this Act Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number, and Words importing the Masculine Gender only shall include Females, unless there be something in the Subject or the Context repugnant to or inconsistent with such Construction.

Commencement of Act.

XIII. And be it enacted, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and fifty-one.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXIV.

An Act for the better Regulation of the Office of Registrar of Judgments in *Ireland*.

[14th *August* 1850.]

7 & 8 Vict. c. 90.

'WHEREAS by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, certain Provisions were made for the Regulation of the Office of the Registrar of Judgments thereby established, and it is expedient to make further and other Provision in that Behalf:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Registrar of Judgments appointed under or by virtue of the said Act, from Time to Time and at all Times, with the Approval of the Lord Chancellor of *Ireland*, in addition to the Clerks appointed or to be appointed under and by virtue of the said recited Act, to employ a sufficient Number of competent Clerks to do the Business of searching and writing or engrossing in his Office, who shall be paid, according to the Quantity of their Work, for searching at the Rate of One Shilling for every Period of Twenty Years or fractional Portion thereof over which each Search against any One Person shall extend, and for writing at the Rate of Three Halfpence for every Seventy-two Words, each Figure in any Entry or Copy being counted as a Word; provided always, that no more than One Clerk shall be so paid in respect of each Common Search, and no more than Two in respect of each Negative Search; such Payments to be charged in the Incidental Expenses of the said Office in the Manner herein-after provided.

Registrar of Judgments shall employ Clerks for searching and writing, who shall be paid according to the Quantity of Work done.

Number of Clerks.

II. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury for the Time being to authorize the Payment of Salaries, in addition to the Payment herein-before directed, to as many of such additional Clerks employed in searching as they shall think proper and reasonable, with a view to ensure the Services of competent Persons, such Salaries not to exceed in any Instance the Sum of Fifty Pounds yearly, and to be payable for and during the Time such Clerk shall be so employed, and not longer or otherwise, and to be charged in the Incidental Expenses of the Office, in the Manner herein-after directed.

Treasury may authorize Salaries in addition to rateable Payments to Searching Clerks.

11 & 12 Vict. c. 120.

III. 'And whereas by the said recited Act, and by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Transfer of Landed Property in* Ireland, certain Fees are made payable in the said Office of Registrar of Judgments, and it is expedient that the said Fees should be converted into Stamp Duties:' Be it therefore enacted, That from and after the Tenth Day of *October* One thousand eight hundred and fifty all and every the Fees authorized and made payable under and by virtue of the said recited Acts in the said Office of Registrar of Judgments shall cease and determine and be no longer payable in the said Office, and that in lieu thereof the several Documents and Memorandums left for Registry in the said Office, and other Proceedings therein, shall be liable to and impressed with the Stamp Duties in each Behalf respectively set forth in the Schedule hereunto annexed.

Fees in Office of Registrar of Judgments under 7 & 8 Vict. c. 90. and 11 & 12 Vict. c. 120. to cease, and Stamp Duties substituted.

Duties of Stamps as specified in Schedule to be in addition to other Duties payable by Law.

IV. And be it enacted, That there shall be granted, raised, levied, collected, and paid in *Ireland* unto Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Articles, Matters, and Things mentioned, enumerated, and described in the Schedule to this Act annexed, the several Sums of Money and Duties as they are respectively set forth, inserted, and described in Words and Figures in the said Schedule and in every Part thereof, over and above and in addition to any Stamp Duties or other Duties payable or to be payable by Law for or in respect of the said several Matters and Things or any of them, and that the said Schedule, and every Clause, Matter, and Thing therein contained, shall be and be deemed, taken, and considered Part of this Act.

Duties heretofore provided to be denoted Judgments Registry Duties.

V. 'And whereas by the said first-recited Act it is provided, that every Docket or Requisition for a Negative or Common Search in the said Office shall be liable to a Stamp Duty of One Pound on every Docket or Requisition for a Negative Search, and a Stamp Duty of Seven Shillings on every Docket or Requisition for a Common Search, against each Person, which said Duties are impressed, denoted, and collected as Law Fund Duties, and it is expedient to make other Provision in that Behalf, in order that a distinct Account may be kept of the Produce of the said Office:' Be it therefore enacted, That the said Duties shall cease to be impressed, denoted, and collected as Law Fund Duties, and shall be impressed, denoted, and collected as Judgments Registry Duties, in like Manner with the Duties mentioned in the Schedule to this Act annexed.

Duties to be under Management of Commissioners of Inland Revenue.

VI. And be it enacted, That the said Duties and the Duties hereby granted shall be under the Care and Management of the Commissioners of Inland Revenue, who shall keep a distinct Account thereof, and shall be denoted and distinguished by the Words "Judgments Registry," and shall be deemed and construed to be Stamp Duties, and that the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

Certain Provisions of re-

VII. And be it enacted, That the Provisions in the said herein-before recited Acts contained requiring the said Registrar to make Application of the Fees of his Office by Payment of Salaries and Compensations

sations and otherwise, and to account for and lodge Balances as therein directed, shall be and they are hereby repealed and annulled. cited Acts repealed.

VIII. 'And whereas by the said recited Act of the Seventh and Eighth Years of the present Reign 'it is provided, that certain Compensations therein mentioned shall be paid by the said Registrar of 'Judgments out of the Produce of the Fees of his Office, and that if the said Fees shall be insufficient 'the Commissioners of the Treasury shall be at liberty to direct that any Deficiency shall be paid out 'of the Consolidated Fund; and inasmuch as the said Fees are hereby converted into Stamp Duties, 'it is necessary that such Compensations should be charged directly on the Consolidated Fund:' Be it therefore enacted, That the several Compensations in and by the said Act directed shall be charged and chargeable and paid and payable out of the Consolidated Fund of the United Kingdom, on the Days and at the Periods appointed for the Payment of Salaries and Allowances chargeable thereupon. *Compensation charged on Fee to be charged on Consolidated Fund.*

IX. And be it enacted, That the Salaries by the said Act appointed to be paid to the said Registrar of Judgments and to his Clerks, and any Salaries to be hereafter legally appointed to be paid to such Registrar or any Clerks to be employed in his Office, shall be charged and chargeable and paid and payable out of the Consolidated Fund of the United Kingdom, on the Days and at the usual Periods appointed for the Payment of Salaries chargeable thereupon; and for Provision for the necessary Incidental Expenses of the said Office the said Commissioners of the Treasury shall pay or cause to be paid, at such Time or Times and in such Manner as they shall think proper, to the said Registrar of Judgments, such Sum or Sums as they shall ascertain to have been necessarily incurred in each and every Quarter, as and for the Payments to Clerks for searching and writing in the said Office, and as and for Books, Stationery, Coals, Candles, Servants, and other Incidental Expenses; and for the Ascertainment of the said Expenses the said Registrar shall quarterly, at such Periods as shall be directed by the Commissioners of the Treasury, furnish to them an Account thereof, vouched in such Manner as the said Commissioners may from Time to Time or at any Time require and direct. Salaries to be paid out of Consolidated Fund. Incidental Expenses.

X. And be it enacted, That upon the Lodgment of any Memorandum for the Registry or Re-entry of any Judgment, or Revival, Decree, Rule, Order, Crown Bond, Recognizance, or Lis pendens, or of any Satisfaction, Vacate, or Quietus, in the said Office, the said Registrar of Judgments shall thereupon give a Certificate signed by him of such Registry or Re-entry, with a Reference to the Books of the Office, whereby the Entry thereof may be readily found, and which Certificate shall contain such Particulars as may be necessary for Identification, and shall be Evidence of such Registry or Re-entry; and it shall be lawful for the said Registrar and he is hereby required, whenever thereunto requested, to give a like Certificate containing the like Particulars of any Judgment, or Revival, Decree, Rule, Order, Crown Bond, Recognizance, Lis pendens, or of any Satisfaction, Vacate, or Quietus, registered at any Time in his said Office or contained in the Books thereof; and for every such Certificate the said Registrar shall be entitled to receive a Fee of Sixpence and no more. Registrar of Judgments shall give Certificates of Registry, &c.

XI. And be it enacted, That all Costs properly incurred in the Registration of Judgments, Warrants to confess Judgments, Pleas of Confession, and Consents for Judgment, in pursuance of the several Acts now in force concerning the same, or any of them, shall in each and every Case respectively be allowed in Taxation of Costs of Suit against the Cognizor or Defendant, and be added to and charged and recoverable in like Manner, and together with the Amount of the Judgment so registered, or of any Judgment entered or to be entered upon any Warrant of Attorney, Plea of Confession, or Consent for Judgment so registered as aforesaid. Costs of Registration of Judgments, &c. to be added to Judgment, and recoverable therewith.

XII. And be it enacted, That the said Registrar of Judgments shall be and be deemed to be an Officer of the Court of Chancery and of each of the Superior Courts of Common Law, and subject to the Orders of the said Courts respectively in all Matters transacted in his Office, and all Entries made or to be made in the Books thereof exclusively relating to or connected with the Business or Records of such Courts respectively, or of the Offices thereof respectively. Registrar of Judgments to be an Officer of each Court as to Business thereof.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE to which this Act refers.

DUTIES of STAMPS which are to be paid and payable in IRELAND for and in respect of several Instruments, Matters, and Things herein mentioned, used, filed, registered, recorded, or issued in the OFFICE of REGISTRAR of JUDGMENTS.

	s.	*d.*
On every Memorandum for the Registration of any Judgment or Rule for Judgment, or for the Registration of any Decree, Order, or Rule, according to the Directions of the Act 7 & 8 Vict. c. 90. - - - - - - - - - - - - - -	5	0
On every Memorandum for the Re-entry of any Judgment, Decree, Order, or Rule, according to the Provisions of the said Act - - - - - - - - - - - -	1	0
On every Memorandum for the Registration of any Lis pendens, according to the Provisions of the said Act - - - - - - - - - - - - - -	2	6
On every Memorandum for the Re-entry of any Lis pendens, according to the Provisions of the said Act - - - - - - - - - - - - - -	1	0
On every Memorandum for the Registration of any Recognizance, Bond, Judgment, or other Obligation to the Crown, or of any Quietus thereof, according to the Provisions of the said Act - - - - - - - - - - - - - -	2	6

	s.	d.
On every Requisition for Liberty to search in the Books of the said Office, according to the Provisions of the said Act, and without which Requisition no such Search is to be permitted; for each Person searched against - - - - - - - -	1	0
On every Memorandum for the Registration of the Satisfaction or Vacate of any Judgment, Crown Bond, or Recognizance, Decree, Rule, or Order, or for the redocketting of any Crown Bonds or Recognizances, according to the Provisions of the Act 11 & 12 Vict. c. 120. -	2	6
On every Requisition for Liberty to search the Books containing recorded Copies of the Negative Searches in the said Office, according to the Provisions of the said Act, and without which Requisition no such Search is to be permitted; for each Person searched against - - -	1	0
On every Attested Copy of a Search recorded pursuant to the said Act, when such Copy shall not exceed Three Folios of Seventy-two Words - - - - - -	1	0
When such Copy shall exceed Three Folios, for every Folio - - - - -	0	4

CAP. LXXV.

An Act to regulate the Receipt and Amount of Fees receivable by certain Officers in the Court of Common Pleas. [14th *August* 1850.]

1 & 2 Vict. c. 110. s. 19. 2 & 3 Vict. c. 11. 3 & 4 W. 4. c. 74. s. 85.

'WHEREAS by an Act passed in the Second Year of Her Majesty it was enacted that the Senior Master of the Court of Common Pleas should enter in a Book certain Particulars respecting Judgments, Decrees, Orders, and Rules therein mentioned, and for every such Entry, and for every Search in the said Book, the said Master was to be entitled to a Fee therein mentioned: And whereas by another Act passed in the Second Year of Her Majesty it was enacted that the said Master should be entitled to receive certain Fees therein named for every Re-entry of any such Judgment, Decree, Order, or Rule, for every Entry of Lis pendens, for every Re-entry thereof, for every Entry in the "Index to Debtors and Accountants to the Crown," for every Search therein, and for the Entry of any Quietus therein: And whereas by another Act passed in the Fourth Year of His late Majesty King *William* the Fourth it was enacted that an Officer of the Court of Common Pleas, to be appointed as therein mentioned, should cause a certain Certificate and Affidavit therein mentioned to be filed of Record in the said Court, and that the said Court should from Time to Time make such Orders and Regulations as they should think fit touching the Amount of the Fees to be received by the said Officer in respect of the Matters and Things required to be done and executed by the said Officer: And whereas it is expedient to ascertain the Amount of Fees received under the said Enactments by the said Master and the said Officer respectively, and, in case of Successions and Appointments to their Offices, that the said Fees and Emoluments payable in respect of their several Duties under the said Enactments should not exceed a reasonable Remuneration:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from the Thirtieth Day of *September* next the said Master and the said Officer respectively shall cause all Fees received by them under the said Enactments, and all Disbursements made thereout for necessary Expenses, to be duly entered in One or more Books to be kept for that Purpose in their Offices, distinguishing the Fees received under their several Heads, and also the Particulars and Amount of every Disbursement; and shall quarterly, within One Month after the Thirty-first Day of *December*, the Thirty-first Day of *March*, the Thirtieth Day of *June*, and the Thirtieth Day of *September* in each Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt, or otherwise, and accompanied by such Vouchers, as the said Commissioners shall from Time to Time think proper to require and direct; and if upon Examination of any such Account it shall appear to the said Commissioners that any Fees have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, the said Commissioners may finally settle and adjust the same as they may think reasonable, and the said Master or the said Officer by whom such Account shall have been rendered shall alter and amend the said Account accordingly; and the said Master and the said Officer respectively shall, when required so to do, submit their Books of Account to the Inspection of the said Commissioners or any Person whom they may employ for that Purpose.

Officers to render an Account to the Treasury.

On future Vacancy Fees may be reduced.

II. And be it enacted, That the said Commissioners may reduce, when and as often as Occasion may require, and so far as may be reasonable, the Amount of Fees and Emoluments to be allowed under the said Acts as Remuneration to any Persons who shall hereafter succeed to the said Office of Senior Master of the Court of Common Pleas, and to any Person who shall be appointed, or shall have been appointed after the Twelfth Day of *March* last past, to the Office of the said Officer in the said Court, so as that the Amount received by the said Master and the said Officer respectively for their own Use shall not exceed a Sum to be fixed by the said Commissioners from Time to Time, having regard to the Nature, Duties, and Responsibility of the said Offices respectively; and the said Commissioners shall give Notice under their Hands to the Holders of the said Offices respectively of the said Amount so fixed from Time to Time, and after giving such Notice the said Commissioners may direct that the Surplus of the Fees and Emoluments received by the said Master and the said Officer respectively shall, after deducting such fixed Sum and such Disbursements as aforesaid, be paid into the Receipt of the Exchequer, to the Credit of and as Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

III. And

III. And be it enacted, That no Person who shall after the passing of this Act succeed or be appointed to the Office of the said Senior Master or of the said Officer shall be entitled to any Part of the Fees or Emoluments of the said Offices respectively, until he shall have given Notice in Writing of his Succession or Appointment to such Office to the said Commissioners of Her Majesty's Treasury; and until such Notice shall have been given all such Fees and Emoluments shall be accounted for to the said Commissioners of Her Majesty's Treasury, and be paid into the Receipt of the Exchequer as aforesaid. Notice to be given to the Treasury of any new Appointment.

IV. And be it enacted, That the said Master and the said Officer respectively for the Time being shall not make any Addition to the Number of Persons employed in performing the Duties in respect of which the said several Fees are levied, or to the Amount of Remuneration to be paid or allowed to any Person so employed, so as to increase the Disbursements charged by the said Master and Officer respectively, without the Consent in Writing of the said Commissioners of Her Majesty's Treasury. Disbursements not to be increased without Consent of Treasury.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. LXXVI.

An Act to provide for the Division of the Deanery of *Saint Burian* into Three Rectories, and for abolishing the Royal Peculiar of *Saint Burian*. [14th *August* 1850.]

'WHEREAS the Deanery and Rectory of *Saint Burian* in the County of *Cornwall*, being a Benefice 'Donative in the free Gift of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of '*Cornwall*, in right of His said Duchy, comprises the Three several Parishes and Churches of *Saint* '*Burian*, *Saint Sennen*, and *Saint Levan* in the said County: And whereas the said Church of *Saint* '*Burian* was in Times past reputed to be a Collegiate Church, with divers Prebends thereto belonging, 'but the Prebendal Possessions have long since been alienated and lost, and Prebendaries have ceased 'to be appointed, and there is now no Parochial Priest or Incumbent of the said several Parishes other 'than the Dean of *Saint Burian*: And whereas it has been represented to Her Majesty by the Council 'of His Royal Highness, that it would promote the Spiritual Interests and better Pastoral Superin- 'tendence of the Inhabitants of the said Parishes if the said Deanery were dissolved and abolished, and 'adequate Provision made for a resident Incumbent in each of the said Parishes; but such beneficial 'Arrangement cannot be effected without the Aid and Authority of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately upon the next Avoidance of the said Deanery and Rectory it shall become and be dissolved and extinct, and the said Church of *Saint Burian* shall, as well in Law as in Fact, cease to be a Collegiate or Prebendal Church, and each of the said Three several Parishes shall thereupon become and be to all Intents and Purposes and for ever a distinct and separate Parochial Rectory and Benefice Presentative with Cure of Souls, the Patronage and Advowson of each and every of which said new Benefices shall thenceforth be annexed to and become for ever Parcel of the Possessions of the Duchy of *Cornwall*; and all the Tithes, Rent-charges in lieu of Tithes, Oblations, Obventions, Fees, Dues, Offerings, and other Rights, Revenues, and Emoluments whatsoever, now and heretofore of right payable, due, or belonging to the said Dean, within each and every of the said several Parishes, shall thenceforth for ever become and be of right payable and due and belong to the Rector for the Time being of each and every of the said Parishes respectively, and shall and may be demanded and recovered by such Rector as if the same had immemorially belonged to his said Rectory, and every such Rector shall be deemed and taken to be seised in right of his said Church of and in the Parish Church and Site thereof, the Churchyard, Glebe, Tithes, Rent-charges, and all other Tenements and Hereditaments whatsoever hereby annexed to his said Rectory; and each and every of the said Parochial Churches and Rectories shall thenceforth become subject to the general Laws, Statutes, and Customs of the Realm touching other like Churches and Rectories, and the Rector thereof for the Time being shall thenceforth have and enjoy all the Rights, Remedies, Powers, Privileges, and Capacities, and shall be subject to all the Obligations, Duties, Liabilities, Burdens, and Disabilities, which by the same Laws, Statutes, and Customs of right belong, attach, or are incident to or incumbent upon other like Parochial Rectors, and shall be amenable to the like Spiritual Jurisdiction, Visitation, and Correction as other Rectors of Parish Churches within the Archdeaconry of *Cornwall*. The Deanery to be extinguished on Avoidance, and Three Rectories created. Endowment of each Rectory.

II. And be it enacted, That upon and after the Dissolution and Extinction of the Deanery as aforesaid there shall for ever be in each of the said several Parishes Two Churchwardens only, of whom one shall be annually named and appointed by the Rector of the said Parish, and the other chosen by the Inhabitants of the same Parish in Vestry assembled; and the first Election of the said Churchwardens shall be in *Easter* Week next after the Induction of the first Rector of the said Parish, until which Election the Churchwardens for the Time being of the said Parish shall continue in Office; and so soon as the Office of Parish Clerk or of Sexton shall become vacant in any of the said several Parishes the Right to name and appoint to the said Offices respectively shall for ever vest and remain in the Rector for the Time being of the said Parish, and the Clerk and Sexton so appointed shall be entitled, in each and every of the said Parishes, to all the lawful Fees, Salaries, and Emoluments heretofore paid or payable to such Parish Clerk and Sexton respectively, or hereafter fixed and allowed by lawful Authority. Appointment of Churchwardens and Parish Clerk.

III. And

All Statutes for the Acquisition of Glebes and Parsonages to apply to the new Rectories.

III. And be it enacted, That all the Powers and Provisions contained in any public Statutes which shall be in force and unrepealed at the Dissolution of the said Deanery, for the Purchase or Acquisition of Glebes, Parsonage Houses, or Sites for Parsonage Houses, or for the building, rebuilding, and Improvement thereof, shall be deemed and taken to apply to the Purchase, Acquisition, building, rebuilding, and Improvement of Glebes, Parsonage Houses, and Sites for Parsonage Houses for the said several Rectories, when the same shall come into existence by the Operation of this Act.

Power to acquire Sites and Parsonages before the Dissolution of the Deanery.

7 & 8 Vict. c. 65.

IV. And be it enacted, That if it shall be deemed expedient by the Council of His Royal Highness to provide for the Residence of such future Rectors, or of any of them, before the Dissolution of the said Deanery, then it shall be competent for the said Council for that Purpose to purchase, acquire, and accept any suitable House, Houses, or Sites for Houses; and all the Powers and Provisions of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands, and for other Purposes*, so far as the said Act relates to the Purchase of Lands for and on behalf of His said Royal Highness, and the Sale and Conveyance of such Lands to His Royal Highness by incorporated Bodies, Trustees, Tenants of limited Interests, and Guardians and Committees of Infants and incapacitated Persons, shall be deemed and taken to apply to the Purchase, Acquisition, Acceptance, and Conveyance of such Houses or Sites for the Purpose aforesaid; and all Land and Houses so acquired, and conveyed to His Royal Highness in the Form specified in the Second Schedule of the said Act, or otherwise, shall continue vested in His Royal Highness, His Heirs and Successors, in trust for the Purpose aforesaid; and when and so soon as any future Rector for whom such Land or House shall have been provided shall be inducted, he shall immediately become sole seised thereof in right of his Church, and the same shall for ever become Parcel of his Rectory, and the legal Estate, Title, and Interest of His Royal Highness, His Heirs and Successors, therein, shall thereupon be divested and cease.

Peculiar of Saint Burian to be wholly abolished.

V. 'And whereas the Deanery of *Saint Burian* is reputed to be a Royal Peculiar, and the Dean 'thereof claims and has exercised Peculiar and Exempt Jurisdiction in Ecclesiastical Causes within a 'District co-extensive with the said Deanery; and it is expedient that the said Peculiar should be 'abolished:' Be it therefore enacted, That when and so soon as the said Deanery shall become extinct by the Operation of this Act, or at such earlier Time as may be appointed in the Manner herein-after provided, the said Peculiar and Exempt Jurisdiction shall wholly cease and become extinct, and the Inhabitants of the said District, and all Parish Clerks, Churchwardens, and other Ecclesiastical Officers within the District, shall thereupon become amenable and subject to the Ecclesiastical Jurisdiction of the Archdeacon of *Cornwall* and the Bishop of *Exeter*, in like Manner as in other Parishes and Places in the County of *Cornwall*, and the said Three several Parishes herein-before named shall thenceforth to all Intents and Purposes become Part of and be held and reputed to be within the Archdeaconry of *Cornwall*: Provided always, that if it shall be deemed expedient to abolish the said Peculiar and Exempt Jurisdiction before the next Avoidance of the said Deanery, the Time at which the same shall so cease and become extinct shall be appointed by an Instrument executed by and with the Consent and Concurrence and under the several Seals of His said Royal Highness the Duke of *Cornwall*, of the Lord Bishop of *Exeter*, and of the now Dean and Rector of *Saint Burian*, and deposited in the Episcopal Registry of the Diocese of *Exeter*.

Wills, &c. to be transferred to the Registry of the Archdeacon of Cornwall.

VI. And be it enacted, That when and so soon as the said Peculiar and Exempt Jurisdiction shall cease and become extinct all the Registers and Records then remaining in the Registry of the said Peculiar, and all Wills, Acts of Court, Bonds, Books, Official Seals, Instruments, Minutes, Papers, and Documents whatsoever touching or belonging to the said Peculiar, and in the Custody or Power of the said Dean, or of his Registrar or other Officer for the Time being, shall be forthwith transmitted and transferred to and deposited in the Registry of the Archdeaconry of *Cornwall*, and become Part of the Records of the said Archdeaconry.

Payment of Tenths to Queen Anne's Bounty to be apportioned.

VII. 'And whereas Two several Payments, amounting in the whole to the Sum of Five Pounds Sixteen 'Shillings and Nine-pence, have been heretofore annually made by the said Dean of *Saint Burian* to 'the Governors of the Bounty of Queen *Anne*, for Tenths of the said Deanery and Rectory, and upon 'the Abolition of the said Deanery it is just and reasonable that the said Sum should be so apportioned 'that each of the said new Rectories shall be charged only with a fair Proportion thereof:' Be it therefore enacted, That from and after the next Avoidance of the said Deanery and Rectory, and thenceforth for ever, the said new Rectories shall be and become respectively charged with the annual Payment to the said Governors, for Tenths, of the several Sums following, and with no other or larger Sums; that is to say, the Rectory of *Saint Burian* with the Sum of Three Pounds Four Shillings, the Rectory of *Saint Levan* with the Sum of One Pound Eight Shillings and Sixpence, and the Rectory of *Saint Sennen* with the Sum of One Pound Four Shillings and Three-pence; which said several Sums shall become annually due and payable at the same Feast Day at which the Tenths are now by Law payable, and shall be recoverable by the same Remedies by which the Tenths are now recoverable.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXVII.

An Act to enable Her Majesty to make a suitable Provision for His Royal Highness the Duke of *Cambridge*, and also for Her Royal Highness the Princess *Mary* of *Cambridge*.

[14th *August* 1850.]

'Most Gracious Sovereign,

'WHEREAS Your Majesty has been graciously pleased to express Your Desire to Your faithful 'Commons to make a competent Provision for the honourable Support and Maintenance of His 'Royal Highness the Duke of *Cambridge* and Her Royal Highness the Princess *Mary* of *Cambridge*;' therefore we, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to give and grant, by Letters Patent under the Great Seal of *Great Britain*, to His Royal Highness *George William Frederick Charles* Duke of *Cambridge* an Annuity not exceeding Twelve thousand Pounds for his natural Life, and to Her Royal Highness the Princess *Mary* of *Cambridge*, or to such Person or Persons as Her Majesty shall think fit to be named in such Letters Patent, and his, her, or their Heirs, to the Use of or in trust for Her said Royal Highness, an Annuity not exceeding Three thousand Pounds for Her natural Life, which said Annuities shall be free from all Taxes, Assessments, and Charges, and shall commence from the Ninth Day of *July* One thousand eight hundred and fifty, and shall be paid quarterly, on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July*, with proportionate Parts of such respective Annuities from the last quarterly Day of Payment to the Day of the Determination thereof, the First Payment of such respective Annuities to be made on the Tenth Day of *October* next of such Proportion thereof as shall have accrued between the Commencement thereof and such Tenth Day of *October*; and such Annuities shall be charged on and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after paying or reserving sufficient to pay such Sums as have been directed to be paid out of the same by former Acts of Parliament, but with Preference to all other Payments which may hereafter be charged upon the said Fund).

Her Majesty may grant Annuity of 12,000*l.* to the Duke of Cambridge, and Annuity of 3,000*l.* to the Princess Mary of Cambridge.

II. 'And whereas, should there be a Failure of Issue Male of His Majesty *Ernest Augustus* King of '*Hanover*, it may happen that the Duke of *Cambridge* may inherit that Kingdom:' Be it enacted, That in case His said Royal Highness the Duke of *Cambridge* shall become King of *Hanover*, or Sovereign or Ruler of any Foreign Kingdom or State, the Annuity to be granted to him as aforesaid shall from thenceforth cease.

Annuity of Duke of Cambridge to cease if he should become Sovereign of any Foreign State.

CAP. LXXVIII.

An Act to enable Her Majesty to make Provision for the Residence of His Royal Highness *Albert Edward* Prince of *Wales* in *Marlborough House* during the joint Lives of Her Majesty and His Royal Highness.

[14th *August* 1850.]

'WHEREAS Her Majesty is desirous that the House called *Marlborough House* should be secured 'to His Royal Highness *Albert Edward* Prince of *Wales*, after he shall have attained the Age 'of Eighteen Years, during the joint Lives of Her Majesty and His said Royal Highness:' May it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, notwithstanding any Restriction contained in any Act or Acts relating to the Land Revenues of the Crown, by Letters Patent under the Great Seal to grant, settle, and assure all that Capital Messuage or Mansion called *Marlborough House*, situate near the Palace of *Saint James's* in the County of *Middlesex*, late in the Occupation of Her late Majesty *Adelaide* the Queen Dowager, and all Outhouses and other Buildings, Courts, Yards, Gardens, Grounds, and Appurtenances to the said Capital Messuage or Mansion belonging or appertaining, to or in trust for His Royal Highness *Albert Edward* Prince of *Wales*, in such Manner that he may have and enjoy the same immediately after he shall have attained the Age of Eighteen Years, and thenceforth during the Term of the joint Lives of Her Majesty and His said Royal Highness.

Her Majesty empowered to grant Marlborough House to the Prince of Wales.

II. Saving to all Persons and Bodies Politic and Corporate (other than the Queen's Majesty, and any Person seised or possessed in trust for Her Majesty,) all such Right, Title, Interest, and Demand whatsoever, in, to, or out of the said Capital Messuage or Mansion and Premises, as they or any of them had before the passing of this Act, or might have had if this Act had not been passed.

General Saving.

III. 'And whereas Her said late Majesty enjoyed with the said Capital Messuage or Mansion certain 'Coach-houses and Stables formerly belonging to *Carlton Palace*, which it may be expedient to take 'down under the Powers of an Act of the Seventh Year of King *George* the Fourth, intituled *An Act* '*to extend to* Charing Cross, *the* Strand, *and Places adjacent, the Powers of an Act for making a* '*more convenient Communication from* Marylebone Park; *and to enable the Commissioners of His* '*Majesty's Woods, Forests, and Land Revenues to grant Leases of the Site of* Carlton Palace:' Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and authorize the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to provide suitable Coach-houses and Stables on Ground belonging to *Marlborough House* aforesaid, and

7 G. 4. c. 77.

Treasury may direct Commissioners of Woods, &c. to provide Coach-

houses or Stables on Ground belonging to Marlborough House.

and for that Purpose to apply all or any of the Materials of the said Coach-houses and Stables formerly belonging to *Carlton Palace*, and to pay and apply out of any Monies applicable to the Purposes to which Monies arising from the Sale of any of the Possessions and Land Revenues of the Crown in *England* are to be applied such Sum or Sums of Money as may be necessary, not exceeding in the whole the Sum of Five thousand Pounds.

CAP. LXXIX.

An Act to continue certain Turnpike Acts in *Great Britain*, and to make further Provisions respecting Turnpike Roads in *England*. [14th *August* 1850.]

All Turnpike Acts which will expire before End of next Session continued to 1st Oct. 1851, &c. with the following Exceptions:

56 G. 3. c. xxx.

7 G. 4. c. xc.

5 & 6 W. 4. c. xxiii.

7 & 8 G. 4. c. liii.

9 G. 4. c. cvii.

'WHEREAS it is expedient to continue for limited Times the Acts herein-after specified, and to amend the general Laws in *England* relating to Turnpike Roads:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, except an Act of the Fifty-sixth Year of King *George* the Third, intituled *An Act for making and maintaining a Road from near* Gatton Lodge *in the County of* Surrey *to* Povey Cross *in the said County*, an Act of the Seventh Year of King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Saint John's Chapel *in the Parish of* Saint Marylebone *to the North-east End of* Ballard's Lane, *abutting upon the North Road in the Parish of* Finchley, *with a Branch therefrom, in the County of* Middlesex, an Act of the Fifth and Sixth Years of King *William* the Fourth, intituled *An Act to incorporate the* Avenue Road *in the Parish of* Saint Marylebone *with the* Marylebone *and* Finchley *Turnpike Roads in the County of* Middlesex, an Act of the Eighth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Whitby *to* Middleton *in the County of* York, and an Act of the Ninth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining several Roads leading from* Lymington *in the County of* Southampton, *and the Road to* Wilverley Post *in the* New Forest, and except as herein-after mentioned.

Acts in Schedule continued till 1st Nov. 1851.

II. And be it enacted, That the Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty-one, and no longer, unless Parliament shall in the meantime continue the same respectively.

Power to Trustees to reduce or take off Tolls on Lime used in Agriculture.

III. And be it enacted, That it shall be lawful for the Trustees or Commissioners of any Turnpike Road, in case it appear to them expedient so to do, and notwithstanding any Provisions of any local Act affecting such Road, and without the Consent of any Person or Persons entitled to Money borrowed and remaining due on the Credit of the Tolls of such Road, from Time to Time at any General Annual or other Meeting of such Trustees or Commissioners, (of which Meeting and of the Purposes thereof, so far as the same relate to the Exercise of the Powers given by this Enactment, such Trustees or Commissioners shall cause Notice to be given in some Newspaper usually circulated in the County or Counties in which such Road is situate,) to reduce or wholly take off the Tolls on Horses, Beasts, Cattle, and Carriages employed in carrying or conveying Lime on such Road for the Improvement of Land, and afterwards at any such Meeting (of which Notice shall be given as aforesaid) from Time to Time as they see Occasion to advance or reimpose the Tolls so reduced or taken off, but so that such Tolls shall not be advanced beyond the Amount or Amounts authorized to be taken by the Act or Acts of Parliament granting such Tolls: Provided always, that no such Order for reducing, taking off, advancing, or reimposing such Tolls shall take effect until the same has been submitted to and sanctioned by One of Her Majesty's Principal Secretaries of State; provided also, that where the Tolls of such Road have been let to farm by the Trustees or Commissioners of such Road, no such Order reducing or taking off such Tolls shall take effect until the Expiration of the subsisting Contract or Agreement for the farming or letting thereof.

Provision in 12 & 13 Vict. c. 87. for forming a Sinking Fund extended to Debts contracted before passing of said Act.

IV. 'And whereas by an Act of the last Session of Parliament, intituled *An Act to continue certain Turnpike Acts in* Great Britain *for limited Periods, and to make certain Provisions respecting Turnpike Roads in* England, it was enacted, that in every Case in which the Trustees or Commissioners of any Turnpike Road should thereafter borrow, charge, or secure any Sum or Sums of Money on the Credit of the Tolls arising on such Road, such Trustees or Commissioners should, out of the Tolls of such Road, and in priority to all other Payments, except such Interest as therein mentioned, set apart a Sum of Five Pounds *per Centum per Annum* on the Amount of Money so borrowed, charged, or secured, and when and so often as the Sums so set apart should amount to Two hundred Pounds, the Trustees or Commissioners of the Road, out of the Tolls of which such Sum had arisen, should at any General Annual or other Meeting of such Trustees or Commissioners apply such Sum in Payment of a proportionate Part of the Monies borrowed, charged, or secured as aforesaid in manner therein mentioned: And whereas it is expedient to extend such Enactment to Debts contracted on the Security of the Tolls of any Road before the passing of the said Act, but subject to the Proviso herein-after contained:' Be it therefore enacted, That where the Trustees or Commissioners of any Turnpike Road had before the passing of the said Act borrowed, charged, or secured any Sum or Sums of Money on the Credit of the Tolls arising on such Road, and any such Money shall remain unpaid and unsatisfied at the Time of the passing of this Act, such Trustees or Commissioners shall, out of the Tolls of such Road, after

after Payment thereout of the Interest on any Monies owing on the Security of the said Tolls, and such Sums as may be required to be set apart under the said recited Enactment, and all other annual Liabilities (if any) of their Trust, and the necessary Expenses of the Repairs of such Road, and of the Salaries of their Officers, and all other necessary Expenses of their Trust, set apart a Sum of Five Pounds *per Centum per Annum* on the Amount of Principal Money so borrowed, charged, or secured before the passing of the said Act, and remaining unpaid and unsatisfied as aforesaid, or such lesser Sum as may from Time to Time remain after such Payment as aforesaid; and when and so often as the Sums so set apart shall amount to the Sum of Two hundred Pounds, the Trustees or Commissioners of the Road out of the Tolls of which such Sum has arisen shall apply such Sum in or towards Payment of the Monies so borrowed, charged, or secured as aforesaid, and then remaining unpaid, in manner provided by the said Act with respect to the Application of Money arising from the Sums set apart as therein mentioned, in or towards the Discharge of Monies borrowed, charged, or secured after the passing of such Act: Provided always, that it shall be lawful for One of Her Majesty's Principal Secretaries of State, if upon the Application of the Trustees or Commissioners of any Turnpike Road he see fit so to do, by Order in Writing under his Hand, to authorize such Trustees or Commissioners not to set apart any Sum as herein-before required, or to set apart a less Sum *per Centum per Annum* than the Sum herein-before mentioned, and it shall be lawful for such Secretary of State from Time to Time to vary or revoke any such Authority, and such Order shall be binding on such Trustees or Commissioners: Provided also, that where Provision is made under any local Act for forming a Fund for the Discharge of the Monies borrowed, charged, or secured on the Tolls of any Turnpike Road, this Enactment shall not extend to the Trustees or Commissioners of such Road.

Secretary of State may authorize Trustees not to set apart a Sinking Fund.

Enactment not to interfere with Sinking Funds under local Acts.

V. And be it enacted, That where any Mortgage of the Tolls of any Turnpike Road shall be made under the Powers of any Act passed or to be passed in or after the present Session of Parliament (other than an Act continuing the Term of any existing Act), no Holder of such Mortgage shall be entitled to enter into possession of all or any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon such Road in case and so long as the Interest on the Mortgage Debt thereby secured up to the last half-yearly or other periodical Day on which such Interest is payable be paid within One Month after such Day as aforesaid, or within One Month after the same is demanded (which shall last happen), and where any Mortgagee in Possession as aforesaid has been fully paid all Interest up to the last half-yearly or other such periodical Day as aforesaid, together with any Costs he may be entitled to retain out of the Tolls of the Road, he shall, within Twenty-one Days after such Payment, render to the Trustees or Commissioners of such Road an Account of his Receipts as such Mortgagee in Possession and of the Application thereof, and shall pay the Balance (if any) in his Hand to the Treasurer of such Road; and shall deliver Possession of all Toll Gates, Bars, Chains, Toll Houses, and Buildings of which he may have been in possession to the said Trustees or Commissioners or to some Person appointed by them, and where no half-yearly or other periodical Day is fixed by such Mortgage or otherwise for the Payment of Interest, such Interest shall for the Purposes of this Provision be deemed to be payable on the First Day of *May* and the First Day of *November* in every Year.

Mortgagee under Acts of the present and future Session not to enter into Possession while Interest is punctually paid.

VI. 'And whereas in the Act to facilitate the Union of Turnpike Trusts it is enacted, that Three 'Years must expire before any other Trust or united Trusts can be united to any united Trust; and it 'is expedient further to promote the Union of Turnpike Trusts:' Be it enacted, That the said Restriction requiring that Three Years must expire before such further Union can be effected be repealed.

Limitation before Union of united Trusts, repealed.

VII. 'And whereas Divisions or Districts are formed in certain Trusts according to the Provisions of 'the Acts constituting the same, and it is expedient that Power should be given to unite such Divisions 'or Districts into One Trust, or to enable such Divisions or Districts, either separately or collectively, 'to unite with other Trusts:' Be it enacted, That every Division or District formed under any Act by which any Turnpike Trust is constituted shall, for the Purposes of determining upon and effecting such Union as aforesaid, be entitled to act as if it were a separate Trust, and may as such, subject to all the Provisions of the Act to facilitate the Union of Turnpike Trusts, and in the Manner and under the Conditions therein provided, unite with any or all of the other Divisions or Districts in the same Trust, or with any other Trust or united Trust; and if united with any other Trust or united Trust, the Act by which the Trust is established to which any such Division or District shall belong, save and except such Parts of the same as may require the joint Action of the Division or District separated with the other Divisions or Districts from which it shall be separated, and save and except such Parts as shall relate exclusively to such other Divisions or Districts, shall be to all Intents and Purposes the Act constituting the Trust for the said Division or District thus separated from the other Divisions or Districts formed under the same Act.

For facilitating the Union of Divisions or Districts into One Trust.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1850."

Short Title.

IX. And be it enacted, That this Act shall not apply to *Ireland*, nor, except in respect of the Continuance of the Acts hereby continued, to *Scotland*.

As to Extension of Act.

SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Buckingham, through Brackley, to join the Daventry Turnpike Road near Banbury. 50 G. 3. c. cxxxiii.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Great Marlow in the County of Buckingham to Stokenchurch in the County of Oxford. 53 G. 3. c. xliv.

55 G. 3. c. liv. An Act for continuing and amending an Act of His present Majesty, for repairing the Roads from Uttoxeter to Stoke, near Stone, and from Millwich to Sandon, in the County of Stafford.

55 G. 3. c. xc. An Act for continuing and amending an Act of His present Majesty, for repairing several Roads leading from Shenfield to Harwich and Rochford and other Places in the County of Essex, and for extending the said Act to the Road from Great Hallingbury to Hockerill in the County of Hertford.

56 G. 3. c. lii. An Act for more effectually repairing the Road from Biggleswade to Alconbury Hill, and other Roads therein mentioned, in the Counties of Bedford and Huntingdon.

56 G. 3. c. lxix. An Act for continuing the Term and altering and enlarging the Powers of several Acts of His late and present Majesty, for repairing the Road from the North End of the Town of Derby in the County of Derby to Sheffield in the County of York, and from Duffield to Wirksworth in the County of Derby.

57 G. 3. c. vi. An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Road from the Town of Shrewsbury to Bridgenorth, and several other Roads near or adjoining thereto, in the Counties of Salop and Stafford.

58 G. 3. c. i. An Act for making and maintaining a Road from the Town of Stroud in the County of Gloucester through Pitchcomb into the City of Gloucester.

1 G. 4. c. xvi. An Act for making and maintaining a Road from the Town of Cheltenham to join the present Turnpike Road from Cheltenham to Painswick at or near to Prinknash Park Wall in the County of Gloucester.

1 G. 4. c. xxxii. An Act for more effectually repairing and improving several Districts of Malmesbury Turnpike Roads and other Roads connected therewith in the Counties of Wilts, Berks, and Gloucester.

1 G. 4. c. xlvi. An Act for widening and improving the Road leading from the Turnpike Road in the Town of Tenterden through Woodchurch to Warehorne, and the Road leading out of the Turnpike Road in the Parish of Bethersden through Woodchurch to Appledore, in the County of Kent.

1 G. 4. c. lxxiii. An Act for repairing the Road from Towcester through Brackley in the County of Northampton to Weston Gate in the Parish of Weston on the Green in the County of Oxford.

3 G. 4. c. xii. An Act for more effectually repairing the Roads from Netherbridge to Levens Bridge, and from thence through the Town of Millthrop to Dixes, and from the Town of Millthrop to Hangbridge, and from thence to join the Heronsyke Turnpike Road near Clawthrop Hall in the County of Westmoreland.

5 G. 4. c. xv. An Act for more effectually improving and keeping in repair the Road from Appleby in the County of Westmoreland to Kirkby in Kendal, and from Orton to the Turnpike Road near Shap, and from Highgate, near Tebay, through Kirkby Stephen to Market Brough in the said County.

6 G. 4. c. li. An Act for making and maintaining a Road from Great Ancoats Street in the Town of Manchester in the County of Lancaster, to join a Diversion of the Manchester and Saltersbrook Road in Andershaw in the Parish of Ashton-under-Lyne in the said County, and Two Branches of Road communicating therewith.

6 G. 4. c. xciii. An Act for more effectually repairing several Roads leading from and through the Town of Wiveliscombe in the County of Somerset, and the Roads adjoining thereto in the Counties of Somerset and Devon, and for making a new Line of Road to communicate therewith.

6 G. 4. c. xcviii. An Act for more effectually repairing and improving the Road from Sheffield in the County of York to the Marple Bridge Road in the Parish of Glossop in the County of Derby, and the Branch to Mortimers Road in the Parish of Hathersage in the said County of Derby.

6 G. 4. c. cii. An Act for repairing and maintaining the Road from Huddersfield in the West Riding of the County of York to New Hey in the Parish of Rochdale in the County of Lancaster, with a Branch to Toothill Lane in the said Riding, and for making a new Road from Buck Stones to the Highway leading from Ripponden to Stainland, at or near to Barkisland School.

6 G. 4. c. ciii. An Act for making and maintaining a Turnpike Road from Meltham in the Parish of Almondbury to the Greenfield and Shepley Lane Head Turnpike Road, near Wessenden Head, in the Township of Austonley in the West Riding of the County of York.

6 G. 4. c. cxlvii. An Act for more effectually repairing and improving so much of the Road leading from the Town of Cheltenham in the County of Gloucester towards the City of Gloucester as lies within the Cheltenham District, and for opening new Communications with such Road.

9 G. 4. c. ix. An Act to enable the Trustees of the Road leading from the Town of Cheltenham in the County of Gloucester towards the City of Gloucester to form a new Branch to communicate with the said Road in the Parish of Cheltenham.

3 & 4 W. 4. c. xc. An Act to amend so much of Two Acts for repairing the Road leading from Cheltenham towards the City of Gloucester, and for making a new Branch to communicate with the same, as relates to the Priority of certain Mortgages granted on the Tolls thereof.

5 G. 4. c. xxiv. An Act for amending, repairing, and maintaining the Road from Sandon in the County of Stafford to Bullock Smithy in the County of Chester, and from Hilderstone to Draycott in the Moors and from Wetley Rocks to Tean, in the said County of Stafford.

7 G. 4. c. xx. An Act for amending an Act of His present Majesty, for repairing the Road from Sandon in the County of Stafford to Bullock Smithy in the County of Chester, and from Hilderstone to Draycot in the Moors, and from Wetley Rocks to Tean, in the County of Stafford, so far as relates to the Macclesfield District of Road, and for making a Diversion of Road in the said District.

7 G. 4. c. xxviii. An Act for more effectually repairing and improving the Road from the Brighthelmston Road at Pyecombe to Warninglid Cross in the Parish of Cuckfield, and from Pyecombe to the Henfield Road at Poynings Common in the County of Sussex, and for making a new Road from Warninglid Cross to Hand Cross in the said County.

An

An Act for more effectually maintaining so much of the Road from Richmond in the County of York to Lancaster in the County of Lancaster, and from Gilling to the Turnpike Road on Gatherley Moor, as relates to the Western District of the said Road, and for altering and diverting certain Parts of the said Western District of the said Road. 7 G. 4. c. lxxi.

An Act for more effectually repairing the Road from Markfield Turnpike to the Road leading from Loughborough to Ashby-de-la-Zouch in the County of Leicester. 7 G. 4. c. cxxxiv.

An Act for more effectually repairing the Road from Footscray by Wrotham Heath to Maidstone, and from the said Road into the Road from Mereworth to Hadlow, and for making and maintaining a Road from the said Road at Wrotham Heath to Teston, and from the said Road from Mereworth to Hadlow to St. Leonard's Street in the Parish of West Malling, all in the County of Kent. 9 G. 4. c. xviii.

An Act for making and maintaining a Road from Beck Fen Lane in the Parish of Mildenhall in the County of Suffolk to the South-east End of the Bridge over the River Ouze in the Parish of Littleport in the Isle of Ely and County of Cambridge, and other Roads therein mentioned in the Counties of Norfolk and Suffolk. 9 G. 4. c. xliv.

And the Acts continued by any of the Acts in this Schedule mentioned.

CAP. LXXX.

An Act to repeal Part of an Act of the Fifteenth Year of King *George* the Third, for the Encouragement of the Fisheries carried on from *Great Britain*, *Ireland*, and the *British* Dominions in *Europe*, and for securing the Return of the Fishermen, Sailors, and others employed in the said Fisheries to the Ports thereof at the End of the Fishing Season. [14th *August* 1850.]

'WHEREAS by an Act passed in the Fifteenth Year of King *George* the Third, intituled *An Act for the Encouragement of the Fisheries carried on from* Great Britain, Ireland, *and the* British *Dominions in* Europe, *and for securing the Return of the Fishermen, Sailors, and others employed in the said Fisheries to the Ports thereof at the End of the Fishing Season*, it was enacted, that all the Fish and Oil which should be taken and made by the Person or Persons who should hire or employ such Seaman or Fisherman as therein mentioned should be subject and liable in the first place to the Payment of the Wages of every such Seaman or Fisherman: And whereas it is expedient that the said recited Enactment should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Enactment of the said firstly-recited Act shall be repealed from the Time of the Proclamation of this Act in *Newfoundland*. 15 G. 3. c. 31. Recited Enactment of 15 G. 3. c. 31. repealed from the Time this Act is proclaimed in Newfoundland.

CAP. LXXXI.

An Act to explain an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin*. [14th *August* 1850.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland: And whereas by an Act of the last Session of Parliament, intituled *An Act to amend an Act for the Regulation of Municipal Corporations in* Ireland *so far as relates to the Borough of* Dublin, it is amongst other things provided, that from and after the Expiration of the then present Year, as far as regards the Borough of *Dublin*, the Provisions in the said first-recited Act contained relating to the Qualification of Burgesses should be repealed, and that no Person should be enrolled as a Burgess of the said Borough of *Dublin* in respect of any Title other than by Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of the said Act of the last Session: And whereas by the said first-recited Act it was amongst other things enacted, in regard to certain of the Cesses, Rates, and Taxes therein mentioned, that such Cess, Rate, or Tax should not, for the Purposes aforesaid of the said Act, be deemed to have become payable until after the Completion of the Publication of a certain Notice therein mentioned, and not before: And whereas it is expedient to remove any Doubt whether such Enactment of the said first-recited Act as to any such Notice as aforesaid, or the Publication thereof, extends or applies to any Rates, Cesses, or Taxes specified in the Schedule annexed to the said secondly-recited Act:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Enactment of the said first-recited Act, as to any such Notice as aforesaid, or the Publication thereof, shall be deemed and construed not to extend or apply and not to have extended or applied, and the same shall not extend or apply, to any of the Rates, Cesses, or Taxes specified in the Schedule annexed to the said secondly-recited Act. 3 & 4 Vict. c. 108. 12 & 13 Vict. c. 85. The Provision as to Notice required as to certain Taxes payable under 3 & 4 Vict. c. 108. not to apply to Taxes specified in Schedule of 12 & 13 Vict. c. 85.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. LXXXII.

An Act to extend the Remedies for the Collection of Grand Jury Cess in *Ireland*.

[14th *August* 1850.]

6 & 7 W. 4. c. 116.

'WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King 'William the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Present-* 'ment of Public Money by Grand Juries in Ireland, it is amongst other things enacted, that every 'Person duly authorized to collect and levy any Grand Jury Cess off any Barony, County of a City, or 'County of a Town, as soon as he shall have received the Applotment of such Cess shall collect and 'levy the same according to such Applotment; and such Money may be levied by Distress and Sale of 'any Goods and Chattels of every Person refusing to pay the Proportion therein applotted for him or 'her to pay, which may be found on the Premises chargeable, rendering to the Owner the Overplus, if 'any, after deducting the Expenses of distraining, as therein mentioned: And whereas great Difficulties 'have of late attended the Collection and levying of Grand Jury Cess; and it is expedient to extend such 'Power of Distress and Sale as aforesaid to any Goods or Chattels (save as herein-after excepted) found 'on the Premises so chargeable as aforesaid:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Power of Distress and Sale by the said recited Act, or any Act amending the same, provided for the Collection and levying of Grand Jury Cess in *Ireland* shall be extended as follows; that is to say, any such Grand Jury Cess may be levied by Distress and Sale of any Goods and Chattels which may be found on the Premises chargeable therewith, (save and except any Goods and Chattels which, if such Distress were for Rent reserved on a Lease for a Term for Years, would be exempt from such Distress,) rendering to the Owner of such Goods and Chattels the Overplus, if any, after deducting the Expenses of distraining.

Grand Jury Cess may be levied by Distress and Sale of any Goods found on the Premises chargeable, save as herein excepted.

II. And be it enacted, That the said recited Act and this Act shall be construed together as One Act.

This and recited Act one.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXXXIII.

An Act to facilitate the Abandonment of Railways, and the Dissolution of Railway Companies, in certain Cases.

[14th *August* 1850.]

'WHEREAS divers Joint Stock Companies have been incorporated by Act of Parliament for making 'Railways, and it has been found that such Railways, or certain Parts thereof, cannot be made or 'carried on with Advantage either to the Promoters thereof or to the Public, and it is expedient therefore 'that Facilities should be given for the Abandonment of such Railways or Parts of Railways, and for the 'Dissolution of such Companies, or some of them, and winding up the Concerns thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Company authorized by Act of Parliament heretofore passed to make a Railway desire that the making and carrying on of such Railway or some Part thereof, whether commenced or not, be abandoned, such Company may, by the Authority and with the Consent of the Holders of Three Fifths of the Shares or Stock of such Company, represented in manner herein-after mentioned at a General Meeting of Shareholders to be convened in manner herein-after mentioned, make Application in Writing to the Commissioners of Railways, setting forth the Particulars of the Railway or Portion of the Railway desired to be abandoned by them, and the Grounds upon which such Application is made.

Railway Company may make Application to Commissioners of Railways to be allowed to abandon their Undertaking.

II. And be it enacted, That it shall be lawful for the Directors of any such Railway Company at any Time to call a Meeting of the Shareholders thereof for the Purpose of determining whether such Application shall be made to the Commissioners of Railways, and so from Time to Time as they shall see fit.

Directors may call Meeting to consider such Application.

III. And be it enacted, That it shall be lawful for any Number of Shareholders of any such Company, not being less than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, but exclusive of any Shares or Stock held by or in the Names of the Directors of the Company or any of them, or by or in the Name of any Person in trust for the Directors or any of them, or for the Company, and which Shareholders shall have paid all the Calls then due on the Shares held by them, by Writing under their Hands to require the Directors of such Company to call a Meeting for the Purpose aforesaid; and upon the Receipt of any such Requisition such Directors shall forthwith proceed to call a Meeting of the Shareholders of such Company on a Day to be named by them, not being less than Fourteen nor more than Twenty-eight Days after the Receipt of such Requisition: Provided always, on the Default of the Directors to call and advertise such Meeting within Fourteen Days after the Receipt of the Requisition, it shall be lawful for the Requisitionists to call such Meeting themselves, at a Time and Place to be appointed by them, of which Fourteen Days Notice shall be given by them by Advertisement as herein-after provided: Provided also, that when any Meeting of any such Company shall have been called pursuant to any such Requisition as aforesaid, the Directors of such Company shall not be required to call any further Meeting of such Company upon any further Requisition for the like Object until Twelve Months shall have elapsed since the holding of such previous Meeting.

Shareholders may require Directors to call Meeting.

IV. And

IV. And be it enacted, That after any such Meeting has been called by the Directors, or after the Receipt of any such Requisition as aforesaid, it shall not be lawful for the Directors to make any Payments out of the Monies of the Company for the Purposes of the Railway proposed to be abandoned, except in discharge of *bonâ fide* Debts or Liabilities, or in performance of Contracts or Engagements previously entered into, and in payment of the Expenses of calling and holding such Meeting, nor to enter into any Contracts or Engagements on behalf of the Company with respect to the Railway so proposed to be abandoned, nor to make any Calls, nor to register the Transfer of any Shares, until the Meeting called as aforesaid shall have determined whether such Application shall be made.

After Receipt of Requisition, Directors not to make any Payments, except under existing Liabilities, nor to enter into new Contracts, &c.

V. And be it enacted, That the calling of any such Meeting shall be by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company, and where such Meeting is called by the Directors of the Company a Circular Letter shall be sent by the Post addressed to each of the registered Shareholders of such Company, according to his registered Address or other known Address, Seven clear Days at least before the holding of such Meeting, and stating that a General Meeting of the Shareholders of such Company will be held at a Time and Place mentioned in such Circular, for the Purpose of determining whether Application shall be made to the Commissioners of Railways that such Railway or the Part thereof specified in such Notice may be abandoned, and requesting such Shareholder to signify his Assent to or Dissent therefrom, which may be according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto, and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and in the Case of every such Meeting, whether called by the Directors or by such Requisitionists as aforesaid, the Shareholders may signify their Assent to or Dissent from the proposed Application, either by attending such Meeting in Person or by Letter addressed to the Secretary of the Company, stating the Assent or Dissent of such Shareholders, in a Form which shall be to the Effect of the Form set forth in the Schedule hereto, and signed by such Shareholders respectively.

Mode of calling Meeting, and signifying the Consent of the Shareholders to the Application.

VI. And be it enacted, That at the Meeting so to be called as aforesaid the Scrutineers to be appointed as herein-after mentioned shall cast up the Amount of Shares held by Shareholders assenting to the making of such Application, and the Amount of Shares held by Shareholders dissenting therefrom, whether such Assent or Dissent have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof, and such Scrutineers shall report to the Chairman the Amount of Shares of the Shareholders assenting to such Application, and the Amount of the Shares of those dissenting therefrom, and the said Chairman shall thereupon publicly announce to the Meeting the said Amounts respectively, and shall state whether or not the Holders of Three Fifths of the whole of such Shares represented in manner aforesaid at the Meeting consent to such Application: Provided always, that in computing the Amount of Shares of the Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have been duly registered, or who shall not have paid all the Calls then due by him upon all the Shares held by him, unless such Calls shall have been made within Three Months prior to the holding of such Meeting, or if such Meeting be held pursuant to a Requisition of Shareholders as herein-before provided, then Three Months prior to the Day on which such Requisition was presented to the Directors.

The Number of the Shareholders assenting or dissenting to be ascertained by Scrutineers, and reported to the Chairman.

VII. And be it enacted, That the Chairman of the Directors of such Company, if present, or in his Absence the Deputy Chairman, if any, of such Directors, shall be the Chairman of such Meeting as aforesaid, or if neither such Chairman nor Deputy Chairman of the Directors be present, any Shareholder chosen for that Purpose by a Majority of the Shareholders present at the Meeting shall be the Chairman thereof.

Chairman of the Meeting.

VIII. And be it enacted, That at every such Meeting the Shareholders present thereat shall elect Three Shareholders of the Company to be Scrutineers for the Purposes aforesaid, and in electing such Scrutineers each Shareholder shall have One Vote only, and shall vote for One Scrutineer only; and the Decision of such Scrutineers, or of any Two of them, upon any of the Matters hereby intrusted to them, shall be final in all respects.

Meeting to elect Scrutineers.

IX. And be it enacted, That for the Purpose of receiving the Report of the said Scrutineers the Chairman of such Meeting may, if he think fit, on the Application of any One of such Scrutineers, and he shall, if required by more than One of such Scrutineers, adjourn such Meeting to some Time to be appointed by him, not less than One clear Day nor more than Seven clear Days from the Day of holding such Meeting.

Adjournment of Meeting on Application of Scrutineers.

X. And be it enacted, That a Certificate under the Hand of the Chairman of the Meeting, stating that such Meeting as aforesaid has been duly held, and such Consent given as aforesaid in Cases where the same is given, shall within One Week after the Day of holding such Meeting be deposited in the Office of the said Commissioners of Railways.

Certificate of the Chairman to be Evidence.

XI. Provided always, and be it enacted, That if it appear to any of the Shareholders of any such Company who shall have signed any such Requisition, or been present at any such Meeting as aforesaid at which the Proposal to apply to the said Commissioners to authorize the Abandonment of the whole or Part of a Railway shall have been negatived or alleged to be negatived, either that such Meeting was not duly called, or that the Sense thereof was not duly taken according to the true Intent and Meaning of this Act, and that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent

Shareholders desiring Abandonment, and complaining that the Sense of the Company has not been fairly ascer-

tained, may apply to the Commissioners.

sent of such Meeting to the proposed Application would have been given, it shall be lawful for any such Shareholders, not being less in Number than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, and which Shareholders shall have paid all the Calls then due on the Shares held by them, to apply to the said Commissioners, setting forth in Writing the Grounds on which they complain of the Decision alleged to have been come to at such Meeting as aforesaid, and praying that a further Meeting may be called, and if it appear to the said Commissioners (after hearing the Parties complained of, if they desire to be heard,) that there is good Reason to believe that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, the said Commissioners shall certify their Judgment to that Effect, and shall direct a further Meeting to be called by the Directors of such Company at the Time and Place to be appointed by the said Commissioners, and the said Directors shall call such Meeting accordingly, or in default thereof it shall be lawful for the Shareholders who complained to the said Commissioners of the Proceedings of the former Meeting to call such Meeting, and all the Provisions of this Act shall apply to any further Meeting so directed to be called in like Manner as to any original Meeting herein-before authorized or required to be called.

If Meeting determine that Application shall be made, Directors not to proceed meanwhile.

XII. And be it enacted, That if at any such Meeting any Railway Company shall determine, as herein-before mentioned, that such Application as aforesaid shall be made, or if the said Commissioners shall certify as aforesaid their Judgment, that if such Meeting had been duly called and the Sense thereof duly taken the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, then, as from the Date of the Resolution so come to at such Meeting, or the Date of the said Certificate, as the Case may be, the Directors of such Company shall not have Power to proceed any further with the making of the Railway, or the Part thereof so proposed to be abandoned, until the Decision of the Commissioners of Railways with respect to such Application be made, and then only in accordance with such Decision.

Commissioners of Railways to direct Advertisements of Application.

XIII. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, the said Commissioners shall require and direct the Company making the same to give Notice of such Application having been made, by Advertisement inserted in a Form to be approved of by the said Commissioners, once in the *London, Edinburgh,* or *Dublin Gazette,* according as the Railway or Part of the Railway proposed to be abandoned is situate in *England, Scotland,* or *Ireland,* and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part proposed to be abandoned of such Railway is situated, and affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any Part of such Railway where the whole is proposed to be abandoned, or in which any Part proposed to be abandoned, is situate, and in *Ireland* such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel on some public or conspicuous Place of such Parish; and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Abandonment, and who desires to object thereto, may bring such Objection before the Commissioners.

Commissioners to have Power to inspect the Company's Books and other Documents, and to send an Officer for local Inspection.

XIV. And be it enacted, That, for the Purpose of ascertaining the State and Condition of the Company making any such Application, and of inquiring into the Expediency of the proposed Abandonment of Railway, and of determining the Terms and Conditions on which the same may be authorized by them, it shall be lawful for the Commissioners of Railways, by themselves or by any Officer appointed and specially empowered by them for that Purpose, to inspect the Books of Accounts, Minutes of Proceedings, or any other Books, Papers, or Documents in the Possession or Control of such Company, and also, if they see fit so to do, to send, at the Expense of such Railway Company, or at the Expense of any Person who applies to them for that Purpose, an Officer to be appointed by them to inspect the Railway or proposed Railway or Work so proposed to be abandoned, and to collect Evidence on the Spot relative to such Abandonment; and if any such Company, or any of their Officers or Servants, shall refuse such Inspection by the said Commissioners, or any Officer appointed and specially empowered by them for that Purpose, or refuse or wilfully neglect to produce to the said Commissioners or any such Officer, on Demand, any Books, Papers, or Documents in the Possession or Control of such Company, every such Company shall for every such Refusal or Neglect forfeit to Her Majesty the Sum of Twenty Pounds, and a further Sum of Five Pounds for every Day during which such Refusal or wilful Neglect shall be continued.

Commissioners may by Warrant authorize Abandonment of Railway or Part of it described in the Warrant.

XV. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all the Objections, if any, brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, authorize the Abandonment of the Railway or Portion of Railway described in such Warrant.

In considering Objections of Shareholders to partial Abandonment, Commissioners to have regard to

XVI. Provided always, and be it enacted, That in considering the Objections which may be made by any of the Shareholders of any Railway Company to the proposed Abandonment of a Part only of the Railway of such Company, and in determining the Terms and Conditions on which the said Commissioners may think fit to authorize any such partial Abandonment, the said Commissioners shall have regard to the local Situation of the Lands and Residences of the Shareholders so objecting with reference to the Portion of Railway proposed to be abandoned; and in the Case of any such Shareholders being original

original Subscribers to the Undertaking, and not being Solicitors, Agents, or Engineers employed in promoting the same, and whose Places of Residence or Lands are adjoining or near the Line of the Portion of Railway so proposed to be abandoned, it shall be lawful for the said Commissioners, if they think fit so to do, in any Direction which (under the Provision herein-after contained) they may give for reducing the Capital of the Company authorized to construct such Railway, to provide, at the Request of any such last-mentioned Shareholders, that the nominal Amount of the Shares held by them in such Company may be reduced to the Amount then already paid up by them respectively, or to such other Extent as the said Commissioners may think fit to order in that Behalf, or the said Commissioners may, at the like Request, direct any such Shares to be cancelled, and a Part of the Monies that may have been paid up in respect of such Shares, bearing such Proportion to the whole as the said Commissioners having regard to all the Circumstances of the Case shall think fit to determine, to be repaid to such Shareholders.

local Circumstances.

Power to reduce or cancel the Shares of the Objectors in certain Cases.

XVII. And be it enacted, That within One Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners the Railway Company to which the same applies shall cause Notice thereof to be inserted in the *London, Edinburgh,* or *Dublin Gazette,* according as the Railway or Part of Railway mentioned therein is situate in *England, Scotland,* or *Ireland,* and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of such abandoned Railway is situate, and to be affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway is situate, and in *Ireland* such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel, on some public or conspicuous Place of such Parish; and every such Notice shall require all Persons having any Claims or Demands upon the said Company for Compensation or otherwise, by reason of the Abandonment of Railway authorized by such Warrant, to transmit the Statement of such Claims or Demands to the Secretary of such Company, at the Office or usual Place of Business of the same Company, within Four Months from the Date of such Warrant.

Abandonment of Railway to be advertised, and Demands on the Company for Compensation to be sent in.

XVIII. And be it enacted, That, upon Proof to the Satisfaction of the said Commissioners that Notice of such Warrant has been duly published in manner herein-before required, the said Commissioners shall certify the same accordingly; and such Certificate shall be received in all Courts of Justice or elsewhere as Evidence that such Notice was duly published as aforesaid.

Commissioners to certify the due Publication of the Notice of the Warrant.

XIX. And be it enacted, That after the granting of any such Warrant, and the Publication of such Notice thereof as aforesaid, the Company shall (subject to the Provisions herein-after contained) be released from all Liability to make, maintain, or work the Railway mentioned in such Warrant, or the Part thereof thereby authorized to be abandoned, or to purchase any of the Lands required for the making thereof, or to complete the Purchase of any such Lands for the Purchase of which Notice may have been given, or any Contract entered into, by or on behalf of the Company, or to complete any Contract for or concerning the making, maintaining, or working of the Railway so to be abandoned, or any other Contract relating to the Railway or Part of Railway so authorized to be abandoned which by reason of such Abandonment cannot be performed: Provided always, that nothing in this Act contained shall extend to release the Company from any Liability to complete the Purchase of any Land for the Purchase of which any Contract may have been entered into by or on behalf of the Company, and which Contract may have been in part performed, or by virtue or in pursuance of which a specified Sum or Price as the Consideration for the Purchase of the Lands thereby agreed to be sold to or taken by the Company shall have been fixed or ascertained previously to the passing of this Act, notwithstanding the Time for the Completion of the Purchase named in such Contract shall have been subsequently extended by Agreement or Arrangement with the Company.

After the granting of Warrant the Company to be released from Liability to make the Railway.

XX. Provided always, and be it enacted, That in every Case in which before the granting of any such Warrant any Notice hath been given or Contract entered into by or on behalf of the Company named therein for purchasing any Lands which such Company were by the Acts relating thereto empowered to purchase for the Purpose of constructing the Railway or Portion of Railway so authorized to be abandoned, and from which Contract such Company would be relieved under the Provisions herein-before contained, or where any Contract hath been entered into for or concerning the constructing, maintaining, or working of the Railway or Part of Railway so authorized to be abandoned, or any other Contract relating thereto, which by reason of such Abandonment cannot be performed, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands, or being Parties to such Contracts as aforesaid, Compensation, to be determined by Arbitration as herein-after mentioned, for all Injury or Damage, if any, sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Notice, or by reason of such Contract not being performed.

Compensation to be made where Contracts have been entered into or Notice given.

XXI. And be it enacted, That where any Railway or Part of a Railway so authorized to be abandoned shall have been then made or commenced, such Company shall make to the Owners and Occupiers of the Lands adjoining the Railway or Part of a Railway so commenced or made, and authorized to be abandoned, Compensation, to be determined by Arbitration as herein-after mentioned, for all such Injury or Damage, if any, as shall be sustained by such Owners or Occupiers by reason of the Omission to make Gates, Passages, Drains, Watercourses, Bridges, and such other Works, for the Accommodation of Lands adjoining the Railway, as such Company would have been required to make if such Railway had not been allowed to be abandoned.

Compensation to adjoining Landowners in lieu of Accommodation Works.

XXII. And

Where Roads have been carried across abandoned Line of Railway by Bridge or Tunnel, Company to make Compensation, in lieu of keeping Bridges, &c. in repair, except where the Road is restored to its former State.

XXII. And be it enacted, That where the Line of any Railway so authorized to be abandoned shall have been wholly or partially laid out, and any Road shall have been carried across such Line of Railway by means of a Bridge or Tunnel over or under such Railway, which Bridge or Tunnel the Company to whom such Railway belonged would, in case the same had not been abandoned, have been liable to keep in repair, then in every such Case, except where such Bridge or Tunnel shall, with the Permission of the said Commissioners, be by such Company removed, and such Road restored to the like or an equally convenient and good State as the same was in before it was interfered with by the Makers of such Railway, to the Satisfaction (in case of Difference between such Company and the Owner or Persons having the Management of such Road) of the Commissioners of Railways, such Company shall pay to the Owner of such Road, if it be a private Road, or to the Trustees, Surveyors of Highways, or other Persons having the Management of such Road, if it be a Turnpike or other public Road, a Sum of Money to be determined by Arbitration as after mentioned, in lieu and discharge of their Liability to keep such Bridge or Tunnel, and also the Roadway over the same, in repair.

Compensation to Trustees and Overseers of public Roads, how to be applied.

XXIII. And be it enacted, That every Sum so to be paid as last aforesaid to such Trustees, Surveyors, or other Persons as aforesaid shall be by them forthwith paid over to the Treasurer of the County where the Bridge or Tunnel in respect of which such Sum was paid is situate, and shall be by him invested in Consolidated Bank Annuities or other public Securities, and the Dividends or Income thereof shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid, in such Manner as the Justices in Quarter Sessions having Jurisdiction where such Bridge or Tunnel is situate shall order.

Application of Monies paid.

XXIV. And be it enacted, That every Sum so to be paid as last aforesaid in *Scotland* to such Trustees or other Persons as aforesaid shall be by them paid into Bank, and the Interest to arise thereon shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid, in such Manner as the Sheriff of the County in which such Bridge or Tunnel is situate, in case of any Difficulty arising, shall direct.

Compensation to be settled by Arbitration, pursuant to 8 & 9 Vict. c. 20. and 8 & 9 Vict. c. 33.

XXV. And be it enacted, That the Amount of the Compensation so to be made in the several Cases aforesaid shall be determined, in case of Difference, by Arbitration, in the Manner provided by the Railways Clauses Consolidation Act, 1845, or the Railways Clauses Consolidation Act, *Scotland*, 1845, as the Case may require, and for that Purpose all the Clauses of the said Railways Clauses Consolidation Acts with respect to the Settlement of Disputes by Arbitration shall be deemed to be incorporated with this Act: Provided always, that no such Railway Company shall be liable to make any Compensation in respect of Damage alleged to have been sustained by reason of the Abandonment of the Railway or Part of the Railway, or the Non-completion of any Contract of such Company in any of the Cases aforesaid, unless the Claim for such Compensation shall have been made within Six Months after the Publication in the Gazette of the Notice of the Warrant for such Abandonment as herein-before provided.

Claims to be made within Six Months after Publication, &c.

Company liable for Damage by Entry on Lands for taking Levels, &c. pursuant to 8 & 9 Vict. c. 18. or 8 & 9 Vict. c. 19.

XXVI. Provided also, and be it enacted, That the Authority so as aforesaid given for abandoning the making of any such Railway or Part of a Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands to receive from such Company Compensation for any Damage that may have been occasioned by the Entry of such Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (*Scotland*), 1845, contained.

Lands purchased by the Railway Company to be sold within a limited Time.

XXVII. And be it enacted, That all the Lands acquired by such Company for the Purposes of the Railway or Part of Railway so authorized to be abandoned shall be sold by such Company within the Time limited or prescribed for that Purpose in the Warrant authorizing the Abandonment of such Railway, and if no Time be therein prescribed for that Purpose, then within Two Years from the Date of such Warrant, in the Manner prescribed by the said Lands Clauses Consolidation Acts with respect to the Sale of superfluous Lands; and for that Purpose all the Clauses of the said last-mentioned Acts with respect to the Lands acquired by the Promoters of the Undertaking under the Provisions of their special Act, but which are not required for the Purposes thereof, shall be deemed to be incorporated with this Act: Provided always, that the Offer to be made by the Railway Company pursuant to the said Acts to sell such Lands to the Person entitled to the Lands from which the same were severed shall be made at a Price or Sum not greater than the Price or Sum at which such Lands were purchased by such Company.

Where Part of a Railway is authorized to be abandoned, the Commissioners may require the Capital to be reduced.

XXVIII. And be it enacted, That when the said Commissioners of Railways, by any such Warrant as aforesaid, authorize the Abandonment of a Part only of the Railway of any Railway Company, they may, if they think fit, require that the Capital authorized to be raised by such Company in respect of such Railway shall be reduced to such Extent and in such Manner as the said Commissioners think fit, and so that such Reduction do not bear a greater Proportion to the whole Capital so authorized to be raised than the Cost of the Part of the Railway so authorized to be abandoned would have borne to the Cost of the whole Railway; and they may also, if they think fit, in like Manner reduce the Amount which such Company are authorized to borrow on Mortgage or Bond, and every such Reduction shall be expressed in the said Warrant; and in every such Case the Capital of such Company, and their Power of borrowing Money, shall be reduced and limited in conformity with the Directions for that Purpose contained in such Warrant; and such Company shall have all the same Powers for enforcing the Payment of Calls in respect of the Shares in the Capital when reduced in the Manner required by the said Commissioners, and for enforcing the Forfeiture of any such Shares in default of Payment of such Calls,

as such Company would have had in respect of the original Capital of such Company if this Act had not been passed: Provided always, that nothing herein contained shall authorize the said Company to reduce or interfere with any Amount of Capital paid up or called for before the Eleventh Day of *February* One thousand eight hundred and fifty, and entitled to any preferential or guaranteed Dividend or Interest.

After Warrant for Abandonment of the whole Railway the Powers of the Company are to cease, except for winding up.

XXIX. And be it enacted, That after the granting of any such Warrant as aforesaid for the Abandonment of the whole Railway of any Railway Company the Powers of such Company for the Construction, Maintenance, and Management of such Railway shall cease, and such Company shall continue to exist only for the Purpose of winding up their Affairs, and they shall accordingly, subject to the Provisions herein contained with respect to the Sale of Lands acquired by such Company for the Purposes of their Railway, proceed with all convenient Speed to collect and to convert into Money all their Property and Effects, and shall in the first place pay and satisfy all their Debts and Liabilities, and after full Payment and Satisfaction thereof shall distribute the surplus Funds among the Shareholders of the Company in proportion to their Shares and Interests therein, and for the Purposes aforesaid all the Powers of such Company shall continue in full Force and Effect; and when and so soon as the same shall have been fully accomplished such Company shall be dissolved, and cease to exist.

11 & 12 Vict. c. 45. and 12 & 13 Vict. c. 108. to apply to Cases where Order of winding-up was made prior to passing of said Acts.

XXX. And be it enacted, That, notwithstanding the Provision in the Joint Stock Companies Winding-up Amendment Act, 1849, excepting Railway Companies incorporated by Act of Parliament from the Application of the Joint Stock Companies Winding-up Act, 1848, the said Two several Acts shall nevertheless apply to any Railway Company incorporated by Act of Parliament in respect of which an Order may have been made by the Court of Chancery for winding up the Affairs of such Company previous to the passing of the said Joint Stock Companies Winding-up Amendment Act, 1849, and the Proceedings for winding up the same shall proceed and be carried on under the said Joint Stock Companies Winding-up Act, 1848, and the said Joint Stock Companies Winding-up Amendment Act, 1849, or either of them.

When Warrant has been granted for abandoning the whole Railway, Shareholders may petition for winding up.

XXXI. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in *England* or *Ireland*, any Shareholder of such Company may present a Petition under the Joint Stock Companies Winding-up Act, 1848, or any Act for the Amendment of such Act, for the winding up of the Affairs of such Company under the said Act, and for that Purpose the Railway Company whose Railway is so authorized to be abandoned shall, if the Court shall think fit so to order, (notwithstanding anything to the contrary thereof in the said Joint Stock Companies Winding-up Act, or in the Joint Stock Companies Winding-up Amendment Act, 1849,) be deemed to be a Company to which the said Act applies.

Court of Session, upon Petition, may sequestrate any Railway Company for the Abandonment of which a Warrant has been granted.

XXXII. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in *Scotland*, any Shareholder of such Company may present a Petition to the Court of Session, praying the said Court to sequestrate such Company, and it shall thereupon be lawful for the said Court to issue a Deliverance awarding Sequestration of such Company, and to appoint a Factor, who shall take possession of and recover the Estate of such Company, and realize and manage the same, for the Purposes of this Act, and for winding up and distributing the same with due Regard to the Rights and Interests of the Creditors and Shareholders, and of all others concerned therein.

Court of Session to establish Rules for Adjustment of Claims.

2&3 Vict. c.41.

XXXIII. And be it enacted, That it shall be competent to the said Court to establish, by Acts of Sederunt to be passed by them, all such Rules and Regulations as may be necessary in relation to the summary Statement, Discussion, and Adjudication of all Claims at the Instance of Creditors, Shareholders, and other Parties against such Company, and by such Rules and Regulations to apply, as far as may be practicable and expedient, towards the Purposes of this Act, the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sequestration of the Estates of Bankrupts in* Scotland; and it shall be competent to the said Court so also to establish all such other Rules and Regulations as may be necessary for carrying fully into effect the Purposes of this Act.

In case of Petition for winding up, Landowners are to be deemed Creditors in respect of the Compensation given by this Act.

XXXIV. And be it enacted, That in the event of the Affairs of any such Company being wound up under any such Petition, the Compensation herein-before directed to be given to the Owners and Occupiers of Lands and others in respect of the Damage sustained by them by reason of such Abandonment in the Cases herein-before mentioned, or by reason of the Non-completion of any such Contract as aforesaid, or otherwise, shall be deemed a Demand claimed from, and when ascertained in the Manner provided by this Act a Debt due from, such Company, and the Party by whom such Compensation is claimed shall be deemed a "Creditor," in *England* or *Ireland*, within the Provisions of the said Joint Stock Companies Winding-up Act, or, in *Scotland*, within the Provisions of the said recited Act of the Second and Third Years of the Reign of Her present Majesty; and in case any Lands purchased by such Railway Company shall be sold by the Official Manager under the said Act, they shall be sold in the Manner and subject to the Provisions contained in this Act.

Act not to affect Actions or Suits commenced before 11th Feb. 1850.

XXXV. Provided always, and be it enacted, That this Act, or any Proceeding thereunder, shall not prejudice or affect any Action or Suit or other Proceeding at Law or in Equity commenced before the Eleventh Day of *February* One thousand eight hundred and fifty, or any Action or Suit brought in connexion with and during the Dependence of and involving the same Matter with such Action or Suit, nor any Action, Suit, or other Proceeding against a Company which shall not have obtained a Warrant authorizing the Abandonment of the Railway or Part of a Railway in respect of which such

Action, Suit, or other Proceeding shall be instituted, unless such Company shall within Three Days after Notice for that Purpose from the Party suing them, give such Party Notice of their Intention to apply for such Warrant, and shall obtain the same, and serve Notice thereof on such Party within Three Calendar Months thereafter, but all such Actions and Suits and other Proceedings shall be proceeded with, and Judgments recovered, and Rules, Orders, and Decrees made therein shall be enforced, as if this Act had not been passed, save only that the same, after Notice given by the Company of their Intention to abandon as aforesaid, shall be suspended for Three Calendar Months, if the Warrant be refused, or be not obtained within that Time.

No Abandonment of Railway agreed to be made, without Consent.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the Abandonment by any Company of any Railway or Portion of a Railway, or other Works, which such Company has agreed under its Corporate Seal to make and construct, according to any Agreement entered into either with any Individual or with any other Company, unless such Individual or Company shall consent in Writing to such Abandonment.

Commissioners to report to Parliament where Abandonment authorized by them.

XXXVII. And be it enacted, That in each Case in which the said Commissioners authorize the Abandonment of the whole or a Portion of a Railway, they shall, within Ten Days after issuing their Warrant for that Purpose, if Parliament be then sitting, or if not, then as soon thereafter as Parliament meets, lay before both Houses of Parliament a Copy of every such Warrant, accompanied by such Report and Observations as shall in the Judgment of such Commissioners set forth and explain the Reasons for their Award and Warrant in every such Case as aforesaid.

Interpretation of Terms.

XXXVIII. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words importing the Masculine Gender shall extend to Females:

The Word "Person" shall include Body Corporate:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments:

The Word "Railway" shall include all Works, Buildings, and Undertakings authorized to be constructed or carried on in connexion with the Railway or belonging thereto:

The Word "Shares" shall include Stock:

The Word "Month" shall mean Calendar Month.

Short Title.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments and Proceedings, it shall be sufficient to use the Expression "The Abandonment of Railways Act, 1850."

Act may be amended, &c.

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE referred to by the foregoing Act.

(1.) Name of Railway.	(1.) Name of Shareholder.	(1.) No. and Amount of Shares or Stock held by him.	(2.) Whether assenting or dissenting.

(1.) The Secretary will insert these Particulars.

(2.) In this Column the Shareholder will write the Word "assenting" or "dissenting," as the Case may be, and sign his Name thereunder.

CAP. LXXXIV.

An Act to enable the Council of the Borough of *Manchester* to determine their Liability to defray the Expenses of Customs in respect of Goods warehoused in the said Borough, and to authorize the Commissioners of Her Majesty's Treasury to direct the Discontinuance of the further warehousing of Goods in such Warehouses without Payment of Duty.

[14th *August* 1850.]

7 & 8 Vict. c. 31.

'WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of* Manchester *in the County of* Lancaster: And whereas it is just and expedient that the Council of the Borough of *Manchester* should have the Option of terminating the Liability, to which under the said recited Act they are subject, to pay to the Commissioners

'missioners of Her Majesty's Customs the Expenses incurred by the said Commissioners in the Manage-
'ment and Collection of the Customs and other Duties payable in respect of Goods deposited in
'Warehouses or Places within or near the said Borough, or within the Distances in the said re-
'cited Act mentioned, and of the Maintenance of the Establishment of Officers and Clerks necessary
'for such Management and Collection; and in case the said Council shall exercise such Option in the
'Manner herein-after provided, that the Commissioners of Her Majesty's Treasury should have Power
'to direct that no further Goods shall be thereafter warehoused without Payment of Duty in any Ware-
'house approved under the Provisions of the said recited Act; but the Object aforesaid cannot be
'effected without the Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Council of the said Borough of *Manchester*, in case they should so think fit, and they are hereby authorized and empowered, by Notice in Writing under the Common Seal of the Corporation, addressed to the Commissioners of Her Majesty's Treasury, to determine and put an end to the Liability of the Mayor, Aldermen, and Burgesses of the said Borough, or the Council thereof, to pay any Expenses to be incurred by the Commissioners of Her Majesty's Customs in the Collection and Management of the Customs and other Duties payable in respect of Goods deposited in Warehouses or Places within or near the said Borough, and of the Maintenance of the Establishment of Officers and Clerks necessary for such Management and Collection, from and after a Date to be named in such Notice, being not less than Three Months from the Day on which such Notice shall be given, and from and after the Date to be named as aforesaid all Liability imposed under and by virtue of the said herein-before recited Act to pay any such Expenses, except as herein-after is provided, shall absolutely cease and determine; and in case of such Notice being given by the said Council in order to terminate the Liability to pay such Expenses as aforesaid, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Two of them, if they shall so think fit, thereupon to direct that no further Goods shall after the Expiration of such Notice be warehoused without Payment of Duty in any Warehouse approved under the Provisions of the said herein-before recited Act, and from and after the Expiration of such Notice no Goods shall be deposited therein under the Provisions of the said recited Act.

Council of Borough of Manchester exempted from Liability to pay Expenses of Management and Collection of Customs, &c. in respect of Foreign Goods warehoused, &c.

Treasury empowered to discontinue warehousing of Goods without Payment of Duty.

II. Provided always, and be it enacted, That in case such Direction shall be issued by the said Commissioners of Her Majesty's Treasury, or any Two of them, as aforesaid, it shall also be lawful for the said last-mentioned Commissioners, or any Two of them, by Writing under their Hands, to order that the Duties of Customs due upon all Goods deposited in any Warehouse approved under the Provisions of the said herein-before recited Act shall, within the Period of Twelve Calendar Months after the Expiration of the Notice upon which such Direction shall be founded, be paid to the proper Officers of Customs at *Manchester*, or to such other Person or Persons as the Commissioners of Her Majesty's Customs may direct or appoint to receive the same, or that such Goods shall be removed by the Owners thereof to some other Bonded Warehouse in the United Kingdom within such Period of Twelve Calendar Months; and in default of Payment or Removal as aforesaid within such Period such Goods shall be liable to be forfeited and dealt with in such Manner as the said last-mentioned Commissioners shall direct.

Treasury may order Duties to be paid or Goods to be removed.

III. Provided nevertheless, and be it enacted, That notwithstanding anything herein contained, the Council of the said Borough of *Manchester* shall be liable to pay, and shall, on Demand, order to be paid, out of the Borough Fund of the said Borough, to the said Commissioners of Her Majesty's Customs, all Expenses which shall be incurred by them in relation to or in the Management and Collection of the Duties payable in respect of any Goods which shall then be deposited in any Warehouse approved under the Provisions of the said herein-before recited Act, after the issuing of such Direction by the said Commissioners of Her Majesty's Treasury or any Two of them, and also during the said Period of Twelve Calendar Months, if such Order shall be issued for that Purpose as aforesaid, unless the Goods in the said Warehouses shall be sooner cleared or removed therefrom, in which latter Case such Expenses shall thenceforth cease to become payable.

Council to pay out of Borough Fund Expenses of Management, &c. in respect of Goods deposited under recited Act.

IV. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Mayor, Aldermen, and Burgesses of the Borough of *Manchester*, but of any Monies which may be in their Hands at the passing hereof, or out of the first Monies which shall come into their Hands after the passing hereof.

Expenses of Act.

V. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

CAP. LXXXV.

An Act to provide for holding the Assizes of certain Counties of Cities and Towns in *Ireland* in the Assize Towns of the adjoining Counties at large, in certain Cases; and to make Provision as to Gaols in case of the Change of Assize Towns. [14th *August* 1850.]

'WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* 'the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* 'Ireland, and it was thereby amongst other things provided, that in certain Cases therein mentioned the 'Lord Lieutenant or other Chief Governor or Governors of *Ireland* should be empowered to direct that 'all Prisoners within a County of a City or County of a Town in *Ireland* should be committed to and

7 G. 4. c. 74. s. 100.

'kept in Custody in the Gaol of the County at large, such Gaol being situate in such County of a City 'or County of a Town: And whereas under the Provisions of an Act of the Fifth and Sixth Years of 5 & 6 W. 4. c. 26. 'His late Majesty King *William* the Fourth, intituled *An Act for the Appointment of convenient 'Places for the holding of Assizes in* Ireland, the Lord Lieutenant or other Chief Governor or Governors 'and the Privy Council of *Ireland* are empowered, from Time to Time, upon Presentation of a Memorial 'from a Majority of the Grand Jury of the Assizes of a County in *Ireland* for such Purpose, to direct 'at what Place or Places in any County in *Ireland* the Assizes and Sessions under the Commissions of 'Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business shall be holden: 'And whereas it is expedient that the said Lord Lieutenant and Privy Council should be empowered in 'certain Cases, upon the Application of the Grand Jury of a County of a City or County of a Town, to 'direct that the Assizes for such County of a City or County of a Town should be held in the Assize 'Town of the adjoining County at large, and that all Prisoners within such County of a City or County 'of a Town should be committed to and kept in Custody in the Gaol of the said County at large, though 'such Gaol be not situate within such County of a City or County of a Town:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The Lord Lieutenant and Privy Council of Ireland may direct the Assizes of a County of a City or Town to be held at the Assize Town of the adjoining County at large in certain Cases, and the Prisoners to be sent.

That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, if he and they shall think fit, on the Application of the Majority of the Grand Jury at any Assizes of any County of a City or County of a Town, to direct and order that the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business for any such County of a City or County of a Town in *Ireland*, or that any Special Commission or Commissions of Oyer and Terminer and Gaol Delivery for such County of a City or County of a Town, shall be holden at the Assize Town for the Time being of the County at large adjoining such County of a City or County of a Town, or (in case there be more than One adjoining County) of such One of the said adjoining Counties at large as shall be specified in such Order in Council, or to direct and order that all or any Prisoners within such County of a City or County of a Town shall be committed or transmitted to or kept in Custody in the County Gaol, or any Gaol, Bridewell, or House of Correction of such adjoining County at large, or of such One of the adjoining Counties at large (in case there be more than One) as shall be specified in such Order; and in such Case every such Prisoner so in Custody shall to all Intents and Purposes be deemed to be in the proper legal Custody during the Time he or she shall be kept in or be in course of Transmission or Removal to or from such Place of Confinement, or in, to, or from any Court House in such Assize Town, as fully and effectually as if he or she were in Custody within such County of a City or County of a Town; and in case of such last-mentioned Order or Direction, the Maintenance of such Prisoners, and a due Proportion of the Expenses of such Gaol, Bridewell, or House of Correction of such County at large, shall be provided for by Presentments to be made by the Grand Jury at the Assizes of such County of a City or County of a Town to which such Prisoners shall belong (and which Presentments such Grand Jury are hereby required to make), in lieu of all other Presentments in respect of the Gaol of such County of a City or County of a Town; and the Sums presented for the Maintenance of such Prisoners, and such Proportion of Gaol Expenses, shall be paid by the Treasurer of such County of a City or County of a Town to the Treasurer of such County at large.

Power to Lord Lieutenant and Council to make Regulations for the Purposes of this Act.

II. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit as aforesaid to order and direct that the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the Despatch of Civil and Criminal Business, or any Special Commission or Commissions of Oyer and Terminer and Gaol Delivery, for any such County of a City or County of a Town, shall be holden at the Assize Town of the adjoining County at large, such Assizes and Sessions or such Special Commissions shall to all Intents and Purposes be deemed to be the Assizes or Sessions or Special Commission or Commissions for such County of a City or County of a Town, as fully and effectually as if the same were held within such County of a City or County of a Town; and all Grand Jurors, Special and Common Jurors, Witnesses, Prosecutors, Officers, and Persons whatsoever whose Duty it shall be to attend at the Assizes or such Sessions or Special Commissions of the said County of a City or County of a Town, shall attend at, and all Matters and Things to be transacted and done at or relating to, such Assizes, Sessions, or Special Commissions shall be transacted and done at or relating to, such Place as aforesaid in such adjoining County at large, as fully and effectually as if the same were within such County of a City or County of a Town; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by and with the Advice aforesaid, to make Rules and Regulations touching the Use of any Court House, House of Correction, Prison, or Common Gaol of such County at large for the Purposes of this Act, and touching the Alterations of any Writs, Precepts, Documents, or other Proceedings whatsoever for carrying into effect the Purposes of this Act, and touching any other Matters that may be requisite for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified in the *Dublin Gazette*, or in such other Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit to direct: Provided always, that it shall be lawful for the Grand Jury of such County of a City or County of a Town to be sworn and to act in discharge of their fiscal Business either in their respective County of a City or County of a Town or in such Assize Town as aforesaid in such adjoining County

County at large to which such Assizes, Sessions, or Special Commissions shall have been removed under and by virtue of the Provisions of this Act, according as the same may be directed in that Behalf by the same or any subsequent Order in Council.

Place for holding Assizes not to be so changed, unless desired by Majority of Grand Jury.

III. Provided always, and be it enacted, That it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council there, to make any Order for changing the Place for holding the Assizes or Sessions under the Commissions of Gaol Delivery or other Commissions for the Despatch of Civil and Criminal Business of any County of a City or County of a Town for the Purposes of this Act, unless a Memorial shall have been presented to him or them by a Majority of the Grand Jury of any Assizes of such County of a City or County of a Town, held within Twelve Months preceding such Order, praying that such Change may be made, and unless a Resolution, agreed to by a Majority of the Grand Jury of any Assizes (held within such Twelve Months) of such County at large (into which the Assizes of such County of a City or County of a Town shall be proposed to be moved as aforesaid) shall have been transmitted to such Lord Lieutenant or other Chief Governor or Governors by such last-mentioned Grand Jury, assenting to such Change being made.

Where Place of holding Assizes of Counties, &c. is changed, Lord Lieutenant and Council may appoint County Gaol.

IV. And be it enacted, That in all Cases in which the Place of holding Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business for any County, County of a City, or County of a Town has been or shall be changed under the Provisions of the said recited Act of the Fifth and Sixth Years of King *William* the Fourth or of this Act, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, to order that such Prison or Gaol as he or they shall think fit shall be the Common Gaol of the County, County of a City, or County of a Town, in relation to which such Change shall have been made, and to order the Removal or Custody of Prisoners thereto or therein accordingly; and in such Cases such Presentments shall and may be made by the respective Grand Jury at the Assizes from Time to Time in respect of the Expenses of any such Gaol and the Prisoners therein, and in like Manner as may be or ought by Law to be made by such Grand Jury in respect of the Common Gaol of such County, County of a City, or County of a Town, as the Case may be.

Grand Juries may present Compensation to Officers of Gaols no longer required in consequence of such Change.

V. 'And whereas by reason of the Change of the Place of holding any such Assizes, Sessions, and 'Commissions as aforesaid certain of the Officers of the Gaols or Prisons of any such Counties, Counties 'of Cities, or Counties of Towns as to which any such Change shall have been made may become unneces- 'sary; and it is expedient that the respective Grand Juries should be empowered to grant an annual 'Allowance or Compensation to any such Officers who may by reason of such Change be discharged 'from their Offices:' Be it enacted, That whenever the Place of holding any such Assizes, Sessions, and Commissions as aforesaid for any County, County of a City, or County of a Town shall have been changed as aforesaid, and by reason of such Change any Officers of any Gaol or Prison of such County, County of a City, or County of a Town, or of any Gaol or Prison used for the Purposes of the same, or any of them, shall become unnecessary, and shall be discharged from their respective Offices, it shall be lawful for the Grand Jury of such County, County of a City, or County of a Town, if they shall think fit, at each Assizes, without Application to Presentment Sessions, to present One Moiety of such respective annual Sum as the Grand Jury shall deem fit to be paid as an Allowance or Compensation to every such Officer so discharged for the Cause aforesaid, during his Life respectively; which respective Sums shall be from Time to Time raised, levied, and paid as other Sums raised and levied under Presentments of the Grand Jury at the same Assizes: Provided always, that no such annual Allowance or Sum shall in any Case exceed Two Thirds of the annual Salary to which such Person shall have been entitled at the Time of his Discharge as aforesaid: Provided also, that if any such Officer as aforesaid shall be nominated and appointed to any Office or Employment in or relating to any of the Gaols of the same County, County of a City, or County of a Town, the Salary and Emoluments of which Office or Employment shall be equal to or shall exceed the Amount of Salary and Emoluments which such Officer before received, then and in such Case the Compensation so hereby provided for every Person so appointed and employed shall cease and determine from the Day of such Nomination and Appointment: Provided also, that if any Person so to be nominated and appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall utterly cease and determine.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXVI.

An Act for the Erection on the Earthen Mound in the City of *Edinburgh* of Buildings for a National Gallery, and other Purposes connected therewith and with the Promotion of the Fine Arts in *Scotland*. [14th *August* 1850.]

'WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* 'the Third, intituled *An Act to enable the Lord Provost, Magistrates, and Council of the City of* 56 G. 3. c. xli. 'Edinburgh *to carry into effect certain Purposes in regard to the Erection of a Chapel at the West* 'End *of* Princes Street, *and for effecting certain Improvements in the Neighbourhood thereof and in* 'other *Parts of the extended Royalty of the said City;* and another Act was passed in the Session of 'Parliament holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the 'Fourth, intituled *An Act for carrying into effect certain Improvements within the City of* Edinburgh 7 & 8 G. 4. c. lxxvi. 'and

'*and adjacent to the same*; and another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled "An Act for carrying into effect certain Improvements within the City of* Edinburgh *and adjacent to the same;"* by which Acts, or one or other of them, certain Plans were prescribed and Provisions were made regarding the Erection of Buildings on the Earthen Mound: And whereas it is expedient that the public Buildings herein-after mentioned should be erected on the said Mound, irrespective of any former Plans, under the Direction and Care of the Commissioners and Trustees appointed by Her Majesty and Her Royal Predecessors for Manufactures and Improvements in *Scotland*, and with the Sanction and Approbation of the Commissioners of Her Majesty's Treasury; but these Purposes cannot be effected without the Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions in the said recited Acts in relation to the Erection of Buildings upon the said Earthen Mound shall be and the same are hereby repealed: Provided nevertheless, that nothing herein contained shall affect or impair any Operation effected or Matter or Thing heretofore done in execution of the Provisions hereby repealed or any of them, or anything otherwise done in the Execution of the Powers of the said Acts, and that the said Acts, excepting in so far as hereby repealed, shall continue to be of the same Force and Effect as if this Act had not been passed.

1 & 2 W. 4. c. xlv.

Repeal of Provisions as to the Erection of Buildings on the Earthen Mound.

Power to erect Buildings on Ground acquired by the Commissioners and Trustees for Manufactures.

II. 'And whereas the said Commissioners and Trustees have acquired from the Magistrates and Town Council of *Edinburgh* and others the Space of Ground upon the said Mound necessary for the Erection of the intended Buildings:' Be it enacted, That it shall be lawful for the said Commissioners and Trustees to erect, make, and execute, upon the Ground so acquired by them, all such Buildings, Apartments, Appurtenances, and Enclosures as shall be necessary for a National Gallery of Art and other Purposes connected therewith and with the Promotion of the Fine Arts: Provided always, that the Plan of such Buildings, Apartments, Appurtenances, and Enclosures shall, previous to the Commencement of the Erection thereof, be submitted to the Commissioners of Her Majesty's Treasury for the Time being, and be approved of by them in Writing under their Hands.

Plans to be previously approved of by the Treasury.

Power to divert Roads on the Mound, and to substitute other Roads.

III. And be it enacted, That it shall be lawful for the said Commissioners and Trustees to alter and divert the present Road or Roads on the said Mound or any Part thereof, and to substitute in place thereof another Road or Roads, which may in the Opinion of the Lord Provost of *Edinburgh* be equally convenient for the Public, and may be approved of as such by the said Commissioners of Her Majesty's Treasury; and the said Road or Roads, when so altered and diverted, shall be and remain under the Care and Management of the Trustees appointed or elected under an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of* Edinburgh *and the Assessments payable in respect thereof, and for other Purposes relating thereto.*

9 & 10 Vict. c. cccIxv.

Property and Buildings, &c. vested in the Commissioners and Trustees.

IV. And be it enacted, That the Sale of such Ground, and the Conveyance thereof by the said Magistrates and Town Council to the said Commissioners and Trustees, shall to all Intents and Purposes, and as regards all Consequences, be and be construed to be as valid and effectual as if made and granted under the Act of the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of* Scotland, and such Ground, and the Buildings, Apartments, Appurtenances, Conveniences, and Enclosures to be erected, made, or executed thereupon, shall in all Time hereafter be vested in and held by the said Commissioners and Trustees for the Purposes of this Act, anything in the said recited Acts or in any other Act or Acts to the contrary notwithstanding.

3 G. 4. c. 91.

Appropriation of Buildings, &c. when completed.

V. Provided always, and be it enacted, That the Appropriation for the several Purposes of this Act of the said Buildings, Apartments, and Appurtenances when completed shall remain and be with the said Commissioners and Trustees, subject to the Approbation of the said Commissioners of Her Majesty's Treasury and during such Time as the said last-mentioned Commissioners shall approve of such Appropriation.

As to the Tunnel on the Edinburgh and Glasgow Railway through the Mound.

VI. 'And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to authorize an Extension of the* Edinburgh and Glasgow *Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway*, it is enacted that if any Breaches, Cracks, or Openings in the Building situate on the said Earthen Mound, called the Royal Institution, or any Settlement or like Damage thereto, shall happen within Fifteen Years after the Formation and Completion of the Tunnel thereby authorized to be made by the said Company through the said Earthen Mound, such Breaches, Cracks, or Openings, Settlement or Damage, shall be deemed and held to have been caused and occasioned by the working, making, or continuing of the said Tunnel, unless the contrary thereof shall be shown and proved by the said Company: And whereas the Erection of such Buildings, Apartments, Appurtenances, Conveniences, and Enclosures for a National Gallery on the said Earthen Mound may affect the Foundations of the said Royal Institution, and it is just and reasonable that the Provision and Enactment last above recited should be repealed:' Be it therefore enacted, That from and after the Commencement of the Works authorized by this Act the said last-mentioned Provision and Enactment shall be void and null, and the said *Edinburgh and Glasgow* Railway Company

7 & 8 Vict. c. lviii.

Company shall not be liable for any Breach, Crack, Opening, Settlement, or other Damage to the said Building called the Royal Institution, unless it shall be proved in manner provided by the said last-recited Act and the Acts therein referred to that such Damage would have been caused by the Works of the said *Edinburgh and Glasgow* Railway Company although the Works authorized by this Act had not been executed.

Saving certain Rights.

VII. And be it enacted, That nothing herein contained shall be held to limit or restrict or otherwise affect the Rights of the said *Edinburgh and Glasgow* Railway Company as they now exist.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXVII.

An Act for Payment of a Moiety of certain Penalties towards Police Superannuation Funds. [14th *August*.1850.]

3 & 4 Vict. c. 88.

'WHEREAS by an Act passed in the Fourth Year of Her present Majesty, intituled *An Act to amend the Act for the Establishment of County and District Constables*, it was enacted, that the Monies accruing from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers, being Police Constables, on summary Convictions, as shall be directed by such Justice to be paid for the Benefit of that Fund, should, with other Monies therein mentioned, be invested so as to form a Superannuation Fund: And whereas, under the Act of the Twelfth Year of Her Majesty, "to facilitate the Performance of the Duties of Justices out of Sessions within *England* and *Wales* with respect to summary Convictions and Orders," where any Person is convicted of a Penalty, or ordered by a Justice or Justices of the Peace to pay any Money, if the Statute on which the Information or Complaint is framed contain no Directions for the Payment of such Penalty or Money to any Person or Persons, then the same is to be paid to the Treasurer of the County, Riding, Division, or Liberty, City, Borough, or Place, for which such Justice or Justices shall have acted: And whereas another Statute passed in the said Twelfth Year of Her Majesty, "for regulating the Sale of Beer and other Liquors on the Lord's Day," repeals certain Provisions and Penalties, a Moiety of which Penalties might under former Acts have been directed to be paid for the Benefit of the said Superannuation Fund, and substitutes other Provisions and Penalties for the Provisions and Penalties so repealed, but contains no Direction for the Payment of such substituted Penalties to any Person or Persons:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Moiety of any Penalty, imposed on summary Conviction under the said lastly-recited Act may be directed, by the Justice imposing the Penalty, to be paid for the Benefit of the Superannuation Fund herein-before mentioned, and shall be invested and otherwise dealt with accordingly.

11 & 12 Vict. c. 43.

11 & 12 Vict. c. 49.

Justices may direct Portions of Penalties under 11 & 12 Vict. c. 49. to be paid to Superannuation Fund.

CAP. LXXXVIII.

An Act to amend the Law relating to Engines used in the Rivers and on the Sea Coasts of *Ireland* for the taking of Fish. [14th *August* 1850.]

'WHEREAS it is expedient to amend and explain the several Acts relating to Engines used in the Fisheries of *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Interpretation Clauses in the said recited Acts contained shall be and are hereby repealed; and that in the Construction and for the Purposes of the said recited Acts and of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Words "Person," "Owner," and "Proprietor" shall mean and include any Body Corporate, Aggregate, or Sole, as well as an Individual, and also any Company or Partnership; and any Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively, and the converse; and any Word importing the Masculine Gender only shall mean and include a Female as well as a Male; and the Word "Lands" shall mean and include all Messuages, Lands, Tenements, and Hereditaments; and the Word "Waste" shall include and extend to any and to all uncultivated or unprofitable Lands; and the Word "County" shall include and extend to a County of any City or Town; and the Words "Estuary" and "Bay" shall include and extend to any Harbour or Roadstead; and the Word "Rivers" shall include and extend to Tributaries of Rivers, and to all other Streams and Watercourses; and the Word "Vessel" shall mean and include any Ship, Boat, Cot, Coble, or Curragh; and the Word "Fish" shall extend to and include Oysters and Oyster Brood; and the Word "Salmon" shall extend to and include Grilse, Peall, Sea Trout, Samlets, Par, and all other Fish of the Salmon Kind, and the Spawn and Fry thereof; and the Word "Trout" shall extend to and include Pollen or Fresh-water Herring, and all Fish of the Trout Kind, and the Spawn and Fry thereof; and the Word "Net" shall mean and include all Descriptions of Tackle, Trawl, Trammel, Stake, Bag, Coghill, Eel, Haul, Draft, and Seine Nets, and all other Engines or Devices, of whatsoever Construction or Materials,

Construction of Terms of recited Acts and of this Act.

Materials, or howsoever known or styled, which shall be used for the like Purposes as those in this Act or in the said recited Acts referred to; and the Words "Fixed Net" or "Fixed Engine" shall extend to and include Weirs, Stake, Bag, Stop, and Still Nets, and all other Engines or Devices used for the like Purposes, of whatsoever Construction or Materials the same may be, or however known or styled, and whether fixed to the Soil or held by Hand, or made stationary in any other Way; and the Words "Close Time" or "Close Season" shall mean and include any Time or Season within which it is or shall be prohibited to fish for, take, or destroy any Salmon, Trout, Oysters, or any Fish of any of the Kinds in this Act or in the said recited Acts referred to, or the Brood, Spawn, or Fry thereof; and the Word "Fisheries" shall mean and include all Fisheries, whether several or public; and the Words "Several Fisheries" shall mean and include all Fisheries lawfully possessed and enjoyed as such under any Title whatsoever, being a good and valid Title at Law, exclusively of the Public, by any Person or Persons, whether in navigable Waters or in Waters not navigable, and whether the Soil covered by such Waters be vested in such Person or Persons, or in any other Person or Persons; and the Words "Owner" or "Proprietor" shall mean and include every Person who shall be in the actual Possession or Use and Enjoyment, or Receipt of the Rents or Profits, of any Lands or Fisheries (as the Case may be), save that in every Case in which any Person shall be in possession or receipt of the Rents or Profits of any Fisheries or Lands under any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Order of a Court of Equity, the Person against whom such Writ shall have issued, or who but for such Order would have been in possession, shall, jointly with the Person in possession by virtue of such Writ or Order, be deemed for the Purposes of this Act to be the Owner of such Fisheries or Lands; and the Words "Judge of Assize" shall, as to Cases arising or to be determined in the County of *Dublin* or County of the City of *Dublin*, mean and include a Judge of any of the Law Courts of Record in *Dublin* at Nisi Prius at the First Sittings after the pronouncing or making of any Order or Decision appealed from or complained of, or if such First Sittings shall commence within Twenty-one Days after the pronouncing or making such Order or Decision, then at the Sittings next immediately after such First Sittings.

In case of Lands and Fisheries vested in one Person, how he may act.

II. And be it enacted, That where any Person shall be the Owner of any Lands, and also the Owner of or interested in some Question as to any Fisheries adjoining to such Lands, or carried on or exercised upon the same, such Person for the Purposes of this Act or the said recited Acts may act and be dealt with in both or either of the several Characters so borne by him as aforesaid.

In case the Owner is under legal Disability, who to act.

III. And be it enacted, That wherever the Owner of any Lands or Fisheries to which the Provisions of this Act or the said recited Acts are intended to apply, or any Person interested in any Question as to any Fisheries, shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, the Guardian, Trustee, Committee of the Estate, or Husband of such Person or Owner, or his or her Attorney or Agent respectively, and whom they are hereby empowered to nominate under their Hands and Seal, shall for the Purposes of this Act and the said recited Acts be substituted in the Place of such Owner or Person so interested.

Acts may be done by Agents duly authorized.

IV. And be it enacted, That it shall be lawful for any Land Owner or Fishery Owner, by a Power of Attorney given in Writing under his Hand, to appoint an Agent to act for him in carrying into execution the Provisions of this Act or the said recited Acts; and all Things which by this Act or the said recited Acts are directed to be done by or with relation to any Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent may be dealt with in all respects as such Person himself might have been dealt with under this Act or the said recited Acts; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to take part in or act upon any Inquiry, or prosecute, oppose, or defend any Complaint, Appeal, Action, Writ, Suit, or other Proceeding, or attend, vote at, and take part in any Meeting, or do or suffer any other Act for the Purposes of this Act or the said recited Acts; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted shall be produced, inspected, or registered, and Copies or Extracts thereof made, at such Times and Places and in such Manner as the Commissioners appointed for the Execution of the said recited Acts shall direct; and any such Power of Attorney may be in the Form following:

Power of Attorney.

'I *A. B.* of [*&c.*] do hereby appoint *C. D.* of [*&c.*] to be my lawful Attorney to act for me in all 'respects as if I myself were present and acting; and I make this Appointment under and by virtue 'of an Act passed in the Year of Her present Majesty, intituled [*here insert the Title 'of this Act*].

(Signed) '*A. B.*'

Conservators empowered at General Meetings to depute Conservators for Electoral Divisions to act for such Electoral Divisions. 11 & 12 Vict. c. 92.

V. 'And whereas by an Act passed in the Twelfth Year of Her present Majesty's Reign, intituled *An 'Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of* Ireland, it 'was amongst other things enacted, that the said Commissioners for the Execution of the said Act should 'divide *Ireland* and the Sea Coast and Islands thereof into Districts, and should subdivide each such 'District into Two or more Electoral Divisions, and that Conservators of Fisheries should be elected and 'returned for each such Electoral Division, to represent the same; and it was further enacted by the 'said recited Act, that the Board of Conservators of each District should fix and determine and duly 'publish Notice of the Times and Places for the General Meetings of such Board, and that it should be 'lawful for the Board of Conservators for each such District, at some Meeting specially appointed by 'them, to nominate and appoint a Clerk or Clerks, with reasonable Salaries, and to appoint some Bank 'to act as Treasurer, and as many Inspectors and Water Bailiffs as might be necessary; and it was further

'provided

'provided by the said recited Act, that all Sums of Money received for Licence Duties and Rates, and 'for Forfeitures and Penalties, for each such District, should be paid over to and received by such Trea- 'surer, and applied to the Purposes of such District, under the Provisions of the said Act, and that such 'Treasurer should pay such Sums of Money as should be required for the Purposes of the District from 'Time to Time, upon a Draft signed by the Chairman at any General Meeting of the Board of Con- 'servators, and by Two other Conservators: And whereas by reason of the large Extent of some of the 'Districts formed under the Provisions of the said Act it is expedient, for the better Administration 'thereof, to make further Provisions:' Be it therefore enacted, That it shall and may be lawful for the Conservators of Fisheries assembled at any General Meeting for any District under the Provisions of the said Act, if they shall think fit so to do, to make an Order under their Hands and Seals authorizing the Conservators of any Electoral Division or Divisions to hold Meetings within the Division or Divisions for which they may have been elected, and to appoint a Bank to be Treasurer, and to appoint a Clerk, Inspector, and Water Bailiffs to act for such Division or Divisions, with reasonable Salaries: Provided always, that the fixing and duly publishing Notice of the Times and Places for the Meetings of Conservators in such Electoral Divisions, and the Appointment of a Bank to act as Treasurer, and the Appointments of Clerks, Inspectors, and Water Bailiffs, as herein provided, pursuant to such Order, shall be subject to the same Provisions and Regulations as are provided and required by the said recited Act to be observed and done by Boards of Conservators assembled at General District Meetings, with respect to the Premises; and that after any such Order shall have been made the holding of such Meetings and such Appointments shall be good and valid in Law, and it shall and may be lawful for the Conservators assembled at any General District Meeting as aforesaid to apply and appropriate any Portion of the Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for any District, as they shall consider expedient, to and for the Purposes of any such Electoral Division or Divisions, and cause the same to be lodged to the Credit of the Conservators for such Electoral Division or Divisions in the Bank which such Conservators shall as herein provided appoint to act as Treasurer, and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of such Electoral Division or Divisions, from Time to Time, upon a Draft or Order signed by the Chairman at any Meeting of such Conservators for such Electoral Division or Divisions, and by Two other such Conservators: Provided always, that such Conservators acting for any Electoral Division or Divisions as herein provided shall furnish such Accounts of the Disbursements of such Money as may be lodged to their Credit in the Manner aforesaid as the Conservators for any District making such Order as aforesaid shall from Time to Time require.

Existing Fishery Districts, &c. may be altered from Time to Time by the Commissioners.

VI. 'And whereas the Commissioners appointed under the said recited Acts respectively for the 'Execution of the same, have, for the Purpose of regulating the Use of certain Engines, and generally for 'the Purposes of the said recited Acts, made sundry Divisions and Subdivisions of Fishery Districts, and 'have duly published the same respectively, and Boards of Conservators have been elected for such 'Districts respectively, which said Divisions and Subdivisions respectively it may be desirable to revise 'and alter from Time to Time for the Purposes of the said recited Act and of this Act:' Be it therefore enacted, That the said Commissioners for the Execution of the said recited Acts may for the Purposes aforesaid, upon the written Application of and signed by at least One Third Part in Number of the Board of Conservators for any Fishery District, whether now subsisting or which may have been altered, subdivided, united, or made by the said Commissioners under the Authority of this Act, alter or subdivide such District or any Electoral Division thereof, and may fix other Boundaries for the same, or unite any Two or more Electoral Divisions of One District, or make any new or additional or substituted Electoral Division in any District, and to determine the Number of Conservators to be elected for each such Electoral Division: Provided always, that every such Alteration or Subdivision, Union, or Addition, or Substitution shall be duly published and described, with the Boundaries of the same, in such Manner as is in and by an Act passed in the Twelfth Year of Her present Majesty, intituled *An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of* Ireland, required to be done in the Case of Divisions and Subdivisions of Fishery Districts made under that Act.

11 & 12 Vict. c. 92.

All Fisheries rated under Poor Law Valuation to pay the same Rate, in addition to Licence Duty, as Several Fisheries.

VII. 'And whereas by the said recited Act of the Twelfth Year of the Queen it is provided, that in 'the Case of certain fixed and established Fisheries which are designated Several Fisheries the same are 'liable, in addition to the Licence Duty provided by the said Act to be paid for the Engines used in 'fishing such Fishery, to such Sum as an annual Rate as shall be equal to the Amount of the Difference 'between the Sums paid by such respective Persons for such Licence Duty or Duties as aforesaid and the 'annual Sum of Ten *per Cent.* upon the Poor Law Valuation of such Fishery, subject to such Alteration 'of such Per-centage as may from Time to Time be made by the Board of Conservators of the District 'under the Provisions of the said Act: And whereas it is expedient that the said Liability should be 'extended to all productive Fisheries which may be rated for the Relief of the Poor at any Time:' Be it therefore enacted, That all Salmon, Trout, and Eel Fisheries whatsoever so rated for the Relief of the Poor, whether possessed as Several Fisheries, as so designated in an Act of the Sixth Year of Her present Majesty's Reign, intituled *An Act to regulate the* Irish *Fisheries*, or this Act, or otherwise, shall be liable to the same annual Sum or Rate as aforesaid on the Poor Law Valuation as those Fisheries designated Several Fisheries: Provided always, that such rating shall not confer a Right or Title to any such Fisheries as Several Fisheries, or any other Right or Title which the Persons possessing them would not have possessed if this Act had not passed: Provided also, that such Rate shall be recoverable in like Manner as the same Rate on Several Fisheries.

5 & 6 Vict. c. 106.

District Funds to be applied by the Conservators elected for the Year.

VIII. And be it enacted, That where any Monies shall be received by the Treasurer of any District in respect of Licence Duties or Rates for the Period or Term in which the then next Election of Conservators is to take place, such Monies shall, until such Election, be carefully retained by such Treasurer, and shall after such Election be paid over by him to or to the Order of the new Board of Conservators, to be applied by them according to the Provisions of the said recited Acts and of this Act.

Appeal against Amount of Licence Duty.

IX. And be it enacted, That any Party who shall conceive himself or any other Person to be unduly or unequally or insufficiently charged by any such Board of Conservators with any Licence Duty as aforesaid, may present his Appeal therefrom, either to the Assistant Barrister for the District or to the going Judges of Assizes at the then or then next Assizes holden for the County or Jurisdiction wherein his Fishery District is situate; and such Assistant Barrister or Judges, as the Case may be, shall hear and examine into such Appeal, and adjudicate thereon, and such their Adjudication shall be final: Provided always, that until and unless any Charge shall be reduced or disallowed by such Assistant Barrister or Judges (as the Case may be), the Party charged shall be deemed liable to the full Amount of Licence Duty wherewith he shall have so been charged: Provided also, that if such Charge shall be so reduced or disallowed as aforesaid such Reduction or Disallowance (as the Case may be) shall relate back to the Time of making such Charge, and shall operate either by way of further Charge or of Discharge in full, or *pro tanto*, as the Case may be; and if it shall operate by way of Discharge as aforesaid, and the Party so discharged shall have theretofore actually paid the Amount of such Charge, he shall immediately upon such Adjudication be entitled to recover back from the said Board of Conservators for such District the full Amount of such Charge, or (as the Case may be) the Excess beyond or over the true Amount of such Charge, in conformity with the said Adjudication: Provided always, that due Notice of the Party's Intention to present such Appeal shall be by him served upon the said Board of Conservators within Ten Days after the making of such Charge: Provided always, that no such Appeal shall lie in respect of any Licence Duties specified in the Schedule annexed to the said Act of the Twelfth Year of Her present Majesty.

Provisions in case of Vacancies in the Board of Conservators.

X. And be it enacted, That in case any Conservator shall die, or become incapable to act, during the Period for which he is elected, the other Conservators elected for the same District (notwithstanding such his Death or Incapacity, and whether any Person shall or not be elected in his Room,) shall immediately summon another General Meeting of the Persons in his Electoral Division so entitled to meet as in the said Act of the Twelfth Year of Her present Majesty is mentioned, for the Purpose of electing a Conservator in his Room, and such Meeting shall be so summoned and held as is therein provided with respect to the annual General Meetings, and the Person elected at such Meeting shall be and continue and act as a Conservator for such Electoral Division and District during the Residue of the said Period: Provided nevertheless, that in the meantime and until such new Election the said other Conservators shall act for such District in all respects as they might have done but for such Death or Incapacity.

Justices of the Peace being Conservators not disqualified from sitting at the Trial of Offences against this Act.

XI. And be it enacted, That no elected or other Conservator, being also a Justice of the Peace for the County or Counties or other Jurisdiction within which his District or Electoral Division is situate, shall be thereby disqualified to sit and adjudicate as such Justice of the Peace, or at any Quarter or Petty Sessions within the same, upon any Complaint made or Prosecution instituted by or on the Behalf of the Board of Conservators of which he is such Member, in respect of any Offence against this Act or the said recited Acts: Provided always, that no elected or other Conservator shall be qualified, so long as he holds such Office, to receive or hold any Office or Appointment under this Act to which any Salary, Allowance, or Remuneration is incident.

Penalty for fishing without Licence increased.

XII. And be it enacted, That any Persons using or erecting any Engine, Net, Instrument, or Device whatsoever, without being duly licensed under the Provisions of the before-recited Act of the Twelfth Year of Her Majesty, or this Act, shall be liable to pay such Penalty, not less than double nor more than treble the Licence Duty which the Engine, Net, Instrument, or Device he shall have been so using or erecting would for the Time being be subject to under the said Act or this Act, in addition to the Forfeiture of the Engine so used, anything in the said recited Act to the contrary notwithstanding.

Elections of Conservators to be triennial instead of annual. 11 & 12 Vict. c. 92.

XIII. 'And whereas it is enacted by the before-recited Act of the Twelfth Year of Her present 'Majesty's Reign, intituled *An Act for the Protection and Improvement of the Salmon, Trout, and 'other Inland Fisheries of* Ireland, that for the several Districts, as fixed by the Commissioners, Con- 'servators shall be annually elected and appointed as therein provided; and it is expedient that such 'Elections should not too frequently take place:' Be it therefore enacted, That after the passing of this Act all Conservators appointed at the next Elections for Conservators, and at all future Elections, shall continue to hold Office for Three Years from the Time of their Elections, anything in the said Act to the contrary notwithstanding: Provided always, that if any Board of Conservators shall neglect to give Notice and appoint Times and Places for holding Meetings for Elections, it shall be lawful for the said Commissioners to appoint such Times and Places for such Purpose; and in such Cases the Election of Conservators shall be as good and valid in Law as if the Meeting had been called by the Conservators.

Commissioners may adjudicate on illegal Fishing, and order Weirs to be abated. 9 & 10 Vict. c. 114.

XIV. And be it enacted, That when any Party complaining of the erecting, maintaining, or of using any Weir, fixed Net or Engine, shall exhibit to the said Commissioners his Complaint in that Behalf, in Writing signed by him, and setting forth such Particulars of his said Complaint as are in the like Case required by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act passed in the Sixth Year of Her present Majesty for regulating the* Irish *Fisheries*, the said Commissioners shall thereupon summon before them the Party or

Parties

Parties (if he or they can be found) erecting, maintaining, or using such Weir, fixed Net, or Engine, or if he or they are absent or dead, or under Incapacity, then the Occupier or Occupiers (if any) of the Land whereon the same is so erected, or the Owner or Owners of such Land, if the same shall not be occupied, to attend at some convenient Place within the County or Jurisdiction in which or on the Shore or Boundary of which any such Weir, fixed Net, or Engine, or any Part thereof, may be so erected, constructed, maintained, or used; and the said Commissioners shall accordingly, at the Time and Place mentioned in any such Summons, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel or at or posted on the known Residence of the Party or Parties so summoned, proceed to hear all such pertinent Evidence as may be adduced before them, whether at the Instance of them the said Commissioners, or on behalf of the Party (if any) making such Complaint, or on behalf of the Party or Parties summoned; and if, after hearing all such Evidence, the said Commissioners shall so think fit and right, it shall be lawful for the said Commissioners (whether the Party or Parties so summoned shall have appeared or not at such Hearing) to make an Order or Decision in Writing under their Hands and Seals, declaring that such Weir, fixed Net or Engine, or any Part thereof, is a Nuisance, and shall be abated and removed; and the said Commissioners shall thereupon, by Warrant under their Hands and Seals, direct or authorize some proper Person to abate and remove such Weir, fixed Net or Engine, or Part thereof, at the Expense of the Party or Parties summoned, or such of them as shall appear to the said Commissioners to have erected, constructed, maintained, or used the same, or suffered such Erection, Construction, Maintenance, or User, or any of them, and thereupon the same shall be abated and removed accordingly; and, subject to the Appeal herein-after provided for, it shall be lawful for the said Commissioners to order and direct that the Materials of any such Weir, fixed Net or Engine, or any Part thereof, be forfeited and sold, and the Produce arising from such Sale applied in such Manner as is in the said recited Acts provided in Cases of illegal Nets used or legal Nets illegally used for fishing.

Appeals from such Adjudications.

XV. Provided always, and be it enacted, That if any Person, whether Complainant or Defendant, shall think himself aggrieved by any such Order or Decision of the said Commissioners, such Person may appeal to the next going Judges of Assize at the Assizes to be held for the County, County of the City or Town, in which or on the Shore or Boundary of which any such Weir, fixed Net or Engine, shall have been so erected, constructed, maintained, or used, provided such Assizes shall be held at any Time not less than Thirty-one Days after the Time the said Commissioners shall have made any such Order or Decision; and in case such Assizes shall be held within Thirty-one Days from the Time of such Order or Decision, such Appeal shall be made to the Assizes to be held in and for such County, County of a City or Town, next after such first Assizes; and that no such Appeal shall be allowed, received, heard, or determined unless the Party appealing shall, within Twenty-one Days from the Date of such Order or Decision, give Notice in Writing to the said Commissioners of his Intention to try such Appeal, and decide whether the Party against whom such Complaint was made had a Right to erect, construct, maintain, or use such Weir, fixed Net or Engine, or any Part thereof, or suffer such Erection, Construction, Maintenance, or User, at the Time or in the Place where the same may have been so erected, constructed, maintained, or used: Provided always, that in case of such Appeal being made against any Order or Decision for the Abatement or Removal of any such Weir, fixed Net or Engine, or Part thereof, as aforesaid, and Notice given as aforesaid, the Materials of such Weir, fixed Net or Engine, or Part thereof, as the Case may be, shall be deposited in the Custody of such Officer or Men of Coast Guard or Constabulary, or with such other Party or Person as the said Commissioners may direct or appoint for the Purpose, there to remain and be kept until the Matter of such Appeal shall be decided as aforesaid, or until the Time for prosecuting the same shall have expired; and if such Decision shall be in favour of the Appellant, such Materials shall thereupon be returned, and the Amount of his Expenses (if any) incident to such Abatement, Removal, and Deposit as aforesaid respectively repaid to such Appellant.

Penalties for erecting or using Weirs contrary to this Act.

XVI. And be it enacted, That no Person or Persons, other than the Person or Persons entitled to exercise such Right as in the said recited Acts or this Act mentioned, shall place, erect, maintain, or use any Weir, fixed Net, or other Contrivance for placing or erecting Nets or taking of Fish on any Parts of the Coast of *Ireland*, or on the Bank or Shore of any River or Estuary wherein the Tide ebbs and flows, or in the Sea or Tideway adjoining such Coast, Bank, or Shore; and that if any Person or Persons, other than the Person or Persons so entitled as aforesaid, shall place, erect, maintain, or use any Weir, fixed Net, or other such Contrivance as aforesaid, contrary to this Act, he or they, being thereof convicted, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds nor less than One Pound, together with the further Penalty of Ten Shillings for every Fish taken or destroyed by him or them by means of such Weir, fixed Net or Contrivance; and the said Weir, fixed Net or Contrivance shall also be forfeited, and ordered to be abated or removed at the Expense of such Offenders or Offender, by the Commissioners or (as the Case may be) by the Magistrate before whom such Conviction shall be had, and the Materials thereof shall be disposed of in such Manner as is by the said recited Acts or any of them directed with respect to illegal Nets used or legal Nets illegally used for fishing.

Penalties for erecting or re-erecting Weirs after Conviction.

XVII. And be it enacted, That if, after any Order or Decision of any Judge of Assize heretofore made for abating or removing any Weir, fixed Net, or Engine, or any Part thereof, or after any Order or Decision of any Court whatsoever, which shall at any Time hereafter be made, for abating or removing any Weir, fixed Net, or Engine, or any Part thereof, unless and until the same shall be re-

versed on Appeal, any Person shall erect, re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, in or adjoining or contiguous to any Place where it may have been or shall be decided by any such Court that any such Weir, fixed Net or Engine, or any Part thereof, should be abated and removed, or if any Person shall erect, re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, contrary to Law, and after Conviction of any Person for erecting, using, or fishing with any Weir, fixed Net or Engine, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same Place, or for erecting, using, or fishing with any Weir, fixed Net or Engine, or any Part thereof, of the same Description or used for the same Purposes, then and in every such Case the said Commissioners, or any Two Justices of the Peace for the County or other Jurisdiction wherein the said Weir, fixed Net or Contrivance, or any Part thereof, shall have been so erected or re-erected, or used or fished with, shall, by Warrant under their Hand and Seal, from Time to Time, and so often as any such Weir, fixed Net or Engine, or any Part thereof, as aforesaid, shall be so erected, re-erected, used, or fished with, abate and remove the same, at the Expense of the Party or Parties erecting, re-erecting, using, or fishing with the same, or of the Owners or Occupiers of the Soil whereon such Weir, fixed Net or Engine, or any Part thereof, shall be so erected, re-erected, used, or fished with, (if such Owners or Occupiers shall appear to have permitted or suffered such Erection, Re-erection, Use, or Fishing,) and further, that the Materials of every such Weir, fixed Net or Engine, or such Part thereof as aforesaid, shall be forfeited and sold or otherwise disposed of as the said Commissioners or Justices shall direct; and that the said Party or Parties and Owner shall (independently of all other Forfeitures and Penalties to which under this Act or the said recited Acts he or they may be liable) forfeit and pay for every such Offence any Sum not less than Twenty Pounds, and also any Sum not exceeding Ten Pounds nor less than Two Pounds for every Day during which such Weir, fixed Net or Engine, or such Part thereof, shall continue to be so erected, re-erected, used, or fished with as aforesaid; and that the Produce of such Sale and all such Forfeitures and Penalties respectively shall be disposed of and applied in such Manner as is in and by the said recited Acts directed in regard of illegal Nets or Nets illegally used for fishing.

Not to prevent, in certain Cases, the Erection of Weirs in or adjoining to the Place from which Weirs had been abated and removed by Order of Court.

XVIII. Provided always, and be it enacted, That where any such Order or Decision of any such Court as aforesaid hath been or shall hereafter be made for abating or removing any Weir, fixed Net or Engine, or any Part thereof, merely by reason of its having been erected, used, or fished with on the Soil and without the Permission of the Person being or claiming to be the lawful Owner thereof, and for no other Reason, such Person shall not be thereby estopped or prevented from afterwards erecting, re-erecting, using, or fishing with (subject, nevertheless, to the other Provisions of this Act and the said recited Acts) any such Weir, fixed Net or Engine, or any Part thereof, as aforesaid, or any other Weir, fixed Net or Engine, or any Part thereof, in or adjoining or contiguous to the Place wherein it may have been or shall be decided by such Court as aforesaid that the said first-named Weir, fixed Net or Engine, or such Part thereof, as aforesaid, should be abated and removed: Provided also, that nothing herein contained shall be construed to give to or confer upon any such Person so being or claiming as aforesaid any new or better Title to the said Soil, or any new or better Right to erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, in or adjoining to or contiguous to such Place as aforesaid, but that he shall in other respects remain and be subject to the Provisions of the said recited Acts and of this Act in that Behalf set forth.

Nothing to affect or impair Jurisdiction of Admiralty and other Courts.

XIX. And be it enacted, That nothing in the said recited Acts or this Act contained shall take away or in any Manner lessen or impair the Powers of Her Majesty's High Court of Admiralty, or any other Court or Jurisdiction, in relation to the Removal or Abatement of Nuisances accruing or occasioned to Navigation, Fishery, or the Passage of Fish, by the placing or maintaining or using of Weirs, fixed Nets, or other Contrivances.

Metes and Bounds not necessary to be set out on Records.

XX. And be it enacted, That in any Action or Prosecution for or in respect of any of the Trespasses or Nuisances aforesaid it shall not be necessary to set forth in the Declaration or Indictment the Metes or Bounds of the Place in which the Trespass or Nuisance complained of hath been committed, and that it shall be sufficient to state generally that the same was committed within the District in which the Fishery in question shall happen to be situate.

Further Powers for defining Mouths of Rivers.

XXI. 'And whereas Provisions have been made by the said recited Acts for defining the Mouths of 'Rivers "at their Entrance into the Sea;" and for the better Protection and Regulation of the Fisheries 'it may in many Cases be expedient to prohibit the Use of Nets within certain Distances of the Mouths 'of tributary Rivers at their Entrance into other Rivers, Estuaries, Roadsteads, or Bays:' Be it therefore enacted, That it shall and may be lawful for the said Commissioners to define the Mouths of such Rivers, where they shall think fit so to do, subject to the Provisions of the said recited Acts; and when the Mouth of any such River shall have been defined as herein provided, the same Regulations with respect to using, placing, or erecting Nets shall be observed, and may be enforced in like Manner as provided by the said recited Acts and this Act, and any Person offending shall suffer the same Forfeitures and Penalties as therein provided.

Penalties for Neglect to make or maintain the statutory Free Gap or Queen's Share.

XXII. And be it enacted, That from and after the passing of this Act, if any Person entitled to or possessed of the Fishing of any River or Branch thereof, or any Weir, Dam, or Dyke for the taking of Fish, and not being by Prescription or other legal Title exempted from the Obligation of having, making, or maintaining any Free Gap or Queen's Share therein, shall omit or neglect to have, make, or maintain such Free Gap or Queen's Share of the Dimensions or in the Place or to construct it in the Manner now by Law required, or shall reduce the Width of any existing Free Gap or Queen's Share,

or

or substitute a Free Gap or Queen's Share of less Width in lieu thereof, the said Commissioners may cause such Alterations to be made, and recover the Expenses thereof against such Person, and the Person so offending shall also forfeit and pay a Sum not exceeding Fifty Pounds nor less than Ten Pounds, and shall also for every Fish taken by means of such Weir, Dam, or Dyke, so long as such Free Gap or Queen's Share shall not be left, made, or maintained of the Dimensions or in the Place or shall not be constructed in the Manner now by Law required, or shall be reduced in Width, or shall remain of less Width than that in lieu of which it is substituted, forfeit and pay the Sum of Ten Shillings, and shall also, for every Day during which such Free Gap or Queen's Share shall not be left, made, or maintained of the Dimensions or in the Place or shall not be constructed in the Manner now by Law required, or shall be reduced in Width, or shall remain of less Width than that in lieu of which it is substituted, forfeit and pay a Sum not exceeding Ten Pounds nor less than Five Pounds; and such Expenses and Forfeitures shall be recovered in like Manner as is herein-after provided with respect to Penalties for Offences against the said recited Acts and this Act: Provided always, that the Person who is lawfully entitled to or lawfully possessed of any Weir, Dam, or Dyke, and who shall be not liable or compellable at Law to have, make, widen, or maintain, or to cause to be left, made, widened, or maintained, a Free Gap or Queen's Share therein, shall not be liable to any Penalty for not leaving, making, widening, or maintaining (as the Case may be) such Free Gap or Queen's Share, until his Claim (if any) for Compensation for the Loss or Damage he may sustain by leaving, making, widening, or maintaining such Free Gap or Queen's Share be settled and disposed of, and the Amount of Compensation (if any) paid, tendered, or lodged, according to the Provisions herein-after contained.

Commissioners may require Owners of Weirs in certain Cases to make Gaps therein, and furnish a Claim for Compensation.

XXIII. And be it enacted, That where the Owner of any such Weir, Dam, or Dyke as aforesaid is not liable or compellable at Law to leave, make, widen, or maintain, or to cause to be left, made, widened, or maintained, any such Free Gap or Queen's Share in such Weir, Dam, or Dyke as aforesaid, it shall nevertheless be lawful for the said Commissioners, upon the Application of any Person or Persons who is or are interested in the Fisheries in or Lands adjoining to the River in which any such Weir, Dam, or Dyke shall be situate, or who is or are licensed to fish or fishing within the District or Districts whereunto such River belongs, and who shall deposit or secure, to the Satisfaction of the said Commissioners, the Amount of the Cost of all Proceedings necessary to be taken under the Provisions herein contained (if the said Commissioners shall require such Deposit or Security), to serve a Notice on the Owner, and also the Lessee or Occupier, if any, of such Weir, or at his or their known Place of Abode, and thereby to require the Owner of such Weir, Dam, or Dyke to make, widen, or open a Free Gap or Queen's Share therein of such Construction and Dimensions as the said Commissioners shall deem fit and shall name in such Notice, not varying from the Construction nor exceeding the Dimensions specified in an Act passed in the Sixth Year of Her present Majesty, intituled *An Act to regulate the Irish Fisheries*, and to furnish his Claim for Compensation, or his Objections, if any, to making, widening, or opening such Free Gap or Queen's Share, within a Time to be specified in such Notice, not less than Thirty Days from the Service thereof on the Owner, Lessee, or Occupier of such Weir.

5 & 6 Vict. c. 106.

Satisfaction may be made and accepted.

XXIV. And be it enacted, That every Owner of any such Weir, Dam, or Dyke, or of any Share, Estate, or Interest therein, may accept and receive as Satisfaction and Recompence for the Value of any Injury or Damage that shall be sustained on account of making, widening, or opening such Free Gap or Queen's Share, or in anywise relating thereto, such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Weir, Dam, or Dyke, or sustaining such Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled in manner herein-after directed.

Commissioners empowered to assess the Value in case of Dispute.

XXV. And be it enacted, That if any such Owner of such Weir, Dam, or Dyke as aforesaid shall neglect or refuse to treat or shall not agree with the said Commissioners, or by reason of Absence or Disability cannot agree, or cannot be found or known, or shall not prove to the Satisfaction of the said Commissioners a clear Title to receive such Recompence or Compensation as aforesaid, or in case any such Owner of a Weir, Dam, or Dyke wherein such Gap is to be made, widened, or opened as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners, for the Space of Thirty Days after Notice in Writing given to the known Agent or Attorney of such Owner as aforesaid, or left at his Place of Abode, or at the House of the Lessee of such Weir wherein such Gap is intended to be made, widened, or opened as aforesaid, or in case the Parties interested in the Fisheries in or Lands adjoining the River in which such Weir, Dam, or Dyke shall be situate, or Fishing within the District or Districts whereunto such River belongs, shall not agree with the Owner of such Weir, Dam, or Dyke, or shall not subscribe and deposit the Amount which the said Commissioners may agree upon with the said Owner of such Weir, Dam, or Dyke as the Amount of Compensation to be paid for making, widening, or opening such Free Gap or Queen's Share, or shall not agree upon the Proportions in which such Amount of Compensation is to be paid by the said several Parties respectively, then in every such Case the said Commissioners are hereby empowered, at a Time and Place to be specified in a Notice to be served as aforesaid, and published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in a Newspaper circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, and through or by which such River shall flow, to inquire and examine and assess and award the Sum of Money to be paid for such Recompence or Compensation as aforesaid, and ascertain and settle in what Proportions the Parties interested in the Fisheries in or the Lands adjoining such River, or Fishing within the District or Districts whereunto such River belongs,

belongs, should contribute to pay the Sum so awarded, and the said Commissioners shall award such Recompence so to be assessed; and the said Commissioners shall, in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons where more than One, and the Weir, naming or describing the same, in respect of which such Sum has been so awarded, and the Position and Breadth of such Free Gap or Queen's Share, and the Names or other Descriptions of the Parties who are to contribute the Amount awarded for such Recompence or Compensation as aforesaid, and the Proportion to be contributed by each respectively; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and shall attend at such Time and Place, and at such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty and all other Persons interested, except in the Case and subject to the Provisions herein-after contained: Provided always, that the Person who shall under the Provision before mentioned contribute in respect of Lands to such Compensation shall be the Owner in Fee Simple or Fee Tail, or for a Lease of Lives renewable for ever, or for Life with Remainder to his Issue, or for ever, or for a Term of which not less than One hundred Years are unexpired, and from whom the Fishery or Right of fishing shall not have been reserved.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to a Judge at the Assizes.

XXVI. And be it enacted, That if the Owner or other Person claiming Compensation on account of such making, widening, or opening of the Free Gap or Queen's Share in such Weir, Dam, or Dyke, or any Person liable to pay such Compensation as aforesaid, shall be dissatisfied with the Award of the said Commissioners, it shall be lawful for the Person so dissatisfied to appeal to the Judges of Assize, or One of them, at the Assizes which shall be held next after any such Award shall have been made and settled as aforesaid for the County wherein such Weir, Dam, or Dyke shall be wholly or in part situate, (provided the same shall not be held sooner than Thirty-one Days after the making of such Award,) the Party appealing, if there be sufficient Time after the making of such Award, having first given to the said Commissioners Twenty-one Days Notice at least of his Intention of bringing such Appeal, and of the Matter thereof; and if there shall not be Thirty-one Days between the making of such Award and the Day appointed for holding such Assizes, then such Appeal may be tried at the Assizes which shall be holden for such County next after the Expiration of Thirty-one Days from the making such Award, and the like Notice thereof shall be given; and any Judge at such Assizes or any Adjournment thereof, upon due Proof of such Notice having been given, is hereby empowered and required to hear and finally determine the Matter of such Appeal, in such and the same Manner as he is at present empowered to do in Cases of Appeal from Decrees on Civil Bills made by Assistant Barristers at Quarter Sessions in *Ireland:* Provided always, that if such Dam, Weir, or Dyke shall be situate in more than One County or between Two or more Counties, such Appeal shall be tried at the Assizes to be held in the County the Assize Town of which shall be nearest to such Weir, Dam, or Dyke; and provided also, that if no Notice of Appeal shall be served on the said Commissioners within Twenty-one Days next after their Award shall be made the same shall be final, binding, and conclusive upon all Persons and to all Intents and Purposes whatsoever.

If no Appeal within 21 Days Award final.

Judgments to be final.

XXVII. And be it enacted, That in all such Cases of Appeal as aforesaid the said Judges of Assize, or One of them, shall give Judgment in respect to the Matter of such Appeal, and such Judgment shall be final, binding, and conclusive to all Intents and Purposes against all Parties, Corporations, and Persons.

Awards and Judgments to be recorded.

XXVIII. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards or Judgments shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively, to all Intents and Purposes, and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

How the Award or Judgment shall be enforced.

XXIX. And be it enacted, That upon Award or Judgment being so made and transmitted as aforesaid the said Commissioners shall cause a final Notice to be served on the Proprietor, Lessee, or Occupier of such Weir, Dam, or Dyke, and a Copy thereof to be published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in some One or more Newspapers circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, stating that all the Requisites of this Act in respect to the making such Award or Judgment had been fully complied with, and calling upon all Parties liable under such Award or Judgment to pay to the said Commissioners, within a Time to be specified in such Notice, not less than Three Months from the Date thereof, the Sums of Money which such Parties thereby became liable to pay; and the Publication of such Notice shall be deemed final and conclusive Evidence that the several preliminary Measures herein-before required to be taken and observed in respect to such Award or Judgment had been duly taken and observed; and from and after the Publication of such Notice all the Parties liable under such Award or Judgment shall be bound to contribute the Sum awarded, assessed, or ascertained, in the Proportions fixed by such Award or Judgment, and within the Time specified in such Notice.

XXX. And

If not paid it may be sued for.

XXX. And be it enacted, That if any Portion of the Money so to be contributed shall remain unpaid to the said Commissioners after the Expiration of the Time specified in such Notice as last aforesaid, then it shall be lawful for the said Commissioners to recover the same from the Parties liable thereto under the said Award or Judgment who shall make default in the Payment thereof, or the lawful Representatives of such Parties, by Civil Bill, or by Action or Suit in any of the Superior Courts in *Dublin*: Provided always, that where any Party so making default, or his lawful Representatives, shall be insolvent, or absent beyond Seas, or unable to be found, the Conservators of the District or Districts through or by which such River shall flow shall, notwithstanding anything contained in this Act or the said recited Acts to the contrary, apply from Time to Time any Portion of the Funds in the Hands of the Treasurers to the Credit of such District or Districts, for the Purposes of making good any Deficiency of Money so to be contributed which shall have been occasioned by such Default, together with full Costs and Expenses, and either in One Sum or by Instalments, as the said Commissioners shall appoint.

Compensation to be paid over when received, and the Alterations in the Weir, &c. to be made as directed by the 5 & 6 Vict. c. 106.

XXXI. And be it enacted, That upon Receipt of the Money so agreed, awarded, or adjudged to be paid as Satisfaction or Recompence for enlarging or opening such Free Gap or Queen's Share in such Weir, Dam, or Dyke, under the Provisions herein-before contained, the said Commissioners shall forthwith pay the same to such Persons or in such Manner as is provided and directed by the said Act of the Sixth Year of Her Majesty, in regard of Monies agreed, awarded, or adjudged to be paid as Satisfaction or Recompence for enlarging or opening a Free Gap or Queen's Share under the Provisions of the said last-mentioned Act; and thereupon the said Commissioners shall take such Proceedings for the Purpose of causing the required Alterations in such Weir, Dam, or Dyke to be made and completed, and the objectionable Parts thereof to be removed, as they are by the said Act of the Sixth Year of Her said Majesty empowered to take in the Cases specified in or arising under the said Act for the like Purposes.

Savings for Mill Weirs.

XXXII. Provided always, and be it enacted, That nothing herein-before contained respecting the making or maintaining such Free Gap or Queen's Share shall be construed to extend to Weirs, Banks, or Heads used for the sustaining the Supply of Water to Mills, Factories, or Navigation, if such Weirs, Banks, or Heads shall not be made use of for the Purpose of taking Salmon or other Fish in any Manner whatsoever.

Commissioners not bound to do more than open the Passages required by this Act, and not liable for consequential Damages.

XXXIII. And be it enacted, That in all Cases where the said Commissioners shall, by virtue of the Provisions in this Act contained, open or caused to be opened, in any Weir, Dam, or Dyke, a Gap of the Dimensions prescribed by this Act, or remove any Obstructions hereby declared to be illegal, it shall not be necessary for the said Commissioners, or any Person executing their Orders, to rebuild any Part of such Weir, Dam, or Dyke, or of the Works appertaining thereto, nor to fix up or erect altered or improved Boxes, Rails, or Cruives, nor shall they be answerable or accountable for any Damage or Injury arising to such Weir, Dam, or Dyke, or to such Box, Rail, or Cruive, in consequence of such Removal as aforesaid.

Removal of Nets from the Banks of Rivers during Close Seasons.

XXXIV. And be it enacted, That every Proprietor, Lessee, or other Person who shall be engaged in fishing for Salmon by means of Nets of any Kind or Description, shall remove and carry away, or cause to be removed or carried away, from any Strand, or from the Banks of any River, or from the Vicinity thereof, during the yearly Close Season, all such Nets; and in case any such Person shall omit or neglect to remove or carry away, or cause to be removed or carried away, such Nets as aforesaid, he shall forfeit all such Nets, and shall forfeit and pay a Sum not exceeding Ten Pounds nor less than Two Pounds.

Having in possession Part of a Salmon or Trout, liable to Penalty.

XXXV. 'And whereas Persons having in their Possession or exposing for Sale a Salmon or Trout in 'the Close Season are now by Law liable to certain Penalties and Forfeitures in certain Cases:' Be it enacted, That any Person in whose Possession any Part or Portion of a Salmon or Trout shall be found or exposed for Sale during the Close Season shall be in the like Cases subject to the like Penalties and Forfeitures as are provided by the said recited Acts or any of them; and all Persons empowered to enforce the Provisions of the said recited Acts and this Act shall be and are hereby empowered to seize all such Salmon or Trout, or any such Portion thereof as aforesaid, when so found in the Possession of any Person or exposed for Sale during the Close Season.

Penalty for poisoning Rivers for the Purpose of taking Fish.

XXXVI. 'And whereas great Destruction to Fish and the Spawn and Fry thereof is in some Places 'occasioned by placing Matters poisonous to Fish in Rivers for the Purpose of capturing them: And 'whereas the Laws at present in force have proved insufficient to suppress this destructive Practice:' Be it therefore enacted, That any Person found on the Bank of or near any River with any deleterious Matter in his Possession, under such Circumstances as shall satisfy the Court before whom he may be tried that such Person had employed or was about to employ such deleterious Matter for the Capture or Destruction of Fish, the said Court is hereby empowered to inflict on such Person a Penalty not less than Five Pounds nor more than Ten Pounds for every such Offence; and any Person found taking Fish from any River or Lake, where it shall be proved to the Satisfaction of any Justice or Justices that such Fish have been wilfully poisoned, shall be subject to a Penalty of not less than Ten Shillings nor more than Five Pounds.

Nets and other Engines not to be used within certain Distances of Weirs.

XXXVII. 'And whereas in many Rivers Fish are impeded in their Passage up and down by means 'of Weirs used for supplying Water to Mills or Factories or for Navigation:' Be it therefore enacted, That it shall not be lawful to use any Net, Instrument, or Device for taking Fish (save and except Rods and Lines only) within Two hundred Yards of any such Weir, either above or below the same; and if any Person shall offend against this Provision he shall forfeit and pay a Sum not less than Two Pounds nor more than Ten Pounds for every such Offence, and shall also forfeit such Net, Instrument, or Device: Provided always, that where such Right has been exercised in any such Place by any Person or Persons lawfully

lawfully possessed of a Several Fishery therein for Twenty Years next before the passing of this Act, he shall not be subject to the Penalty herein-before provided.

Boxes, Cribs, &c. in the Tideway during Weekly Close Time to be subject to Regulations of 5 & 6 Vict. c. 106., upon the Certificate of the Commissioners.

XXXVIII. And be it enacted, That it shall not be lawful to take Salmon or Trout in any Crib, Box, Cruive, Eye, Sluice, or Gap, in any Salmon, Eel, or other Weirs, whether the same be set in the Tideway or in the Fresh-water Portion of any River between the Low Water next in point of Time before Six o'Clock on *Saturday* Night and the Low Water next in point of Time before Six o'Clock on *Monday* Morning, if the Weir be in the Tideway, nor between Six o'Clock on *Saturday* Evening and Six o'Clock on *Monday* Morning, if the Weir be in the Fresh-water Portion of any River; and in case any Question or Doubt should arise as to whether any such Weir is in the Tideway or in the Fresh water Portion of the River, it shall be competent to the Commissioners, on Application to them, to determine, by Certificate under their Hands and Seals, whether such Weirs should be subject to the aforesaid Regulation relating to the Tideway, or to the aforesaid Regulations relating to the Fresh Water, as to the said Close Time; and a Copy of such Certificate shall be lodged with the Clerk of the Peace for the County or Counties in which such Weirs shall be situate, and an attested Copy thereof, certified by such Clerk of the Peace, shall be received as Evidence of the Determination so made by the said Commissioners; and any Person offending against the said Regulations respectively shall be subject to the Forfeitures and Penalties provided by the said recited Act or this Act for Breaches of the Law in respect to the Weekly Close Time or Close Season.

Mill Sluices to be opened or shut as by Law required at all Times when Mills are out of Use, subject to a Penalty. 5 & 6 Vict. c. 106.

XXXIX. And be it enacted, That the Waste Sluices, Waste Gates, or Overfalls of the Weirs of any Mill or Factory deriving their Supply from Rivers frequented by Salmon shall, at all Seasons of the Year when and during the Time such Mills or Factories shall not be used for Milling Purposes, be kept open, if no Passage for Fish be provided; and when such Passage for Fish shall be provided, then the Sluices which admit the Water to such Mills or Factories, and the Waste Sluices, Waste Gates, or Overfalls, shall be kept down or shut, to force the Water through such Passage for Fish, as provided by the said Act of the Sixth Year of Her present Majesty's Reign, intituled *An Act to regulate the* Irish *Fisheries*; and if the Owners of any such Mill or Factory not used for Milling Purposes as aforesaid shall omit to keep any such Sluice or Sluices, Waste Gates, or Overfalls shut as aforesaid, or open as aforesaid, as required in the respective Cases aforesaid, he shall forfeit and pay a Sum not less than Two Pounds nor more than Ten Pounds for every such Offence: Provided always, that the opening or shutting of such Sluices, Waste Gates, or Overfalls shall not in any way injuriously interfere with the Machinery or Water Power of any Mill or Factory whatsoever.

Otters, Spears, Gaffs, &c. prohibited.

XL. And be it enacted, That it shall not be lawful, in any Fresh-water River or Lake, at any Season of the Year, to use for the Purpose of taking Fish any Otter, Lyster, Spear, Strokehaul, Dree Draw, or Gaff, (except when the latter Implement may be used solely as auxiliary to angling with Rod and Line, or for the Purpose of removing Fish from any legal Weir or Box by the Owner or Occupier thereof,) and if any Person shall offend against this Provision he shall upon Conviction thereof forfeit and pay any Sum not exceeding Ten Pounds nor less than Four Pounds, and shall also forfeit such Implement and the Materials thereof: Provided always, that nothing herein contained shall be construed to extend to Eel Spears.

Power to make Oyster Beds.

XLI. And be it enacted, That it shall and may be lawful for the Owner or Occupier of any Land bordering on the Sea or any Estuary, with the Permission in Writing of the said Commissioners, or for any Person or Persons, with the Consent of such Owner or Occupier, and with the Permission in Writing of the said Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and either above or below the Level of the lowest Water Marks of Spring Tides, as the said Commissioners shall think fit; and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as by the said recited Acts is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the Rights hereinbefore granted and conferred are to be considered as exclusively applying to Places where no such public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty and all the Subjects of this Realm the free and full Exercise and Enjoyment of all other Rights of Fishing or other Rights whatsoever in or along the said Shore, subject to the Provisions herein contained.

Penalty for stealing Oysters or Oyster Brood.

XLII. And be it enacted, That if any Person shall steal any Oysters or Oyster Brood from any Oyster Bed or Laying, being the exclusive Property of any other Person or Persons, and sufficiently marked out and known as such, every such Offender shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly, unless it shall appear that the Party taking such Oysters, or accused of stealing the same, acted under a fair and reasonable Supposition that either he himself, or any other Person in whose Right or by whose Authority he acted, or the Public at large, had a Right to take the said Oysters, and to convert the same to his or their own Use.

Further Regulations as to Stake Nets, &c.

XLIII. And be it enacted, That Stake Weirs, Stake Nets, and other fixed Nets, in the Sea or Tidalways, shall be so placed and erected, maintained and used, as that clear Openings for the free Passage of Fish as in the said recited Acts provided can be made in the Pouches and Traps thereof; and if any Person shall offend by placing, erecting, maintaining, or using any Weir, Net, Leader, Engine, or Work in any Manner hereby prohibited, or neglect to construct the same in the Mode required by the Provi-

sions

sions contained in the said Acts, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than One Pound.

Nets for taking Salmon not to be used at the Mouths of narrow Rivers, nor to be stretched across the Mouths or any other Parts of Rivers.

XLIV. And be it enacted, That it shall not be lawful for any Person, save and except the Owner of a Several Fishery within the Limits thereof, at any Time to shoot, draw, or use any Net for taking Salmon at the Mouth of any River, where the Breadth of such Mouth between the Banks thereof shall not exceed a Quarter of a Mile Statute Measure; and that it shall not be lawful for any Person, save such Owner as aforesaid, within such Limits as aforesaid, to shoot, draw, or use any Net for taking Salmon within Half a Mile Seaward, or Half a Mile Inwards, or along the Coast from the Mouth of any River, such Mouth to be defined, ascertained, and mapped, in case of Dispute, by the said Commissioners; and that it shall not be lawful for any Person, save and except the Owner of a Several Fishery in the whole of a River and its Tributaries, within the Limits of such Several Fishery, to shoot, draw, stretch, or use Nets at the Mouth or any other Part of any River in such wise as, in the Judgment of the Commissioners, to be injurious or detrimental to the free Passage of Fish, and which they shall have prohibited by some Bye Law duly published as the Law directs; and if any Person shall offend by shooting, drawing, stretching, or using any Net in any Place or Manner hereby prohibited, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than One Pound, and also the further Penalty of Five Shillings for every Fish taken by means of such Net in such Place and Manner so prohibited as aforesaid; and such Net shall also be forfeited.

Close Season for Trout Fishing.

XLV. And be it enacted, That no Person shall kill, take, or destroy, in any Lakes or Rivers, any Trout, between the Twenty-ninth Day of *September* in any Year and the last Day of *February* in the Year following, nor shall any fixed Crib, Cruive, Box, or other Device, nor any Haul, Draw, or other Net of any Description, for the catching of such Trout, be used in any Lake or River frequented by Salmon, between the First and Twenty-ninth Day of *September* in any Year, or at such Periods as may be or may have been fixed for certain Lakes and Rivers by the said Commissioners in respect of Salmon Fishing, under the Powers in the said recited Acts contained.

Penalties for not opening or removing Cribs, &c. in Weekly Close Time.

XLVI. And be it enacted, That any Person occupying or using any Crib, Box, Cruive, Stake, Flood, Ebb, or Head Weir, Stake, Bag, or other fixed Net, Basket, or other Engines for catching Fish, and failing to remove or open the same as required by the said Act of the Sixth Year of Her Majesty, and any Person using any Means, Device, or Contrivance to prevent the free Passage through such Box, Cruive, or Engine, or in any way or by any Means wilfully frightening or scaring, or attempting to frighten or scare, any Salmon or other Fish from passing through such Box, Crib, Cruive, Pouch, Trap, Eye, Sluice, Gap, or other Engine, or taking therein any Salmon between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning, or between the Low Waters next in point of Time to those Periods respectively, as the Case may be, shall for every such Offence forfeit and pay a Sum not less than Ten Pounds and not exceeding Fifty Pounds: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be able satisfactorily to prove that he was prevented by Floods, Storm, or Stress of Weather from removing such Leaders or making such Openings as aforesaid, during the Continuance of such Prevention, but no longer.

Offences committed in Rivers, &c. forming Boundaries of Two Districts of Petty Sessions may be tried before Justice of either District.

XLVII. 'And whereas it is enacted in the before-recited Act of the Sixth Year of Her present Majesty, 'that where any of the Offences mentioned in that Act shall be committed in or upon any Lakes, 'Rivers, or Streams forming the Boundaries or Mearing Lines between any Two Counties, Districts of 'Quarter Sessions, or Districts of Petty Sessions, such Offence shall and may be prosecuted before any 'Justice or Justices of the Peace in either of such Counties or Districts, and may be alleged and stated 'to have been committed therein; and Doubts have arisen as to the Meaning of the said Clause:' Be it enacted, That where any of the Offences mentioned in this or any of the said recited Acts shall be committed in or upon any Lakes, Rivers, or Streams forming the Boundaries or Mearing Lines between any Two Districts of Petty Sessions, such Offence shall be prosecuted before any Justice or Justices of the Peace in either of such Districts, and in no other, and may be alleged and stated to have been committed therein, anything in the said Acts to the contrary notwithstanding.

Recovery of Expenses.

XLVIII. And be it enacted, That wheresoever, under the Provisions of this Act or the said recited Acts, any Justice or Justices of the Peace or the said Commissioners or Conservators are authorized or empowered or required to execute any Work, or remove or alter any Weir or other Erection, or to do any Matter or Thing, at the Expense of any Offender, such Justice or Justices, or Commissioners or Conservators, as the Case may be, shall ascertain the Amount of such Expenses, and direct Payment thereof to be made by such Offender to such Person as he or they may think fit, and it shall be lawful for such Person to sue for and recover the same by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin;* and a Certificate in Writing under the Hand or Hands of such Justice or Justices, or Commissioners or Conservators, as the Case may be, shall be conclusive Evidence of the Amount of such Expenses, and of the Liability of the Party therein named to pay the same, and of the Right of the Person thereby authorized to sue for and recover the same.

The Mode in which Penalties are to be levied.

XLIX. And be it enacted, That all Penalties directed to be enforced against any Person or Persons offending contrary to the Provisions of this Act or the said recited Acts shall be levied by the same Persons and in the same Manner as all Fines and Penalties may by Law be levied, or by the Officers and Men of the Coast Guard Service or of the Constabulary Force.

Form of Conviction.

L. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act or of any of the said recited Acts shall cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say,)

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* City, Town, or Place, *as the Case may be*,] 'A.O. is, upon the Complaint of *G. H.*, convicted before me *J. P.*, One of Her Majesty's Justices [*or* 'before us *C. D.* and *E. F.*, Justices] of the Peace for the said County of in pursuance of 'an Act made in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here* 'insert the Title of the Act], for that the said *A.O.* [*here state the Offence, and the Time and Place* 'when and where the same was committed]; and I [*or* we] do hereby adjudge him to pay and forfeit 'for the said Offence the Sum of of lawful Money of Great Britain, together with the 'further Sum of for Costs of Suit and Prosecution of the said *G. H.*; [*and in case any* 'Nets or other Engines are to be forfeited] I [*or* we] do hereby further adjudge that the Nets or other 'Engines, *et cetera* [*describing the same*,] be and the same are hereby forfeited. Given under my 'Hand and Seal [*or* our Hands and Seals, *as the Case may be*], at in the County 'of the Day and Year above written.'

Which said Conviction and Adjudication shall be good and valid in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record at *Dublin*, but shall be deemed and taken to be final to all Intents and Purposes whatsoever, unless the same shall be reversed on Appeal as herein-after provided: Provided always, that no Person shall be convicted of any Offence committed against the Provisions of this Act unless the Prosecution for the same shall be commenced within Six Calendar Months from the Time of the Commission of such Offence.

Appeal from Convictions to Judges of Assize.

LI. And be it enacted, That in all Cases where any Person has any Right of Appeal against any Judgment, Order, Proceeding, or Conviction for placing, erecting, maintaining, or using any fixed Net, Weir, or Engine, or any Part thereof, whereby such Person is aggrieved, such Appeal shall (subject to the specific Provisions herein-before contained) be to the next going Judges of Assize at the Assizes to be held for the County or for the City or Place where such Judgment, Order, Proceeding, or Conviction shall have been given, had, or made, or such alleged Offence shall have been committed, provided that such Assizes shall be held at any Time not less than Twenty-one Days after the Time such Judgment, Order, Proceeding, or Conviction shall have been given, had, or made; and in case such Assizes shall be held within Twenty-one Days from the Time of such Judgment, Order, Proceeding, or Conviction, such Appeal shall be to the going Judges of Assize for the Assizes to be holden next but One after such Judgment, Order, Proceeding, or Conviction in such Division of the County, City, or Place as aforesaid, and that no such Appeal shall be allowed, received, heard, or determined unless the Party appealing shall within Ten Days next after, or, if the Court appealed from shall think right so to require it, immediately on the pronouncing, having, or making of such Judgment, Order, Proceeding, or Conviction, enter into a Recognizance, with Two sufficient Sureties, before such Court, or before any Magistrate of such County, City, or Place, in a Sum not less than Fifty Pounds, conditioned personally to appear at the said Assizes to try such Appeal, and abide the Judgment of the said Judges there, and to pay such Costs and Expenses as the said Judges at the said Assizes may award against him.

Form of Dismissal.

LII. And be it enacted, That in case any Justice or Justices of the Peace shall dismiss any Complaint made under the Authority of this Act or of the said recited Acts, or any of them, such Dismissal shall be drawn up and signed by such Justice or Justices in the Form following; (that is to say,)

'BE it remembered, That on the Day of in the Year of our Lord *C. D.* of was charged before me [*or* us] on the Complaint of *A. B.* of for 'that the said *C. D.* did [*here state the Offence charged, and the Time and Place when and where the* 'same was committed], contrary to the Provisions of an Act, intituled [*here insert the Title of the Act*]; 'and it appearing to me [*or* us] that the said *C. D.* is not guilty of such Offence so charged against him 'as aforesaid by the said *A. B.*, we therefore do adjudge that the said Complaint be and the same is 'hereby dismissed. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may be*], 'at in the County of the Day and Year first above written.'

Appeal against Dismissal.

And if any Person prosecuting shall feel aggrieved by such Order of Dismissal it shall and may be lawful for such Person to appeal to such Judges of Assize as herein-before directed with regard to Appeals from any Conviction, upon giving the like Notice as herein-before prescribed, and entering into a Recognizance, with Two sufficient Sureties, before any Magistrate, in any Sum not less than Ten Pounds, conditioned for the Payment of all such Costs and Expenses as shall be adjudged against him on the Hearing of such Appeal.

Proceedings on Appeal.

LIII. And be it enacted, That it shall and may be lawful for the Judges of Assize assembled at any such Assizes as aforesaid to rehear the Subject Matter of such Conviction or Order of Dismissal as last aforesaid, and either affirm or reverse the same, or impose or increase or reduce any Penalty which may have been adjudged, such Imposition or Increase nevertheless not to amount to a greater Sum nor such Reduction to be to a smaller Sum than by this Act or the said recited Acts is directed; and in case such Conviction shall be affirmed it shall be lawful for such Judges to award such Costs and Expenses to the Prosecutor, and any Witnesses who may be examined in support of such Prosecution, as they may think reasonable;

reasonable; and in case the Party appealing from any such Order of Dismissal as aforesaid shall not appear at such Assizes as aforesaid to prosecute the same, such Order of Dismissal shall be affirmed; and it shall be lawful for the said Judges to award to the Person accused such Costs and Expenses of Witnesses as they may think reasonable; and in case any Appellant or Respondent on any such Appeal shall not pay any Costs or Expenses which may be so awarded against him his Recognizances shall be estreated.

Courts may award Costs.

LIV. And be it enacted, That it shall be lawful for the Commissioners, Judges of Assize, Justices of the Peace, or any of the Courts in this Act or in the said recited Acts mentioned, where any Complaint, Suit, Action, or Indictment shall have been heard or tried and determined before them respectively under this Act or the said recited Acts, to order that the Costs, Charges, and Expenses of and incident to such Complaint, Suit, Action, or Indictment, and the Proceedings therein, and the Hearing or Trial and Determination thereof, shall follow the Event of the same respectively, and be borne and paid by the Party against whom the same shall have been determined, and that such Costs, Charges, and Expenses shall be estimated, either as between Party and Party or as between Attorney and Client, at the Discretion of such Commissioners, Judges, Justices, or Courts respectively; which Costs, Charges, and Expenses, being so ordered as aforesaid, shall be recovered against the Party therewith charged in the same Manner as is herein-before specifically provided with respect to Costs in certain Cases.

Recited Acts to be read with this Act.

LV. And be it enacted, That this Act and the said recited Acts shall for the Purposes thereof respectively be read and construed together as One Act, and the said recited Acts shall remain in full Force and Effect, except where the Provisions thereof are repealed or altered by this Act or are repugnant thereto.

Saving Rights of the Crown.

LVI. Provided always, and be it enacted, That nothing contained in this Act or in any of the Acts recited or referred to shall extend or be construed to extend to alienate, defeat, lessen, abridge, or derogate from, or in any Manner affect, any Estate, Right, Title, Interest, Franchise, Royalty, Prerogative, or Jurisdiction vested in or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in Right of Her Crown, or otherwise howsoever.

Act may be amended, &c.

LVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXIX.

An Act to regulate the Proceedings in the High Court of Chancery in *Ireland*.

[14th *August* 1850.]

'WHEREAS it is expedient to regulate the Proceedings in the High Court of Chancery in *Ireland*, and otherwise to improve the Procedure of the said Court:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case in which a Suit might be instituted in Her Majesty's High Court of Chancery in *Ireland* by way of Bill or Information, it shall be lawful for any Person who would have been entitled to file such Bill or Information to apply to the said Court by Petition for the Relief which might have been prayed for by any such Bill or Information; and Service of Notice of such Petition shall be made, as herein-after provided, upon such Persons as the Petitioner thinks fit, but with Power to the Court from Time to Time to direct any further Service of the same; and Service of such Notice being made, the Person so served shall from the Time of such Service become a Party to such Proceeding, and be bound thereby in all respects, in the same Manner as if a Bill or Information had been filed and such Person had appeared to a Subpœna to appear and answer.

Suits may be instituted in the Court of Chancery in Ireland by Petition in all Cases.

Court to have same Jurisdiction on Petition, and Order to have same Authority, as in a Suit.

II. And be it enacted, That the Court shall have and exercise, in and about any Matter so brought before it upon Petition, the same Jurisdiction, Powers, Authorities, and Discretion, to all Intents and Purposes, as it could have exercised in a Suit for the same Purpose instituted by way of Bill or Information; and all Orders of the Court to be made in any such Matter may be made in the same Manner, whether upon Motion or otherwise, and shall have the same Authority and Effect, and may be enrolled in the same Manner, and shall be binding upon the same Persons, under whatsoever Disability they may be, and may be enforced by the same or any such Process, and shall be subject to Rehearing and Appeal, in the same Manner in all respects, except as herein provided, as if the same had been made in a Suit so instituted as aforesaid; and every Order which shall be in the Nature of a Decree shall have the same Effect as a Decree; and every Petition presented under this Act shall have the same Effect in making any Infant a Ward of Court as a Bill filed in the Matter would have had; and every such Petition shall have the same Effect as a Bill in Equity with respect to Proceedings for Redemption under the Acts relating to Ejectment for Nonpayment of Rent, and also in Suits to foreclose Mortgages, and to perpetuate the Testimony of Witnesses under the Acts relating thereto.

Proviso. Court may direct a Suit to be instituted.

III. Provided always, and be it enacted, That if it appear to the Court that the Relief prayed for by any such Petition as aforesaid, or any Part thereof, cannot be safely or conveniently granted, or that the Object or any of the Objects of such Petition, or any Part thereof respectively, cannot be safely or conveniently attained under the Procedure of this Act, it shall be lawful for the Court to direct a Suit to be instituted by way of Bill or Information, and by such Persons as the Court thinks fit, and either to retain or dismiss the Petition accordingly.

Persons objecting to Proceedings under the Act may apply for Order that a Suit be prosecuted in the ordinary Way at the Peril of Costs.

IV. Provided also, and be it enacted, That if any Person interested or claiming to be interested in the Matter of any Petition presented under this Act, or whose Rights may be injuriously affected by the Order to be made on such Petition, desire that the Relief sought thereby may be sought in a Suit to be prosecuted in the ordinary Way, it shall be lawful for such Person at any Time, whether such Petition have been referred to the Master, as herein-after provided, or not, to apply to the Court, upon Motion in a summary Way, for an Order directing that the Matter of such Petition or any Part thereof be not further proceeded with under this Act, or that a Suit with respect thereto may be instituted or proceeded with in the ordinary Way, and thereupon the Court shall make such Order as shall be just; but the Costs of all Parties to be occasioned by any such Application shall (except so far as the Court otherwise specially directs) be paid and borne by the Person by whom such Application is made; and it shall be lawful for the Court, if it think fit, by any such Order to require that such Security as it thinks fit be given by the Party making such Application, for answering the additional Costs, if any, to be occasioned by reason of such Suit or other Proceeding being instituted.

Verification of Petition.

V. And be it enacted, That every Petition to be presented under this Act may be verified by Affidavit annexed thereto or subscribed at the Foot thereof in the Form or to the Effect set out in the Schedule annexed to this Act; and that with respect to Petitions authorized to be referred to the Master in a summary Way, as herein-after provided, no Costs of any further or additional Affidavit in Verification shall be allowed, unless specially allowed by the Court.

Petitioners may annex Interrogatories to their Petition.

VI. And be it enacted, That upon presenting any such Petition as aforesaid the Petitioner may, if he think fit, annex to his Petition Interrogatories, to be answered by the Respondents to such Petition, or such of them as he requires to answer the same, or he may file such Interrogatories at any later Stage of the Proceedings on such Petition.

Respondents may file Interrogatories, to be answered by Petitioners.

VII. And be it enacted, That the Respondents to any such Petition, or any of them, may, if they think fit, annex to their Affidavits filed in answer to such Petition, or may otherwise file, Interrogatories, to be answered by the Petitioners or any of them, touching the Matters alleged in such Affidavit or Petition, and that whether such Respondents file a cross Petition or not, or they may file such Interrogatories at any later Stage of the Proceedings on such Petition.

Interrogatories not to be filed except by Leave of the Court.

VIII. Provided always, and be it enacted, That, except so far as may be otherwise provided by any General Orders to be made as herein-after mentioned, no such Interrogatories shall in either of the Cases aforesaid be filed without Leave of the Court first obtained upon Motion supported by Affidavit, and which may be made *ex parte* or otherwise as the Court shall direct.

Practice as to answering the Interrogatories to be same as on Bill and Subpœna.

IX. And be it enacted, That, until and except so far as it shall be otherwise provided by any Rule or Order to be made as herein-after mentioned, the Practice as to answering and enforcing an Answer to such Interrogatories shall be the same as upon a Bill or cross Bill filed, except that such Answer shall be taken in the same way that an Affidavit is taken, and the Person required to answer any such Interrogatories shall, on being served with a Copy thereof, be subject to the same Obligation as to answering the same, and the Court may exercise the same Powers for enforcing such Answer, and the Production of Documents therein referred to, as if a Bill or cross Bill had been filed against such Person, and he had been served with Subpœna to answer the same, and had appeared thereto, or an Appearance had been entered for him on the Part of the Plaintiff, pursuant to an Act of the Fourth and Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in* Ireland: Provided always, that every such Person shall be entitled to the Benefit of the same or the like Objection to answering any such Interrogatories as he might have insisted on by way of Plea or Demurrer in a Suit instituted in the ordinary Way.

4 & 5 W. 4. c. 78.

Petitions to be heard before the Lord Chancellor as Causes are now heard, and Petitions and Affidavits to be filed in Rolls Office and entered in a Book.

X. And be it enacted, That every Petition to be presented under the Authority of this Act shall be entitled "Cause Petition under 'The Court of Chancery (*Ireland*) Regulation Act, 1850,'" and shall be heard as Causes are now heard before the Lord Chancellor, unless in Cases where the Lord Chancellor specially directs the same to be heard before the Master of the Rolls, but no Subpœna to hear Judgment shall be required; and every such Petition, and all Affidavits and Interrogatories, and Answers to Interrogatories, in the Matter of any such Petition shall be filed in the Office of the Deputy Keeper of the Rolls in *Ireland* in like Manner as Bills and Answers are now filed there, and an Entry of such Petitions and Affidavits shall be made in a Book or Books to be kept for that Purpose, in like Manner as Bills and other Pleadings are now entered in the said Office, subject nevertheless to such Regulations and Orders as the Lord Chancellor, with the Assistance of the Master of the Rolls in *Ireland*, shall make in that Behalf; and the said Deputy Keeper of the Rolls and the Clerk of the Inrolments in the said Office respectively shall have Power to take Affidavits in the Matter of any such Petition; and it shall be lawful for the Lord Chancellor, with such Assistance as aforesaid, to settle a Table of Fees to be taken in the Office of the said Deputy Keeper of the Rolls in respect of such Petitions and Affidavits and Answers, and to make all such Regulations as shall be necessary and proper for providing that the Balance of such Fees, after deducting such Payments as may lawfully be payable thereout, shall be from Time to Time duly accounted for and paid into the Bank of *Ireland* in the Name of the Accountant General, to be placed to the Credit of the Account there called "The Suitors Fee Fund Account."

Table of Fees to be settled, and Fees to be paid over to the Suitors Fee Fund.

Power to petition for

XI. And be it enacted, That it shall be lawful for any Person (the Direction of the Master in the Case of Persons under Disability as herein-after mentioned being first obtained,) to present a Petition to the

the Court of Chancery in *Ireland*, stating any Document, Facts, or Circumstances relating to any Matter falling within the Jurisdiction of the Court by way of Special Case, and praying for the Opinion of the Court upon such Special Case; and it shall be lawful for the Court to give Judgment upon such Petition accordingly, and such Judgment shall bind all such Persons as the Court shall direct, and in default of such Direction then shall bind all such Persons as presented the same, and shall have the same Effect as a Declaration made by Decree in a Suit to which such Persons were Parties would have had, and shall be subject to Rehearing and Appeal in the same Manner as herein provided in case of other Petitions under this Act; and where the Opinion of the Court is desired in any Matter in which any Infant, Idiot, Lunatic, or married Woman is interested, it shall be lawful for the Master of the Court in rotation to direct the presenting of such Petition by way of Special Case on behalf of the Infant, Idiot, Lunatic, or married Woman, and such Direction of the Master shall be conclusive to all Intents and Purposes.

Opinion of Court upon Special Case.

XII. And be it enacted, That it shall be lawful for the High Court of Chancery in *Ireland*, or for any of the Masters in Ordinary of the said Court, in any Suit or in any Matter pending or being heard before them respectively, and within their respective Jurisdictions, to direct the whole or any Part of the Evidence relating to such Matter to be taken either *vivâ voce* on Oath before the Court or Master, or upon Affidavit, instead of upon Interrogatories or in addition to an Examination upon Interrogatories, and it shall be lawful for the said Court to exercise all the same Powers for enforcing the Attendance of any Witness in whatever Part of *Ireland* such Witness may reside, to be examined before the said Court or Masters respectively in any such Matter as it might exercise for enforcing the Attendance of a Witness residing within Twenty Miles of *Dublin* to be examined on Interrogatories according to the ordinary Practice of the said Court.

The Court or Master may in all Suits direct Evidence to be taken vivâ voce or by Affidavit, as well as on Interrogatories.

XIII. And be it enacted, That in any Case in which any Partnership Account is required to be taken before One of the Masters of the High Court of Chancery in *Ireland* it shall be lawful for such Master, if he think fit, to direct that in taking such Account the Books of Account in which the Accounts so required to be taken have been kept, or such of them as he thinks fit, shall be taken as *primâ facie* Evidence of the Truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised; and also in taking any Account other than any Partnership Accounts, where it appears to him that the Books of Account have been *bonâ fide* kept, and the Entries duly made therein from Time to Time as the Occasion for such Entries arose, or when from any Circumstances the Account cannot otherwise be taken, it shall be lawful for the Master, if he think fit, to direct that the Books of Account in which the Accounts so required to be taken have been kept, or such of them as he thinks fit, shall be taken as *primâ facie* Evidence of the Truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised; and in any of the Cases aforesaid it shall be lawful for the Master to employ an Accountant to make out the Accounts in such Mode as the Master shall require, and the Master shall be at liberty to adopt such Accounts, subject to any Objections to be made by any of the Parties, and such Accountant shall be paid such Sum as the Master shall consider reasonable and proper, by the Party having the Carriage of the Proceedings, who shall be entitled to charge the Sum so paid by him as Part of his Costs in the Cause or Matter.

In taking Accounts the Master may direct Books of Account that have been kept to be primâ facie Evidence.

XIV. And be it enacted, That in all Cases in taking the Accounts necessary for the Administration of the Estate of any deceased Person by the High Court of Chancery in *Ireland*, Debts may be proved before the Master by the Executor or Administrator of the Testator's Estate, and in case any Creditor, after Notice shall have been given to him of such Proof having been made, shall attempt to establish any larger Amount, the same shall be at Peril of any Costs which may be awarded against him by the Master.

In taking Accounts for Administration of Estate, Executors, &c. may prove Debts.

XV. And be it enacted, That when any such Petition as herein-before mentioned is presented to the Court with respect to any of the following Branches of the Jurisdiction of the High Court of Chancery in *Ireland*, that is to say,

With respect to the Administration of the Real and Personal Estate or the Personal Estate of a deceased Person,

With respect to the Foreclosure and Redemption of Mortgages,

With respect to the Appointment of new Trustees under any Deed, Will, or other Instrument,

With respect to the Appointment of Guardians and the Allowance of Maintenance to Infants,

With respect to the taking of Partnership Accounts, and

With respect to such other Branches of the said Jurisdiction as the Lord Chancellor of *Ireland*, with the Assistance of the Master of the Rolls in *Ireland*, by any General Order to be made as hereinafter provided, shall from Time to Time direct,

the Court may, on the Application of the Petitioners, and on the Production of such Affidavit of Verification as aforesaid, by Order made in a summary Way, and without Notice to any other Parties, unless the Court see fit to direct any such Notice to be given, refer the said Petition to the Master in Ordinary of the said Court in rotation, either with or without any special Directions with reference thereto as to the Court may seem fit.

Certain Classes of Petitions may be referred summarily to Master.

XVI. And be it enacted, That upon any such Petition being so referred it shall be lawful for the Master to whom the same is referred to consider the Matter thereof, and to direct Service of Notice thereof as herein-after directed, and thereupon to make all such Inquiries and such Orders for Payment of Money into Court or for the Sale of Real or Personal Estates, or otherwise, not being Orders for the Distribution or Payment of any Share of Money, and generally to make such Orders and give such Directions with respect thereto the

Master to proceed on the Petition referred to him, and to have

same Jurisdiction as might have been exercised by the Court in a Suit.

Directions in relation to the Relief sought by such Petition as the Case may require; and for the Purpose aforesaid the Master shall have, within the Limits and subject to the Restrictions and Regulations herein provided, the same Jurisdiction, Authority, and Discretion, and the same Power to make Orders, and otherwise to act in and about the Matter, as the Court, or any Master of the Court, could have exercised or done in or as incidental to a Suit duly instituted and conducted according to the ordinary Practice of the Court, and it shall also be lawful for the Master to examine all or any of the Parties to the Suit *vivâ voce*, if he think fit.

State of Facts may be dispensed with, and Master to regulate Proceedings.

XVII. And be it enacted, That, subject to any Rule or Order to be made as herein-after mentioned, the Master may, in proceeding under this Act, proceed on a Copy of the Petition, without any State of Facts, Charge, or Proposal in Writing, unless, for supplying any Deficiency in the Statement or Prayer of the Petition, the Master direct that any such Charge, Statement, or Proposal be made by any Party; and any Person interested in the Matter may apply to the Master for Leave to attend him on any Proceedings under the same, and the Master may give such Directions with respect thereto as he thinks fit, and the Master may, if he sees fit, dispense with any Summons in the course of the Proceedings, and also from Time to Time direct any Summons to be taken out by any Parties attending the Proceedings, and fix the Times at which any Summons shall be returnable before him, or at which any Proceedings necessary to be taken shall be taken, and may proceed *de die in diem*, or may adjourn the Proceedings from Time to Time, as he sees fit, and generally may, without Reference to any Rule or Course of Practice of the Court, save as herein provided, regulate the Course of such Proceedings in such Manner as appears to him expedient for rendering the same inexpensive and speedy, so far as Justice will admit.

Master's Orders to take effect as Orders of Court.

XVIII. And be it enacted, That no Order of the Master under this Act shall require Confirmation by the Court, except where an Order, subject to the Opinion of the Court, or a special Report, is made by him, as herein provided, except where the Court has in the Order referring the Petition to the Master given any special Directions in that Behalf, but every such Order shall have the same Authority and Effect, and may be enrolled in the same Manner, and shall be binding upon the same Persons, and may be enforced by the same or any such Process, and shall be subject to Rehearing and Appeal, in the same Manner in all respects, except as herein provided, as if the same had been made by the Court in a Suit duly instituted, or otherwise as may be directed by any General Order to be made in that Behalf, as herein-after mentioned.

Master may make special Reports or Orders, subject to Confirmation.

XIX. And be it enacted, That the Master shall have Power, if he think fit, to make a special Report concerning the Matter of any Petition referred to him as aforesaid, or upon any Question or Matter arising in the Proceedings thereupon, or to make any Order, subject to the Opinion of the Court, to the Intent that the Opinion of the Court may be taken on the Matter of such Petition, or on such Question, Matter, or Order, as the Case may be; and such special Report or Order shall be brought before the Court, by Motion praying that such special Report or Order may be confirmed, discharged, or varied by Order of the Court, or that any Directions may be given thereupon; and on the Hearing of such Motion such Report or Order respectively of the Master shall be confirmed, discharged, or varied, or such Directions shall be given, as to the Court seems just.

Service to be made as the Court or Master shall direct.

XX. And be it enacted, That Service of Notice of any Petition under this Act, whether before the Court or the Master, shall, until and except so far as it shall be otherwise provided by any General Order to be made as herein-after provided, be subject to the same Regulations as apply to the Service of a Subpœna or Letter Missive in any Suit, and the Court shall have all the same Powers with respect to ordering the Service of Notice of any such Petition out of the Jurisdiction of the Court, or otherwise, as under any Act of Parliament or by the Constitution of the Court it has or may lawfully exercise with respect to the Service of any Subpœna or Letter Missive in a Suit instituted by way of Bill or Information, but after such Service shall have been made all other Services with respect to any Matter for the Time being pending before the Court or Master under such Petition, or consequent thereon, shall be made upon such Persons and in such Manner, whether by Post or otherwise, as the Court or Master respectively shall direct, and with respect to Persons who have absconded or cannot be found, shall be sufficiently made by such Advertisements or Publications as the Court or Master shall direct; and every such Service, Advertisement, or Publication so directed by the Master shall be valid and conclusive, to the same Extent, and in the same Manner, and upon and against the same Parties or Persons, as the Service according to the Practice of the Court of any Subpœna, Letter Missive, or Petition in Equity would have been.

Power to Master to appoint Guardians to Infants for the Purpose of Proceedings under the Act.

XXI. And be it enacted, That when any Person interested in any Matter for the Time being pending under this Act is an Infant, it shall be lawful for the Master, by any Order under his Hand, to appoint such Person as he thinks proper to be the Guardian of such Infant for the Purposes of all or any Proceedings under this Act; and every Guardian so to be appointed shall have Power to institute, prosecute, defend, or consent to any Proceeding under this Act on behalf of his Ward, and shall represent his Ward in or about every such Proceeding, in the same Manner and with the same Effect, to all Intents and Purposes, as any Guardian appointed by the Court might have done with respect to any Suit or other Proceeding on behalf of his Ward, instituted according to the Practice of the Court: Provided always, that in all Cases in which there is any Father or testamentary Guardian of such Infant, Notice of the intended Application to the Master to appoint a Guardian as aforesaid shall be served on such Father or testamentary Guardian.

After Reference to Master of Petition with

XXII. And be it enacted, That after the Court has made any Order under this Act referring to the Master any Petition with respect to the Administration of the Real and Personal Estate or of the Personal Estate of any deceased Person, or after a Decree or Order has been made by the Court in any Suit

Suit referring to the Master the Matter of any such Administration, it shall not be lawful for any Creditor or other Person, so long as any such Order as aforesaid remains in force, to commence or proceed with any Action against the Executor or Administrator of such deceased Person, or against his Heir or Devisee in the Case of Real Estate so to be administered, for any Debt or Demand claimed against the Estate of such deceased Person, without the Leave of the Master in Writing first obtained in that Behalf; and it shall be lawful for any Judge of the Court in which any such Action is pending to order that all further Proceedings in such Action be stayed until after such Leave as aforesaid of the Master has been obtained, and to make such Order as to the Costs of any such Action as to such Judge appears just.

respect to Administration, or after Decree, no Creditor to sue without Master's Leave.

XXIII. And be it enacted, That when any Proceedings upon Petition under this Act shall be stayed, and a Suit ordered to be instituted in lieu thereof, under the Provisions herein-before contained for that Purpose, all Proceedings, Accounts, and other Things taken and done in the Prosecution of the Matter of such Petition before the Master, prior to the Order of the Court for the Institution of a Suit or other Proceedings before the Court as aforesaid, shall (except so far as the Court otherwise directs in any Case) be as valid and conclusive, for the Purposes of any such Suit or other Proceedings, as if the same had been taken or done in such Suit or other Proceedings before the Court.

Where Suit instituted, previous Proceedings before Master to be valid.

XXIV. And be it enacted, That in case of the Illness or Absence of the Master before whom any Matter is pending under this Act, or of any Vacancy occurring by the Death or Resignation of such Master, it shall be lawful for any other Master, without any special Direction or Appointment of the Court, to act for the Time being in such Matter in the Place of the Master so being ill or absent, or having vacated, and to exercise all the Powers and Authorities which such last-mentioned Master might have exercised in the Matter.

In case of Illness, &c. of a Master, another Master may act.

XXV. And be it enacted, That, subject to the Right of Appeal herein-after provided, the Costs of all Proceedings under this Act which take place before the Master shall be in the Discretion of the Master, and the Costs of all Proceedings before the Court shall be in the Discretion of the Court; and all Costs ordered by the Master shall be ascertained by the Master, or shall be taxed by One of the Taxing Masters of the Court, and shall be recovered in the same Manner, and by the same or any such Process, as Costs ordered to be paid by any Party under any Order or Decree made in a Suit.

Payment, Taxation, and Recovery of Costs in Proceedings before the Master.

XXVI. And be it enacted, That the Masters shall as nearly as possible observe a uniform Course of Practice in their respective Offices in all Proceedings under this Act; and the said Masters shall, within Six Months from the passing of this Act, make such Rules under their Hands as seem to them necessary and expedient concerning the Form and Mode of Proceeding to be had before the Masters under this Act, and for providing that a proper Record be kept of the Proceedings of the Masters, and the Orders made by them with respect to Petitions referred to them under this Act, and concerning the collecting of the Debts due to and the realizing of all or any Part of any Estate for the Time being in course of Administration before the Master, and concerning the Costs and Fees or other Remuneration to be paid in respect of any Proceedings before the Master, and the Service of any such Proceedings by Post, Advertisement, or otherwise; and the said Masters shall have Power from Time to Time to vary or annul such Rules, and to make others in lieu thereof or in addition thereto; and all such Rules shall be entered in a Book to be kept for that Purpose by the Senior Master for the Time being, and shall be transmitted to the Lord Chancellor, for his Inspection, within One Week from the making thereof, and, unless disallowed by the Lord Chancellor within One Month from the Time of the same having been so laid before him, shall be of the same Effect and Validity as any General Rules or Orders of the Court.

Masters within Six Months to make Rules for Procedure under the Act.

XXVII. And be it enacted, That where any Person who would have been entitled to present any Petition under this Act is desirous of obtaining a partial Administration of any Estate or Trust (whether by way of Inquiries for Creditors or next of Kin, or Persons beneficially interested in or under the same, or otherwise howsoever), or is desirous of obtaining any Portion of the Relief usually granted or which might be afforded, or the Exercise of any One or more of the Powers or of any Part of the Jurisdiction usually exercised by the Court in a Suit, or which might be exercised by the Master under this Act, it shall be lawful for such Person to present a Petition to the Court for such partial Administration or partial Relief, or partial Exercise of the Powers and Jurisdiction of the Court or Master, accordingly; and it shall be lawful for the Court, if it so think fit, to grant the limited Relief sought by such Petition, and to give all proper Directions accordingly, or to make such other Order with respect thereto as shall be just; and all the Provisions herein contained with respect to any Petition presented under this Act, and to the Proceedings under the same or consequent thereon, and to the Powers and Jurisdiction of the Court and of the Master in or about the same, and to the making of Rules and Orders concerning the same, shall apply in all respects to any such Petition as last aforesaid, and to the Proceedings under the same or consequent thereon, and to the Powers and Jurisdiction of the Court or of the Master in or about the same, and to the making of Rules and Orders concerning the same.

Petition may be presented to the Court for partial Relief, &c.

XXVIII. And be it enacted, That it shall be lawful for the Court to direct the Consolidation or to make any other Order for the carrying on together of any Two or more Proceedings relating to or connected with the same Trust or Estate, whenever such Order appears expedient.

Proceedings may be consolidated.

XXIX. And be it enacted, That if any Transmission take place, by Death, Marriage, or otherwise, of the Interest of any Party to any Proceeding, whether by Bill or Information in the ordinary Course or under this Act, it shall be lawful for any Party interested to bring before the Court the Person to whom such Interest has been so transmitted, either by a supplemental Bill, Information, or Petition, or by a Suggestion

Mode of continuing Proceedings on Transmission of Interest of Parties.

Suggestion at the Foot of the original Bill, Information, or Petition, and Notice to such Person; and Service of such Notice being made, the Person so served shall, from the Time of such Service, become a Party to such Proceeding, and be bound in all respects in the same Manner as if an Order for Revivor or a supplemental Decree had been made, as the Case may require, without the Necessity for any Order of Revivor or supplemental Decree being made by the Court: Provided always, that if the Person served be under Disability the Matter shall be specially brought before the Court by Affidavit, and the Court shall thereupon make such Order as may be just.

Appeal from the Master's Orders and Orders on Petition to be upon Motion; Rehearings and Appeals to the House of Lords, to be within a limited Time.

XXX. And be it enacted, That an Appeal shall lie to the Court upon Motion, from or against all Orders, Directions, and other Proceedings of or before the Master under this Act; and any Order to be made by the Master of the Rolls under this Act may be reheard on Motion before the Lord Chancellor, and any Order which, according to the Practice of the Court, might be reheard upon Petition by the Judge who made such Order, may be so reheard upon Motion; and an Appeal shall also lie to the House of Lords from all Orders to be made by the Court under this Act, yet so that no such Appeal shall be brought or Rehearing moved unless with the special Leave of the Court (which Leave the Court shall only grant upon being satisfied that substantial Grounds probably exist for such Appeal or Rehearing, and for the Delay in bringing or moving the same), after the Expiration of the following Periods from the Time when the Order, Direction, or other Proceeding complained of was made or took place, or from the Service of Notice of the same, if the Party complaining was not present; that is to say, for an Appeal from the Orders or Directions of the Master or Proceedings before him, not being such Reports as hereafter provided for, the Period of Fourteen Days, or such further Time as the Master shall by Order made in the Matter allow; for a Rehearing before the Lord Chancellor or Master of the Rolls, the Period of One Month (both such Periods to be exclusive of any Vacations of the Court); and for an Appeal to the House of Lords, the Period of One Year, but no Order shall be enrolled pending the Time hereby limited for appealing therefrom without the special Leave of the Court: Provided always, that this Enactment shall not be taken to extend the Time within which Reports of the Masters of the Court are by any General Order of the Court directed to stand confirmed.

Lord Chancellor to make Orders for carrying the Act into effect, and extending its Scope.

XXXI. And be it enacted, That the Lord Chancellor, with the Assistance of the Master of the Rolls, in *Ireland*, may and they are hereby required from Time to Time to make such General Orders as shall seem necessary or expedient for carrying the Purposes of this Act into effect, and for regulating the Practice under the same, and for extending the same, if need be, to other Matters than those to which it is herein made specially applicable, and particularly for regulating the Appointment of Receivers, and the Powers and Duties of such Receivers, and the Allowances to be made to them, for the Purpose of insuring the better and more efficient Management of the Estates under the Control of the Court of Chancery in *Ireland*, and for determining, if need be, the Matters to which the Provisions of this Act shall not apply, and may alter or annul such Orders from Time to Time, and make others in lieu thereof.

Rules and Orders to be laid before the Houses of Parliament, and to be binding, unless objected to by Vote of either House.

XXXII. And be it enacted, That all General Rules to be made by the Masters, and not disallowed by the Lord Chancellor as herein-before provided, shall, immediately after the same take effect as aforesaid, and all General Orders made by the Lord Chancellor, with such Assistance as aforesaid, shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament, by any Resolution passed at any Time before such House of Parliament have actually sat Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution, shall, from and after such Resolution, cease to be binding.

Master of the Rolls empowered to appoint a Secretary with a Salary.

XXXIII. And be it enacted, That it shall be lawful for the Master of the Rolls in *Ireland* from Time to Time to appoint a fit Person to act as Secretary to the Master of the Rolls in *Ireland*; and the Person so appointed shall hold his Office during the Pleasure of the said Master of the Rolls, and shall be entitled to receive by way of Salary the clear annual Sum of Three hundred Pounds, payable in manner herein-after mentioned.

The Lord Chancellor's Secretary and the Masters Clerks and Examiners to be paid by a Salary in lieu of Fees.

XXXIV. 'And whereas it is expedient that the Secretary of the Lord Chancellor, and the Person for 'the Time being filling the Office of the Clerk and Examiner of each of the Masters of the said Court, 'should be remunerated by an annual Salary instead of by Fees, and that the Fees payable to such 'Secretary and to each of such Clerks and Examiners should be accounted for and applied in manner 'herein-after mentioned:' Be it therefore enacted, That from and after the passing of this Act the Secretary of the Lord Chancellor shall be entitled to receive by way of Salary the clear annual Sum of Eight hundred Pounds, payable in manner hereafter mentioned, in lieu of the Fees heretofore received and enjoyed by him; and there shall also be allowed and paid for the Expenses of the Office of the said Secretary such Sum as the Lord Chancellor may allow for a Clerk, and for other incidental and necessary Expenses of his Office (to be defined in the Order making such Allowance), not exceeding in the whole for any One Year, including the Allowance for such Clerk, the Sum of Two hundred Pounds.

The Clerks and Examiners of Masters and Assistant Clerks to hold Office during good Beha-

XXXV. And be it enacted, That from and after the passing of this Act the Clerk and Examiner of each of the Masters of the said Court, and the Assistant Clerk of such Clerk and Examiner, shall hold their Offices respectively during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered, by Order made by him, to remove any such Clerk and

and Examiner or Assistant Clerk for some sufficient Cause to be stated in such Order, but without Prejudice to the Right of the Master to appoint a Clerk and Examiner or Assistant Clerk in the Room of any Clerk and Examiner or Assistant Clerk so removed; and every such Clerk and Examiner shall be entitled to receive by way of Salary the clear annual Sum of Six hundred Pounds, payable in manner herein-after mentioned, in lieu of the Fees heretofore received and enjoyed by him; and there shall also be allowed and paid for the Expenses of the Office of such Clerk and Examiner such Sum as the Lord Chancellor shall allow for that Purpose (the Particulars of such Expenses being defined in the Order making such Allowance), not exceeding in the whole for any One Year the Sum of One hundred Pounds; and every such Assistant Clerk shall be entitled to receive by way of Salary the clear annual Sum of Two hundred Pounds, payable in manner herein-after mentioned; and such Salary shall be in lieu of the Salary or Allowance of Seventy Pounds, late *Irish* Currency, payable to such Assistant Clerk under an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Fourth Year of His present Majesty's Reign, for the better Administration of Justice in the Court of Chancery in* Ireland, and all other Fees or Emoluments heretofore received or enjoyed by him in his Office, and such last-mentioned Salary or Allowance shall cease to be payable.

viour, and to be paid by Salary in lieu of Fees.

Salary of Assistant Clerk to be in lieu of Salary payable under 6 G. 4. c. 90.

XXXVI. And be it enacted, That the said Salaries and Allowances shall be payable in quarterly Payments on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, and shall be charged upon and payable out of the Fund standing to the Account of the Accountant General of the Court of Chancery, called "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and all Sums of Money by any Act now in force directed or authorized to be paid thereout, and all proper Orders shall be made for that Purpose; and the first Payment shall be made on the first of the said quarterly Days happening after the passing of this Act, and the Amount thereof shall be such a proportionate Part of the said Salaries and Allowances respectively as shall have accrued from the Day of the passing of this Act to such quarterly Day; and in the event of the Death, Resignation, or Removal from Office of either of such Secretaries, or any of such Clerks and Examiners or Assistant Clerks, in the Interval between any of the said quarterly Days of Payment, the Secretary or Clerk and Examiner or Assistant Clerk so resigning or being removed, or the Executors or Administrators of the Secretary or Clerk and Examiner or Assistant Clerk so dying, shall be entitled to receive and shall be paid such proportional Part of his said Salary as shall have accrued from the next preceding quarterly Day of Payment to the Day of such Death, Resignation, or Removal, and his Successor shall be entitled to such proportional Part of the said Salary as shall have accrued from the Day of such Death, Resignation, or Removal to the then next quarterly Day of Payment.

The Salaries to be paid quarterly.

XXXVII. And be it enacted, That the Secretary of the Lord Chancellor, and the said Clerks and Examiners and Assistant Clerks shall continue to discharge the Duties belonging to their several Offices; and the said Secretary of the Lord Chancellor, and the Clerks and Examiners, shall receive the Fees and Sums of Money for the Time being lawfully payable to them or in their Offices respectively, and shall keep true and accurate Accounts thereof, and shall pay into the Bank of *Ireland*, to the Credit of the said Accountant General, once in every Month, all Fees or Sums of Money so to be received by them respectively, after deducting thereout all Sums lawfully paid for copying Documents, at a Rate not exceeding Three Halfpennies *per* Office Sheet, the Amount so received and paid by them to be verified by Affidavit, to be sworn before One of the Masters of the Court; and the several Sums so paid in shall be from Time to Time paid to the said Account called "The Suitors Fee Fund Account."

The Lord Chancellor's Secretary and the Clerks and Examiners to pay over to the Suitors Fee Fund, monthly, all Fees received by them.

XXXVIII. 'And whereas it is just that a Retiring Allowance should be provided for the Officers of 'the Court of Chancery in *Ireland*:' Be it enacted, That if any such Officer who shall have executed the Duties of his Office under the said Court for the Term of Twenty Years shall, by Petition to the Lord Chancellor, express his Desire to be allowed to retire, it shall and may be lawful for the Lord Chancellor, by and with the Consent of the Commissioners of Her Majesty's Treasury, to direct the Payment to such Officer during his Life of an Annuity as retiring Allowance not exceeding Two Third Parts of the annual Salary and Emoluments of such Officer: Provided always, that if any such Officer shall after his Appointment to his Office, and before he shall have completed the Term of Twenty Years, become afflicted with any permanent Infirmity of Mind or Body disabling him from the due Execution of the Duties of his Office, it shall and may be lawful for the Lord Chancellor, by and with the Consent of the Commissioners of Her Majesty's Treasury, to direct the Payment of such Annuity as the said Lord Chancellor and the said Commissioners shall think just and reasonable to such Officer, on his resigning his Office, or on an Order being made for his Removal on account of such Disability (which Order the said Lord Chancellor is hereby authorized and empowered to make), such Annuity in any Case not to exceed Two Third Parts of the Salary and Emoluments of the Office; and every Annuity so ordered and directed shall be charged and chargeable and be paid and payable in the same Way as is herein-before provided in respect of Salaries: Provided also, that if any Officer of the said Court already appointed or who may be hereafter appointed shall, prior to such Appointment, have permanently discharged the Duties of an Assistant Officer or Clerk in the said Court, it shall be lawful in calculating the Term of Twenty Years herein-before mentioned to allow One Year for every Two Years during which such Officer shall have previously discharged the Duties of such Assistant Officer or Clerk: Provided also, that nothing herein contained shall prejudice the Right of the Masters in Ordinary of the said Court to the Benefit of the Superannuation provided for by the Act of the Fourth Year of the Reign of King *George* the Fourth, Chapter Sixty-one.

Providing retiring Allowances to Officers of the Court of Chancery.

Allowances to Clerk and Examiner on Retirement from their Offices.

XXXIX. And be it enacted, That the Assistant Clerk in each of the Masters Offices, and also every other Clerk of the Court holding his Office during good Behaviour, not being an Officer of the said Court, who shall hereafter resign his Office with the Sanction and under the Authority of the Lord Chancellor, or shall be removed therefrom by the Lord Chancellor in consequence of his being permanently incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Court, and shall proceed according to the Principle laid down by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;* and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Clerks and Examiners and other Clerks.

4 & 5 W. 4. c. 24.

Abatement to be made from the Salaries of Clerks and Officers of the Court entitled to Superannuation Allowances.

XL. And be it enacted, That from and after the passing of this Act there shall be an annual Abatement made, in quarterly Proportions, in such Manner as the Lord Chancellor shall direct, from the Salaries or Official Incomes of the Persons who may be hereafter appointed Clerks and Examiners, Assistant Clerks or other Clerks of the Court for whom a Superannuation Allowance is herein-before provided; and the Amount so deducted shall be paid into the Bank of *Ireland* to the Credit of the said Account called "The Suitors Fee Fund Account;" and the Amount of such Abatement shall be according to the respective Rates following; that is to say,

From Salaries or Official Incomes not exceeding the annual Sum of One hundred Pounds, an Abatement at the Rate of Two Pounds Ten Shillings *per Centum;*

And from Salaries or Official Incomes exceeding One hundred Pounds, Five Pounds *per Centum.*

Compensation for Diminution of Emoluments to be made to Officers out of the Suitors Fund.

XLI. 'And whereas the Emoluments of some of the Officers of the Court may be diminished by the 'Operation of this Act, or by the Rules and Orders to be made thereunder, for which they may claim to 'have Compensation made:' Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby required, within the Space of Six Calendar Months after any such Claim shall arise and be made, by Examination on Oath or otherwise (which Oath they and each of them are and is hereby authorized to administer), to inquire whether any, and if any what, Compensation ought to be made to any Officer or Person claiming such Compensation, the said Commissioners having regard to the Conditions on which the Appointment of any such Officer was made, or to any Notice which at the Time of such Appointment may have been given to such Officer that such Office was to be holden subject to any Provision by Parliament for the Abolition or Regulation thereof, but with full Power for the said Commissioners to investigate and determine whether, from the Nature of the said Offices or the Mode of Accession thereto, any such Conditions or Notice could have been properly made or given, and also having regard to the holding of any Office, Place, or Situation by such Officer under this Act; and that in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the Commissioners, or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensation, whether annual or in gross, shall be charged upon and payable out of the said Fund standing to the Account called "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and all Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout, and all proper Orders shall be made for that Purpose: Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the Meeting of the Parliament then next assembled.

Petition to be a Lis pendens within the Meaning of 7 & 8 Vict. c. 90.

XLII. And be it enacted, That any Petition to the Court under this Act shall constitute a Lis pendens within the Meaning of an Act passed in the Eighth Year of Her Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions;* and it shall be a sufficient Compliance with so much of the same Act as requires the Title of the Cause or Information and the Day when the Bill or Information was filed to be left with such registering Officer as therein mentioned if the Names of the Petitioners, or some One or more of them, and of the Respondents, or some One or more of them, and the Day when the Petition was presented, be left with such Officer as aforesaid.

Short Title of Act.

XLIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal or other Instruments and Proceedings, it shall be sufficient to use the Expression "The Court of Chancery (*Ireland*) Regulation Act, 1850."

Interpretation of Act.

XLIV. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean the Lord Chancellor of *Ireland*, and shall include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal in *Ireland;* and the Expression "the Court" shall mean the High Court of Chancery in *Ireland;* and the Expression "the Master" shall mean the Master in Ordinary of the High Court of Chancery in *Ireland* to whom any Petition is referred, or

before

before whom any Matter is pending under this Act, for the Time being respectively; and the Word "Person" shall include "Corporation," and shall include Her Majesty's Attorney or Solicitor General in Cases of Charities or of Informations at the Suit of Her Majesty; and Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing Males shall include Females; unless there be something in the Subject or Context repugnant to such Construction.

SCHEDULE to which the foregoing Act refers (Sect. 5.)

In the Matter of the Petition of

I *A.B.*, the Petitioner in the above-written [*or* annexed, *as the Case may be*] Petition, make Oath and say, That so much of the above-written [*or* annexed, *as the Case may be*] Petition as relates to my own Acts and Deeds is true, and so much thereof as relates to the Acts and Deeds of any other Person I believe to be true.

Sworn, *&c.*

CAP. XC.

An Act to confirm certain Provisional Orders of the General Board of Health, and for certain other Purposes in relation to the Public Health Act, 1848. [14th *August* 1850.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of the Act, certain Provisional Orders 'mentioned in the Schedule to this Bill annexed, and it is expedient that the said Orders should be 'confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisional Orders of the General Board of Health referred to in the Schedule to this Bill annexed shall, so far as the same are authorized by the said Public Health Act, be and the same are hereby confirmed, and shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Bill.

Certain Provisional Orders of General Board of Health confirmed.

II. And be it enacted, That the First Election of the Local Board of Health for the District of *Ashby de la Zouch* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Ashby de la Zouch.

III. And be it enacted, That the First Election of the Local Board of Health for the District of *Sandgate* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Sandgate.

IV. And be it enacted, That whenever under the Provisions of the Public Health Act, 1848, any Bill has been or shall be brought into Parliament for the confirming of any Provisional Order of the General Board of Health, a Copy or Copies of every Order included in the Schedule of such Bill shall be furnished by the said General Board to all Parties applying for the same between the Hours of Eleven and Five at the Office of the said General Board, or by Letter addressed to the said Board, on Payment by such Parties of the Cost of making or furnishing such Copy or Copies.

General Board to furnish Copies of Provisional Orders to Parties requiring them.

V. And be it enacted, That the General Board of Health may, whenever it shall see fit, by Order under their Hands and official Seal, direct and appoint any Day or Days for the First Election or Selection of any Local Board of Health other than the Day or Days fixed for such First Election by any Order in Council or by this or any other Act for confirming any Provisional Order or Orders by the said General Board; and that the said General Board shall cause Notice of the Day so directed and appointed by them for such First Election or Selection to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within the District for which such Election or Selection is to be made, at least Twenty-one Days before the Day so fixed and appointed for such Election or Selection, as the Case may be.

General Board may appoint Days for First Elections of Local Boards, &c.

VI. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Act incorporated with Public Health Act.

VII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1850 (No. 2.)."

Short Title of this Act.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD of HEALTH, submitted for the Confirmation of Parliament.

Wigan.	Wolverhampton.	Sandgate.
Preston.	Ashby de la Zouch.	Swansea.

CAP. XCI.

An Act to authorize Justices of any Borough having a separate Gaol to commit Assize Prisoners to such Gaol, and to extend the Jurisdiction of Borough Justices to all Offences and Matters arising within the Borough for which they act. [14th *August* 1850.]

'WHEREAS great Inconvenience and Expense have been found to result to Cities and Boroughs 'having or providing and maintaining at their own Cost Gaols or Houses of Correction, from the 'Necessity of committing to the Common Gaol of the County in which such City or Borough may be 'situated for Trial at the Assizes holden for such County Persons charged with Offences committed 'within the Limits of such City or Borough, and it is expedient that the Law should be altered and 'amended: And whereas it is also expedient that Justices of the Peace acting for any City or Borough 'should have the same Powers and Authorities in all respects with regard to Offences committed and 'Matters arising within the Limits of such City or Borough as Justices of the Peace for the County 'within which such City or Borough is situated now have with regard to such Offences or Matters 'under or by virtue of any local or general Act of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Justice of the Peace acting for any City or Borough now having or providing and maintaining at its own Cost, or which shall hereafter have or provide and maintain at its own Cost, a Gaol or House of Correction, to commit for safe Custody to such Gaol or House of Correction, for Trial at the Assizes to be holden for the County in which such City or Borough may be situated, any Person charged before him with any Offence, except Murder, committed within the Limits of such City or Borough, triable at such Assizes, and the Commitment shall specify that such Person is committed under the Authority of this Act, and whenever any such Person shall be committed to any such Gaol or House of Correction for Trial at such Assizes the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize a Calendar of all Prisoners in his Custody for Trial at such Assizes, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County in which such City or Borough may be situated; and the Justice or Justices by whom any Person charged as aforesaid shall be committed shall deliver or cause to be delivered to the proper Officer of the Court the several Recognizances, Informations, Depositions, and Statements, relative to such Person at the Time and in the Manner that would be required in case such Person had been committed to such County Gaol.

Prisoners may be committed to Borough Gaols for Trial at the Assizes.

II. Provided always, and be it enacted, That nothing herein contained shall be construed to give any Justice of the Peace acting for any City or Borough Power to commit Persons charged with Murder to the Gaol or House of Correction of any City or Borough for Trial at the Assizes to be holden for the County in which such City or Borough may be situated, but such Justices shall and they are hereby authorized and required to commit all such Persons to the Common Gaol of such County for Trial in such and the same Manner as if this Act had not passed: Provided also, that the Expenses properly incurred by such County in the Maintenance, safe Custody, and Care of such last-mentioned Prisoners so committed whilst in Custody in such County Gaol shall be borne and paid by such City or Borough in the Manner herein-after provided with respect to Prisoners removed to the County Gaol for Trial at the Assizes.

Justices not to commit Persons charged with Murder to any other than the County Gaol.

As to Expenses incurred in Maintenance of last-mentioned Prisoners.

III. And be it enacted, That all Persons who may under the Authority of this Act be committed to the Gaol or House of Correction of any City or Borough for Trial at the Assizes to be holden for the County in which such City or Borough may be situated shall in due Time be removed by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of the County, in order that they may be tried at the Assizes to be holden for such County, and such Removal shall not be deemed or taken to be an Escape.

Prisoners committed to Borough Gaols to be removed to County Gaol previous to Trial.

IV. And be it enacted, That every Prisoner so removed shall for and during the Time of such Removal, and also for and during such Time as he shall be detained in the County Gaol, be to all Intents and Purposes deemed and considered to be in the proper legal Custody notwithstanding he may in effecting such Removal have been taken out of the Jurisdiction of the City or Borough to the Gaol or House of Correction of which he may have been originally committed into any other Jurisdiction, or out of the County in which such Gaol or House of Correction may be situated into or through any other County or Division of a County; and no Action or other Proceeding shall or may be maintained by such Prisoner or by any other Person against the Gaoler or Keeper of the Gaol or House of Correction of any City or Borough, or against the Gaoler or Keeper of the Common Gaol of the County, by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of such City or Borough into any other Jurisdiction, or out of the County in which such City or Borough may be situated into or through any other County or Division of a County.

Prisoners whilst under Removal to be deemed to be in proper legal Custody.

V. And be it enacted, That the Expenses which shall be incurred by such County in the Maintenance, safe Custody, and Care of every Prisoner so removed whilst in Custody in such County Gaol, shall be calculated upon the same Principle and in the same Manner as provided by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws concerning Prisons*, with respect to Borough Prisoners committed to a County Prison where no special Contract is subsisting between such Borough and County relative to such Prisoners; and such Expenses, and all other Expenses which

Expenses of Prisoners removed to County Gaols to be calculated as provided by 5 & 6 Vict. c. 98.

which may be incurred by such County in respect of every such Prisoner, shall be paid by the Council of such City or Borough to the Treasurer of such Gaol or County; and the Amount of all such Expenses shall, in case of Dispute, be settled by a Barrister at Law in the Manner provided by the said Act.

Account of Expenses to be made out and signed by Clerk to Justices, and sent to Town Clerk of Borough.

VI. And be it enacted, That an Account in Writing of the Expenses due and payable, or claimed to be due and payable, in respect of the Maintenance, safe Custody, and Care of such Prisoners as aforesaid, shall be made out from Time to Time, and signed by the Clerk to the Visiting Justices of the County Gaol to which such Prisoners shall have been committed, and delivered to the Town Clerk of the City or Borough within which the Offences shall have been committed; and such Account shall be conclusive against such City or Borough, unless some Objection shall be made in Writing, and signed by the Town Clerk of such City or Borough, and delivered to the Clerk of the said Visiting Justices, within One Calendar Month next after such Account shall have been delivered to such Town Clerk.

In Cases of Conviction for Offences committed within Cities,&c., Court may commit Offender to Borough Gaol. In case of Commitment of Persons.

VII. And be it enacted, That whenever any Person shall be convicted at any Assizes of any Offence committed within the Limits of any City or Borough having or providing and maintaining at its own Cost a Gaol or House of Correction, for which Offence such Person shall be liable either to the Punishment of Transportation or Imprisonment, it shall be lawful for the Court, if it shall so think fit, to commit such Person to such Gaol or House of Correction, in execution of his Judgment; and in case of the Commitment of any Person either sentenced to Transportation or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers shall be and the same are hereby extended and given to the Gaoler or Keeper of the Gaol or House of Correction in whose Custody such Offender shall be.

Provisions as to Removal before Trial to apply to Removal after Conviction.

VIII. And be it enacted, That all the Provisions herein-before contained with reference to the Removal of Prisoners from any City or Borough Gaol to the County Gaol for Trial at the Assizes shall be applicable and shall be applied to the Removal from the County Gaol to any City or Borough Gaol of any Prisoner who, having been convicted at the Assizes, shall be committed by the Court to such Gaol or House of Correction, in execution of his Judgment.

Borough Justices to have the same Jurisdiction as County Justices under any local Act as to Offences committed within the Borough.

IX. And be it enacted, That after the passing of this Act the Justices of every City or Borough shall have the same Jurisdiction with respect to all Offences committed and Matters arising within such City or Borough as the Justices of the County in which such City or Borough is situate now have under or by virtue of any local or general Act of Parliament; and such Offences and Matters shall be cognizable by One or more of the Justices of such City or Borough in the same Manner as such Offences and Matters are now cognizable by One or more of the Justices of such County: Provided always, that in every Case in which Imprisonment may be awarded for or in respect of any such Offences or Matters aforesaid, or to enforce Payment of any Penalty, Rate, Sum of Money, or Costs imposed or made payable by or by virtue of any such general or local Act or otherwise, such Imprisonment may be awarded to take place in any Gaol or House of Correction to which the Justices of the said City or Borough now have or hereafter may have Power to commit Offenders.

Interpretation of Terms.

X. And be it enacted, That throughout this Act, where there shall be nothing in the Subject or Context repugnant to such Construction, Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number, and Words importing the Masculine Gender only shall include Females.

Extent of Act.

XI. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCII.

An Act for the more effectual Prevention of Cruelty to Animals in *Scotland*.

[14th *August* 1850.]

'WHEREAS it is expedient to prevent wanton Cruelty in the Treatment of Horses, Cattle, and other domestic Animals, in *Scotland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person who shall from and after the passing of this Act cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any Animal, shall be guilty of an Offence, and shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for ill-treating, over-driving, &c. Animals.

Penalty on Persons keeping Places for Bull-baiting, Dog-fighting, &c.

II. And be it enacted, That every Person who shall keep or use or act in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Kind of Animal, whether of domestic or wild Nature, or shall permit or suffer any Place to be so used, shall be guilty of an Offence, and every such Offender shall be liable to a Penalty not exceeding Five Pounds for every Day he shall so keep or use or act in the Management of any such Place, or permit or suffer any Place to be used as aforesaid: Provided always, that every Person who shall receive Money for the Admission of any other Person to any Place kept or used for any of the Purposes aforesaid shall be deemed to be the Keeper thereof; and every Person who shall in any Manner encourage, aid, or assist at the fighting or baiting of any Bull, Bear, Badger, Dog, Cock, or other Animal as aforesaid, shall be guilty of an Offence, and be liable for every such Offence to a Penalty not exceeding Five Pounds.

Keepers of Slaughter-houses for kill.

III. And be it enacted, That no Person shall keep or use any House or Place for the Purpose of slaughtering or killing any Horse or other Animal (which shall not be intended for Butchers Meat) without

ing Horses to be licensed.

without first taking out a Licence for that Purpose, which Licence every Sheriff within his own County is hereby authorized to grant upon being satisfied that the Person applying for such Licence is a proper Person for keeping such House or Place, and upon Payment of a Sum not exceeding Five Shillings to the Sheriff Clerk for making out and recording such Licence; and a Copy of such Licence shall be recorded in the Sheriff Clerk's Books; and any Person shall at all reasonable Hours be entitled to inspect such Books, and to make any Extract relating to such Licence therefrom, upon Payment to the Sheriff Clerk of Sixpence for such Inspection and Extract; and every Person so licensed shall cause to be painted in large legible Characters on a Board to be affixed over the Gate or Door of such House or Place his or her Name, with the Words "Licensed for slaughtering Horses, pursuant to an Act passed in the Session "of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her Majesty Queen "*Victoria*;" and any Person failing so to do shall be guilty of an Offence, and shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a farther Penalty of Five Pounds for every Day during which such Board shall not be so affixed.

Persons licensed to affix over Door, &c. a Board with the Words "Licensed for slaughtering Horses."

Description of Cattle received for slaughtering to be entered in a Book.

IV. And be it enacted, That every Person keeping or using or having the Management of any Place for slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, at the Time of receiving any Horse or other Cattle in such Place, enter in a Book such a full and correct Description of the Colour, Marks, and Gender of such Horse or other Cattle as may clearly distinguish and identify the same; and if any such Person shall refuse or neglect to make such Entry in a clear and distinct Manner, or shall refuse or neglect to produce such Book before any Magistrate, whenever required by such Magistrate so to do, or shall refuse to allow such Book to be inspected, and Extracts to be made therefrom, at all reasonable Times, by any Constable or other Person duly authorized by such Magistrate, every such Person shall be guilty of an Offence, and be liable to a Penalty for every such Offence not exceeding Forty Shillings.

Penalty for Neglect.

Persons licensed to slaughter Horses not to be licensed as Horse Dealers at same Time.

V. And be it enacted, That it shall not be lawful for any Person who shall be licensed to slaughter Horses during the Time such Licence shall be in force to be licensed as a Horse Dealer, or exercise or use the Trade or Business of a Dealer in Horses; and if any Person licensed to slaughter Horses shall while such Licence shall be in force obtain a Licence as a Horse Dealer, every such last-mentioned Licence shall be void.

Apprehension of Offender.

VI. And be it enacted, That when and so often as any of the Offences against the Provisions of this Act shall be committed, it shall and may be lawful for any Constable, upon his own View thereof, or upon the Complaint and Information of any other Person who shall declare his or her Name and Place of Abode to the said Constable, to seize and secure, by the Authority of this Act, any Offender, and forthwith, without any other Authority or Warrant, to convey such Offender before a Magistrate, to be dealt with for such Offence according to Law.

Time of preferring Complaint, and before whom and how to be disposed of.

VII. And be it enacted, That every Complaint under the Provisions of this Act shall be made within One Calendar Month after the Cause of such Complaint shall arise; and where such Complaint shall be made to the Sheriff it shall be competent to such Sheriff to proceed in and to try and to dispose of the same in the same Way and Manner, or as nearly as may be in the same Way and Manner, as any summary Criminal Case may be proceeded in, tried, and disposed of by any Sheriff in *Scotland;* and where such Complaint shall be made to a Justice of the Peace or other Magistrate, it shall be competent to such Justice or Magistrate to proceed in and to try and to dispose of the same in the same Way and Manner, or as nearly as may be in the same Way and Manner, as Justices of the Peace or other Magistrates in *Scotland* may proceed in, try, and dispose of summarily any Offence against Police, or any Breach of the Peace.

Magistrate empowered to adjudge Offender to be imprisoned or fined.

VIII. And be it enacted, That in every Case of a Conviction under this Act, where the Sum imposed as a Penalty, together with Costs (if any) awarded, by any Magistrate, for or in respect of any Offence against the Provisions of this Act, shall not be paid immediately upon the Conviction, or within such Time as the convicting Magistrate shall in the Exercise of his Discretion appoint and limit, it shall be lawful for such Magistrate and he is hereby required to adjudge the Offender to be imprisoned for any Time not exceeding Two Calendar Months, unless Payment be sooner made: Provided always, that it shall be lawful for such Magistrate, if he shall think fit, instead of imposing a pecuniary Penalty, forthwith to adjudge any such Offender to be imprisoned for any Time not exceeding Three Calendar Months.

Vehicles may be detained.

IX. And be it enacted, That whenever any Person having charge of any Vehicle or any Animal shall be taken into Custody by any Constable for any Offence against the Provisions of this Act, it shall be lawful for such Constable to take charge of such Vehicle or Animal, and deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof, or the Owner thereof, may become liable, and for Payment of any Expenses which may have been or may be necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Magistrate before whom the Case shall have been heard to order such Vehicle or such Animal to be sold, for the Purpose of satisfying such Penalty and reasonable Expenses, in default of Payment thereof.

As to Actions.

X. And be it enacted, That no Action shall be brought against any Magistrate or other Person for anything done in pursuance or under the Authority of this Act, unless such Action shall be commenced within Two Calendar Months next after the Fact committed, and no Action shall be commenced until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to the Defender, or left for him at his usual Place of Abode, by the Party intending to commence such Action,

Action, or by his Agent, in which Notice the Cause of Action shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Parties so intending to sue, and also the Name and Place of Abode or of Business of such Agent, if such Notice shall have been served by such Agent.

Construction of Terms.

XI. And be it enacted, That the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Magistrate" shall be taken to mean a Sheriff or Justice of the Peace or other Magistrate for the County, City, Burgh, Stewartry, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of such Sheriff, Justice of the Peace, or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Sheriff Officer, Police Officer, Special Constable, Justice of Peace Constable, or any Person belonging to any Constabulary Force in any Part of the United Kingdom:

Words denoting the Singular Number shall include the Plural Number, and Words denoting the Masculine Gender shall include Persons and Animals of the Feminine Gender:

The Word "over-drive" shall also signify "over-ride."

Nothing in this Enactment to interfere with Prosecutions at Common Law.

XII. And be it enacted, That nothing contained herein shall prevent any Act which may be an Offence under this Act, but which could have been prosecuted and punished as an Offence at Common Law, or under any Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XCIII.

An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline, in the Merchant Service. [14th *August* 1850.]

'WHEREAS it is expedient to make Provision for improving the Condition of Masters, Mates, and Seamen, and for maintaining Discipline, in the *British* Merchant Service:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. *Short Title.*

1. That this Act may be cited as "The Mercantile Marine Act, 1850."

II. *Interpretation.*

2. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

Number and Gender:

Words of One Number or Gender shall import all Numbers and Genders:

"Her Majesty:"

The Expression "Her Majesty" shall include Her Majesty, Her Heirs and Successors:

"Her Majesty's Dominions:"

The Expression "Her Majesty's Dominions" shall include Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain:*

"United Kingdom:"

The Expression "United Kingdom" shall include *Great Britain* and *Ireland:*

"Board of Trade:"

The Expression "Board of Trade" shall mean the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Consular Officer:"

The Word "Consular Officer" shall include Consul-General, Consul, and Vice-Consul:

"Ship:"

The Word "Ship" shall include every Description of Sea-going Vessel:

"Home Trade Ship:"

The Expression "Home Trade Ship" shall include every "Ship" to which this Act applies employed in trading or going within the following Limits; (that is to say,) the Coasts of the United Kingdom, the Islands of *Guernsey, Jersey, Sark, Alderney,* and *Man,* and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:

"Foreign-going Ship:"

The Expression "Foreign-going Ship" shall include every "Ship" to which this Act applies employed in trading or going beyond the Limits aforesaid:

"Seaman:"

The Word "Seaman" shall include every Person (except Masters and Apprentices duly indentured and registered) employed or engaged to serve in any Capacity on board any "Ship:"

"General Merchant Seamen's Act:" 7 & 8 Vict. c. 112.

The Expression "General Merchant Seamen's Act" shall mean an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria,* intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen:*

"Seamen's Protection Act:" 8 & 9 Vict. c. 116.

The Expression "Seamen's Protection Act" shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria,* intituled *An Act for the Protection of Seamen entering on board Merchant Ships.*

Explanation and Alteration of Terms in

3. And be it declared and enacted, That the Words "Seaman" and "Seamen" in the said "Seamen's Protection Act" are meant to include any Person or Persons about to serve as Seamen, notwithstanding that they have not previously been at Sea, and are also meant to include Apprentices in the Sea Service and

& 9 Vict. c. 116.

and Persons about to become such Apprentices; and that the said "Seamen's Protection Act" shall, after the Thirty-first Day of *December* One thousand eight hundred and fifty, be read and construed as if the Expression "the Ship's Husband" were replaced by the Expression "a Mate of the Ship," and the Expression "Ship's Husband" were replaced by the Expression "Mate of the Ship."

III. *Extent of Operation.*

4. And be it enacted, That the several Parts of this Act which relate to any "Ships," or to the Owners, Masters, Mates, "Seamen," or Apprentices of any "Ships," shall, so far as the Context and Subject Matter admit, have the following Applications; (that is to say,)

As to Parts which affect or repeal former Acts;

So much of this Act as repeals, alters, or explains any existing Enactment shall apply to the same "Ships" and to the same Matters and Persons to which such Enactment applies:

As to Remainder.

The Remainder of this Act shall, so far as the Context and Subject admit, apply to all "Ships" registered or licensed in the "United Kingdom," (except such as are exclusively employed in fishing on the Coasts of the "United Kingdom," and such as belong to the Corporation of the *Trinity House of Deptford Strond*, the Commissioners of Northern Lighthouses, or the Corporation for preserving and improving the Harbour of *Dublin*, and also except Pleasure Yachts,) and also to all "Ships" registered or licensed in any other Part of "Her Majesty's Dominions," and employed in trading or going between any Place in the "United Kingdom" and any Place or Places not situate in the Territory or Colony in which such "Ship" is registered, and to the Owners, Masters, Mates, and Crews of such "Ships" respectively.

IV. *Time of Operation.*

5. And be it enacted, That the several Parts of this Act shall come into operation at the several Times following; (that is to say,)

As to Boards, &c., Shipping and Register Offices, and Examinations;

So much of this Act as relates to the Appointment of new Officers of the "Board of Trade," and to the Powers hereby given to that Board, and to the Constitution and Powers of Local Marine Boards, and to the Register Office for "Seamen," and to the Establishment of Shipping Offices, and of Examinations for Masters and Mates, shall come into operation immediately on the passing hereof:

As to Production of Certificates, &c.;

So much of this Act as relates to the compulsory Production of Certificates of Masters and Mates, Agreements with "Seamen," Advances and Allotments of Wages, Health on board Ship, Desertion, Discipline, Log Books, Payment of Wages, and Discharge of "Seamen," shall, with respect to such "Ships" as are in the "United Kingdom" on the First Day of *January* One thousand eight hundred and fifty-one, and to the Owners, Masters, Mates, and Crews thereof, come into operation on that Day; and with respect to such "Ships" as are not within the "United Kingdom" on that Day, and to the Owners, Masters, Mates, and Crews thereof, as soon after the first subsequent Arrival of such "Ship" in the "United Kingdom" as Preparations are commenced for a further Voyage or Departure from any Place therein:

As to Remainder.

And the Remainder of this Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty-one.

V. *Board of Trade and Local Boards.*

6. And be it enacted, That the "Board of Trade" shall undertake the general Superintendence of Matters relating to the *British* Mercantile Marine, and shall be authorized to carry this Act into execution, and to enforce by legal Proceedings or by such other lawful Means as may seem to it expedient the Provisions of this Act and of all other Acts and Laws relating to the *British* Merchant Service, and may also open an Account or Accounts with the Bank of *England* in the Manner and for the Purposes herein-after mentioned.

New Duties and Powers generally.

Constitution and Functions of Local Marine Boards.

7. And be it enacted, That at such of the Seaports of the "United Kingdom" as have in "Ships" ordinarily employed as "Foreign-going Ships" a Registered Tonnage of Thirty thousand Tons or upwards, and at such other Places as the "Board of Trade" may appoint for this Purpose, Local Marine Boards shall be established for carrying into effect the Provisions of this Act, under the Superintendence of the "Board of Trade;" and each of such Local Marine Boards shall be constituted as follows; that is to say, the Mayor or Provost and the Stipendiary Magistrate, or such of the Mayors or Provosts and Stipendiary Magistrates of the Place (if more than One) as the "Board of Trade" may appoint, shall be a Member or Members *ex officio*, the "Board of Trade" shall appoint Four Members from Residents in the Place or within Seven Miles thereof, and the Owners of such Foreign-going Shipping as aforesaid registered at the Port shall elect Six Members, to be qualified as herein-after mentioned; and such Appointments and Elections shall, in the first instance, take place on the Twenty-fifth Day of *October* One thousand eight hundred and fifty, and shall afterwards take place on the Twenty-fifth Day of *October* in every Third succeeding Year, except in the Case of occasional Vacancies by Death, Resignation, Disqualification, or otherwise, which shall be filled up within One Calendar Month after they occur; and every Person elected on an occasional Vacancy shall continue a Member until the next ordinary triennial Election; and the Mayor or Provost shall fix the Place and Mode of conducting such Elections, and also on occasional Vacancies the Day of Election, and shall give at least Ten Days Notice thereof; and the Board of Trade shall have Power to decide any Questions which may be raised concerning the Conduct of such Elections: Provided, that no Act of any Local Board shall be vitiated or prejudiced by reason of any Irregularity in the Election of any of its Members, or of any Error in the List of Voters herein-after mentioned, or of any Irregularity in the making or revising such List, or by reason of any Person who is not duly qualified as herein-after provided acting upon such Board: Provided also, that if in any Place, by reason of any Election not taking place, or of the constant Non-attendance of all or the greater Part of the elective Members, or from any other Cause, any Local Marine Board fails to meet or to discharge its Duties, the "Board of Trade" may, if such Failure occurs within Three Months before the next triennial Election of such Local Marine Board, undertake

undertake such Duties provisionally until such Election, or, if such Failure occurs more than Three Months before such Election, may direct a new Election of the Elective Members of such Local Marine Board to be had immediately. *Board of Trade, &c.*

8. And be it enacted, That every Local Marine Board shall keep Minutes of its Proceedings, in such Mode as the Board of Trade may prescribe, and such Minutes, and all Books or Documents used or kept by any Local Marine Board, or by any Examiners, Shipping Masters, or other Officers, under the Control of any Local Marine Board, shall be open to the Inspection of the Board of Trade and its Officers; but every Local Marine Board may regulate the Mode in which its Meetings are to be held and its Business conducted. Minutes and Business of Local Boards.

9. And be it enacted, That Owners of "Foreign-going Ships" registered at any Seaport in which there is to be a Local Marine Board shall have Votes at the Election of Members of such Board, as follows; (that is to say,) every registered Owner of Two hundred and fifty Tons in the whole of such Shipping shall, on the Election of each Member, have One Vote for every Two hundred and fifty Tons owned by him, so that his Votes for any One Member do not exceed Ten; and for the Purpose of ascertaining such Qualification the following Rules shall be observed; (that is to say,) in the Case of a "Foreign-going Ship" registered in the Name of One Person, such Person shall be deemed to be the Owner; and in the Case of a "Foreign-going Ship" registered in distinct and several Shares in the Names of more Persons than One, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed the Owner of the Tonnage so apportioned to him; and in the Case of a "Foreign-going Ship," or Shares of a "Foreign-going Ship," registered jointly without Severance of Interest in the Names of more Persons than One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between the joint Owners, and each of such joint Owners shall be deemed the Owner of the equal Share so apportioned to him, but if the Tonnage aforesaid is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners resident at the Port, or within Seven Miles thereof, as is first named on the Register; and in making Apportionment any Portion may be struck off so as to obtain a divisible Amount; and the whole Amount of Tonnage so owned by each Person, whether in "Ships" or Shares of or Interests in "Ships" shall be added together, and if sufficient shall constitute his Qualification; provided that no Person appearing by the Register to be a Mortgagee or Trustee for Sale shall be entitled to vote, but the Person who, subject to such Mortgage or Trust, is the registered Owner, shall for the Purpose of voting be considered the Owner as if no such Mortgage or Trust existed. Qualification of Voters for Members to Local Marine Boards.

10. And be it enacted, That the Collector of Her Majesty's Customs in every Seaport of the United Kingdom at which there is to be a Local Marine Board shall, with the Assistance of the Registrar of Seamen, on or before the Twenty-fifth Day of *September* in the present and in every Third succeeding Year, make out or cause to be made out an alphabetical List of all Persons who may be entitled by virtue of this Act to vote in the Election of a Member or Members to serve on the Local Marine Board of such Seaport; and in such List the Christian Name and Surname and Residence of every Person shall be written at full Length, together with the Number of Votes to which such Person is entitled; and the said Collector shall sign such List, and shall cause a sufficient Number of Copies of such List to be printed, and to be fixed on or near the Doors of the Custom House at such Seaport for Two entire Weeks next after such List has been made; and the said Collector shall likewise keep true Copies of such List, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Two Weeks. Register of Votes for Election of Members of Board.

11. And be it enacted, That Two of Her Majesty's Justices of the Peace, to be nominated triennially by the Mayor or Provost of every Seaport at which there is to be a Local Marine Board, and which Nomination the said Mayor or Provost is hereby required from Time to Time to make, shall, between the Eighth and Fifteenth Days of *October*, both inclusive, in the present and in every Third succeeding Year, having first given Three Days Notice of such Revision by advertising the same in One or more Newspapers in such Seaport, and by affixing such Notice on or near to the Doors of the Custom House of such Seaport, revise at such Custom House, or in some convenient Room or Place near thereto to be hired for the Purpose by the said Collector, the List so made out as aforesaid; and on every such Revision any Person whose Name has been omitted from such List may claim to be inserted therein, and any Person whose Name has been inserted in such List may object to any other Person as not being entitled to have his Name inserted therein; and the said Revisors may insert the Name of any such Person so claiming to be inserted in such List, on Proof of his being entitled to have his Name so inserted, and shall retain the Name of any Person so objected to, if the Objection shall not have been established to their Satisfaction, and shall retain in the said List the Name of every Person to whom no such Objection shall have been made; and the Decision of the said Revisors with respect to every such List shall be final and conclusive, without Appeal; and the said Revisors shall immediately after such Revision sign their Names at the Foot of the List so revised; and such List, so revised, shall be the Register of Voters in the Election of Members to the Local Marine Board of such Seaport for Three Years from the Twenty-fifth Day of *October* then next ensuing, inclusive, to the Twenty-fourth Day of *October* inclusive, in the Third succeeding Year; and when and so soon as the said List is so signed the same shall be delivered to the Mayor or Provost of the said Seaport, who shall cause a sufficient Number of Copies thereof to be printed, and delivered to any Voter applying for the same. Revision of List of Voters.

Board of Trade, &c.

Registers to be produced.

12. And be it enacted, That the Collector of Her Majesty's Customs of every such Seaport shall, for the Assistance of the said Revisors in revising the said List, produce to them the Books containing the Register of Ships registered at such Seaport, and such Revisors shall be allowed to inspect the same; and the Registrar of Seamen shall also produce or transmit to such Revisors such certified Extracts or Returns from the Books in his Custody as may be necessary for the same Purpose.

Expenses of Collector, Mayor, or Provost, to be repaid to him.

13. And be it enacted, That all Expenses incurred by the said Collector at any such Seaport in making and printing the said List, and in the Revision thereof, and all Expenses of the Mayor or Provost in printing the same, shall be certified by the said Justices, in Writing under their Hands, and shall be repaid to the said Collector, Mayor, and Provost by the Board of Trade; and the Board of Trade shall also repay to the said Mayor or Provost all Expenses properly incurred by them in Elections under this Act.

Persons on List qualified to vote.

14. And be it enacted, That every Person whose Name shall appear on such revised List, and no other Person, shall be qualified to vote at the Election of Members of the Local Marine Board at such Seaport to be held on the Twenty-fifth Day of *October* next after the Revision of such List, and at any occasional Election held at any Time between that Day and the next ordinary triennial Election of Members of the said Board.

Qualification of Members of Local Marine Boards.

15. And be it enacted, That every Male Person who is, according to such revised List, entitled to a Vote or Votes, and shall reside in the Seaport for which such List has been revised, or within Seven Miles thereof, shall be qualified to be elected a Member of the Local Marine Board of such Seaport: Provided always, that every such Person elected to such Board who after such Election ceases to be an Owner of such Quantity of Tonnage as would entitle him under this Act to One Vote as aforesaid, or to reside as aforesaid, shall no longer continue to act or be considered as a Member of such Board, and thereupon another Election of a qualified Member shall take place and be had in the Stead of such Member of the said Board ceasing to be entitled or to reside as aforesaid.

Certain Functions of Admiralty may be transferred to Board of Trade.

16. And be it enacted, That any Functions or Powers relating to "Seamen" or Apprentices not employed in Her Majesty's Service, which are now vested in or exercised by the Lord High Admiral or the Commissioners for executing his Office, may, with his or their Consent, be transferred to and exercised by the "Board of Trade."

New Officers and Servants to be appointed.

17. And be it enacted, That the "Board of Trade" shall nominate Two proper Persons to assist such Board in the Execution of this Act, and may from Time to Time remove and replace them, and appoint an annual Salary not exceeding Six hundred Pounds to each of them, and may also for the Purposes aforesaid from Time to Time appoint and remove such Officers, Clerks, and Servants as it may deem necessary, and fix and alter the Amount of Salaries and Wages to be paid to them.

Accounts to be laid before Parliament.

18. And be it enacted, That the "Board of Trade" shall cause Accounts of all Monies received or paid by it or by its Agents, in pursuance of this Act, during the preceding Year, and of all Monies or Investments applicable to any of the Purposes of this Act of which it may be possessed for the Time being, to be laid before each House of Parliament in the Month of *January* in every Year, if Parliament is then sitting, or, if Parliament is not then sitting, within One Month after the next Meeting thereof.

Minutes, &c. if sealed, to be received as Evidence.

19. And be it enacted, That all Documents purporting to be Originals or Copies of any Minutes or Orders of the "Board of Trade" on Matters connected with the Merchant Service, or of any Scales of Fees settled by it in pursuance of this Act, and purporting to be sealed with the Seal of the "Board of Trade," shall be taken as Evidence of such Minutes, Orders, and Scales of Fees respectively, without any further Proof.

The Board to sanction Forms required by 7 & 8 Vict. c. 112.

20. And be it enacted, That the "Board of Trade" shall sanction Forms of the several Documents which are required to be in any particular Form by the "General Merchant Seamen's Act," or by so much thereof as is in force for the Time being, and may vary such Forms from those contained in the Schedules thereto, not omitting any essential Particulars.

The Board to settle and issue Forms required by this Act.

21. And be it enacted, That the "Board of Trade" shall cause all such Forms as are hereby required to be sanctioned by it to be prepared, and to be sealed with such Seal as aforesaid, or to be marked with some other distinguishing Mark to be devised and employed for that Purpose, and shall cause such Forms to be issued and sold as herein-after mentioned; and all Books and Documents hereby required to be made in Forms so sanctioned shall, if made in Forms purporting to be so sealed or marked, be taken to have been made in such Forms, unless the contrary is proved; and no Book or Document hereby required to be made in a Form so sanctioned shall be admissible in Evidence in any Civil Proceeding on the Part of any Owner or Master of a Vessel unless the same purports to be so sealed or marked: Provided, that the First Set of Forms to be so issued shall be circulated amongst the Local Marine Boards and otherwise published for Six Weeks previous to the First Day of *January* One thousand eight hundred and fifty-one, and after the First Day of *January* One thousand eight hundred and fifty-one no new Form shall be finally issued and brought into use, unless the same has, Three Months or upwards previously to such Issue, been circulated amongst the Local Marine Boards or otherwise published.

No Form not marked to be received as Evidence.

Forms to be published previously.

Forms to be exempt from Stamp Duty.

22. And be it enacted, That all Instruments hereby required to be made in Forms sanctioned by the "Board of Trade" shall, if made in such Forms, be exempt from Stamp Duty.

Penalties for Forgery of Seal, and fraudulent Alteration of Forms;

23. And be it enacted, That every Person who forges or procures to be forged or assists in forging such Seal or other distinguishing Mark as aforesaid, or who fraudulently alters or procures to be altered or assists in altering any Form issued by the "Board of Trade," with the view of evading any of the Provisions of this Act, or any Condition contained in such Form, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds,

or

or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit; and every Person who, in any Case in which a Form sanctioned by the "Board of Trade" is hereby required, without reasonable Excuse uses any Form not purporting to be so sanctioned, or who sells, buys, or uses any Document purporting to be a Form so sanctioned, knowing the same not to be so sanctioned, or not to have been prepared and issued by the "Board of Trade," shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

Board of Trade, &c.

for not using Forms issued by the Board.

VI. *Conduct and Qualifications of Masters and Mates.*

24. And be it enacted, That Examinations shall be instituted for Persons who intend to become Masters or Mates of "Foreign-going Ships," or who wish to procure Certificates of Competency hereinafter mentioned; and the "Board of Trade" shall from Time to Time determine on a general Plan for the Conduct thereof; and the Local Marine Boards of such Ports as have in "Ships" ordinarily employed as "Foreign-going Ships" a registered Tonnage of Thirty thousand Tons or upwards, and such other Local Marine Boards as the Board of Trade may appoint, shall provide for the Examinations at their respective Ports, and may appoint and from Time to Time remove and re-appoint Examiners to conduct the same, and may, subject to the general Superintendence of the "Board of Trade," regulate the same, and may, subject to the Sanction of the Board of Trade, fix the Remuneration of such Examiners; provided, that if it appears to the "Board of Trade" that the Examinations for any Two or more Ports can be conducted without Inconvenience by the same Examiners, it may require and authorize the Local Marine Boards of such Ports to act together as One Board in providing for and regulating Examinations and appointing and removing Examiners for such Ports; and all Examiners shall possess Certificates of Qualification to be from Time to Time granted by the "Board of Trade," and shall adhere to the general Plan of Examination instituted by it; and the "Board of Trade" may at any Time depute any of its Officers to be present and assist at any Examination, and any Members of the Local Marine Board of the Place where the Examination is held may also be present and assist at any such Examination.

Examinations to be instituted for Masters and Mates of "Foreign-going Ships."

25. And be it enacted, That all Applicants for Examination shall pay such Fees, not exceeding the Sums specified in Schedule (A.), as the "Board of Trade" may direct, to such Persons as it may appoint for that Purpose.

Fees to be paid by Applicants.

26. And be it enacted, That the "Board of Trade" shall deliver to every Applicant who is reported by the Local Examiners to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, Ability, and general good Conduct on Shipboard, a Certificate to the Effect that he is competent to act as Master or Mate, herein-after called a Certificate of Competency.

Certificates of Competency to be granted to those who pass, &c.

27. And be it enacted, That Persons who have before the First Day of *January* One thousand eight hundred and fifty-one served as Masters or Mates in the *British* Merchant Service, or who have attained or hereafter may attain the Rank of Lieutenant, Master, Passed Mate, or Second Master, or any higher Rank, in the Naval Service of Her Majesty or of the *East India* Company, shall be entitled, without Payment of any Fee, to Certificates as Masters or Mates (as the Case may be), differing in Form from "Certificates of Competency," and herein-after called "Certificates of Service;" and each of such Certificates shall contain Particulars of the Name, Place, and Time of Birth, and of the Length and Nature of the previous Service of the Person to whom the same is delivered; and the "Board of Trade" shall deliver to any Person who proves himself to have served as Master in such Manner and before such Time as aforesaid, or to have attained such Rank as aforesaid, and who also gives a full and satisfactory Account of the Particulars aforesaid, a "Certificate of Service" either as Master or Mate, as he may desire, and shall deliver to any Person who proves himself to have served as Mate in such Manner and before such Time as aforesaid, and who also gives a full and satisfactory Account of the Particulars aforesaid, a "Certificate of Service" as Mate; and the "Board of Trade" may also, in Cases in which it thinks fit so to do, give Certificates of Competency in lieu of Certificates of Service to any deserving Persons who have attained such Rank as above mentioned, or who before this Act comes into operation have obtained Certificates from the "Board of Trade," without requiring them to be examined.

Certificates of Service to be delivered to Persons who are already Masters and Mates, and to Officers in the Service of Her Majesty and the East India Company.

Board may in some Cases give them Certificates of Competency.

28. And be it enacted, That if any Master or Mate is convicted of a Misdemeanor under this Act, or is superseded by the Order of a Naval Court constituted as herein-after mentioned, the "Board of Trade" may thereupon cancel or suspend his Certificate, whether of Competency or Service; and if the "Board of Trade" or any Local Marine Board has Reason to believe that any Master or Mate is from Incompetency or Misconduct unfit to discharge his Duties, such Board may either institute an Investigation, or, if expedient, the "Board of Trade" may direct the Local Marine Board at or nearest to the Place at which it may be convenient for the Parties and Witnesses to attend to institute the same; and thereupon such Persons as the "Board of Trade" may appoint for the Purpose, or, as the Case may be, the Local Marine Board, shall, with the Assistance of a Local Stipendiary Magistrate (if any), and if there is no such Magistrate, of a competent legal Assistant to be appointed by the "Board of Trade," conduct the Investigation, and may summon the Master or Mate to appear, and shall give him full Opportunity of making a Defence, either in Person or otherwise, and may exercise any of the Powers of procuring Evidence herein-after given to Special Inspectors appointed by the "Board of Trade," and shall on the Conclusion of the Investigation make a Report upon the Case to the "Board of Trade;" and if such Report is to the Effect that such Master or Mate is, either from Incompetency, or from habitual Drunkenness, or from tyrannical Habits, unfit to discharge his Duties, the "Board of Trade" may cancel or suspend his Certificate, whether of Competency or Service; and every Master or Mate whose Certificate is cancelled or suspended shall thereupon deliver it to the "Board of Trade," or as it may direct;

Power to Board of Trade, under certain Conditions, to cancel or suspend Certificates.

Masters and Mates.

and such Board may at any subsequent Time grant a fresh Certificate to any Person whose Certificate has been cancelled, and it may pay the Expense of any such Investigation as aforesaid, and may pay to such Magistrate or legal Assistant as aforesaid such Remuneration as it may deem fit: Provided always, that no Person interested in any Ship shall take part in any Investigation relating thereto or to the Conduct or Competency of any Master or Mate thereof.

The Registrar to have Notice of Grants, Cancellations, &c. of Certificates, and to record the same.

Duplicates and Entries to be Evidence.

In case of Loss a Copy to be granted.

29. And be it enacted, That all Certificates, whether of Competency or Service, shall be made in Duplicate, and one Part shall be delivered to the Person entitled to the Certificate, and the other shall be kept and recorded by the Registrar of Seamen or by such other Person as the "Board of Trade" may direct so to do; and the Board shall give to the Registrar or such other Person immediate Notice of all Orders made by it for cancelling, suspending, altering, or otherwise affecting any Certificate; and the Registrar or such other Person as aforesaid shall thereupon make a corresponding Entry in the Record of Certificates; and a Copy purporting to be certified by the Registrar or his Assistant or by such Person as aforesaid of any Certificate shall be *primâ facie* Evidence of such Certificate, and a Copy purporting to be so certified as aforesaid of any Entry made as aforesaid in respect of any Certificate shall be *primâ facie* Evidence of the Truth of the Matters stated in such Entry; and in case any Master or Mate proves to the Satisfaction of the "Board of Trade" that he has innocently lost or been deprived of any Certificate already granted to him, the Board shall, upon Payment of such Fee (if any) as it may direct, cause a Copy of the Certificate to which by the Record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid, and to be delivered to him, and any Copy which purports to be so made and certified as aforesaid shall have all the Effect of the Original.

No Foreign-going Ship is to proceed to Sea without Production of the Certificates of the Master and Mates.

30. And be it enacted, That no "Foreign-going Ship" shall go to Sea, unless the Master and the First and Second Mates or the only Mate (as the Case may be), if engaged to serve in those Capacities at the Commencement of the Voyage, have obtained and possess valid Certificates either of Competency or Service appropriate to their several Stations; and no Officer of Customs shall clear Outwards any such "Ship" or permit any such "Ship" to proceed to Sea unless such appropriate Certificates are produced to him; and the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until such Certificates are produced, and Clearance may be delayed till such Expense is satisfied.

Penalties for false Representations; for forging or altering or fraudulently using any Certificate; for neglecting to give up Certificate when cancelled; and for going to Sea without Certificate.

31. And be it enacted, That every Person who makes or procures to be made or assists in making any false Representation for the Purpose of obtaining for himself or for any other Person a Certificate either of Competency or Service, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such Certificate or any official Copy of any such Certificate, or who fraudulently makes use of any such Certificate or any Copy of any such Certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit; and every Person who neglects or refuses to give up a cancelled or suspended Certificate when required by the "Board of Trade" so to do, or who, having been engaged to serve as Master or as First or Second or only Mate of any "Foreign-going Ship," goes to Sea as such Master or Mate without being at the Time entitled to and possessed of a valid and appropriate Certificate, or who employs any Person as Master or Mate of any such "Ship" as aforesaid knowing him not to be entitled at the Time to a valid and appropriate Certificate, shall for each such Offence be liable to a Penalty not exceeding Fifty Pounds.

VII. *Registration.*

Transfer to Board of Trade of Control over Registrar.

Register Tickets may be dispensed with.

Power to alter or abolish the Office.

32. And be it enacted, That all Powers of controlling and regulating the General Register and Record Office for Seamen which are given to the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral by the said "General Merchant Seamen's Act" and by an Act passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service*, shall, from the Time when this Act comes into operation, be vested in the "Board of Trade;" and such Board may, with the Concurrence of the said Lord High Admiral or Commissioners, dispense with the Observance of all or any of those Parts of the "General Merchant Seamen's Act" which relate to Register Tickets of "Seamen;" and such Board may direct the Performance by the Registrar of Seamen of any other Duties than those now imposed on him, or may unite his Office and Duties with any other Office and Duties relating to the Merchant Service, or may abolish his Office, and direct any Duties thereof which the Board may think it desirable to continue to be performed by such Persons, being Servants or Agents of the Board, and in such Manner as the Board may think fit; and the Commissioners of Her Majesty's Treasury may make any Alterations in the Payment of the Salaries and Allowances of the Registrar, his Assistants and Clerks, and may regulate the Salaries or Allowances to be paid to them or to any other Persons for performing any of his or their continuing Duties.

Treasury to regulate Salaries.

Registry, how to be kept in future.

33. And be it enacted, That the Registrar of Seamen or such other Person as the "Board of Trade" may direct so to do shall, so far as by means of the Documents transmitted to him he is able so to do, keep a Record of such Particulars relating to Persons in the Merchant Service as are now recorded by him, or such other Record of Matters relating to such Persons as the Board may direct.

Shipping Masters and other Officers

34. And be it enacted, That all Shipping Masters and Officers of Customs shall take charge of all Documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such Time (if any) as may be necessary for the Purpose of settling any Business arising

arising at the Place, or for any other proper Purpose, and shall, if required, produce them for any of such Purposes, and shall then transmit them, excepting Log Books, to the Registrar of Seamen, or to such other Person as the "Board of Trade" may direct, to be by him recorded and preserved; and the Registrar, or such other Person as the Board may intrust with the Custody of any such Document, shall, on Payment of a moderate Fee to be fixed by the Board, or without Payment of any Fee if the Board so direct, allow any Person to inspect the same, and, in Cases in which the Production of the Original in any Court of Justice or elsewhere is essential, produce the same, and in other Cases make and deliver to any Person requiring it a certified Copy thereof or of any Part thereof; and every Copy purporting to be so made and certified shall be received in Evidence, and shall have all the Effect of the Original of which it purports to be a Copy.

to transmit Documents to Registrar, to be preserved.

Registrar to permit Inspection, to produce Originals, and give Copies.

VIII. *Shipping Offices.*

35. And be it enacted, That in every Seaport in the "United Kingdom" in which there is a Local Marine Board such Board shall establish a Shipping Office or Shipping Offices, and may procure the requisite Premises, and appoint, and from Time to Time remove and re-appoint, Superintendents of such Offices, to be called Shipping Masters, with any necessary Deputies, Clerks, and Servants, and fix and from Time to Time alter their Salaries and Wages, and regulate the Mode of conducting Business at such Offices, and have complete Control over the same, subject to the Approval and immediate Direction of the "Board of Trade" so far as regards the Number of Persons appointed, the Amount of Salaries and Wages, and the Receipt and Payment of Money; and, subject as aforesaid, every Shipping Master shall obey the Directions of the Local Marine Board by which he is appointed; and all Shipping Masters, Deputies, Clerks, and Servants shall before entering upon their Duties give such Security (if any) for the due Performance thereof as the "Board of Trade" may require; and every Act done by or before any Deputy duly appointed shall have the same Effect as if done by or before the Shipping Master: Provided, that if in any Case any Two Members of any Local Marine Board complain to the "Board of Trade" that any Shipping Master, Deputy, Clerk, or Servant appointed by such Local Marine Board does not properly discharge his Duties, the "Board of Trade" may investigate the Case, and may, if the Complaint is substantiated, remove him from his Office, and may provide for the proper Performance of his Duties until another Person is properly appointed in his Place.

Local Boards may establish and regulate Shipping Offices.

36. And be it enacted, That it shall be the general Business of Shipping Masters appointed as aforesaid to afford Facilities for engaging "Seamen" by keeping Registries of their Names and Characters, to superintend and facilitate their Engagement and Discharge in manner herein-after mentioned, to provide Means for securing the Presence on board at the proper Times of Men who are so engaged, and to perform such other Duties in respect of "Seamen" as are hereby or may hereafter be committed to them.

Business of such Offices generally.

37. And be it enacted, That the "Board of Trade" may, with the Consent of Her Majesty's Commissioners of Customs, cause any Duties relating to "Seamen" or Apprentices which are now performed by Officers of Customs to be transferred to and performed by Shipping Masters appointed under this Act.

Business may be transferred from Customs to Shipping Masters.

38. And be it enacted, That Fees shall be payable upon Engagements and Discharges which in pursuance of this Act are to be effected before Shipping Masters as herein-after mentioned, so nevertheless that such Fees shall not exceed the Sums specified in Schedule B.; and, subject to such Restriction, the "Board of Trade" shall fix and may alter the Amount of such Fees, and shall cause Scales thereof to be prepared and to be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, Clerks, and Servants, may refuse to proceed with any Engagement or Discharge unless the Fees payable thereon are first paid.

Fees to be paid upon Engagements and Discharges, not exceeding Sums in Schedule B.

39. And be it enacted, That every Owner or Master of a "Ship" engaging or discharging any Crew or "Seaman" in a Shipping Office or before a Shipping Master shall pay to the Shipping Master the whole of the Fees hereby made payable in respect of such Engagement or Discharge, and may, notwithstanding anything in the "Seamen's Protection Act" contained, for the Purpose of in part reimbursing himself, deduct in respect of each such Engagement or Discharge, from the Wages of all Persons (except Apprentices) so engaged or discharged, and retain, any Sums not exceeding the Sums specified in that Behalf in Schedule C.

Masters to pay Fees, and to deduct Part from Wages.

Schedule C.

40. And be it enacted, That any Shipping Master, Deputy Shipping Master, Clerk, or Servant who demands or receives any Remuneration whatever, either directly or indirectly, for hiring, supplying, or providing any "Seaman" for any Merchant Ship, excepting the lawful Fees payable under this Act, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Shipping Masters taking unlawful Fees liable to a Penalty.

41. And be it enacted, That the "Board of Trade" shall cause printed Forms of all Agreements, Advance Notes, Allotment Notes, Receipts, Discharges, Official Log Books, and other Documents which in pursuance of this Act are issued or sanctioned by the Board for the Use of Persons engaged in or connected with the Merchant Service, to be supplied or sold at all Shipping Offices, at such Times, to such Persons, at such moderate Prices (if any), and in such Manner as the Board may direct, or by such other Persons as it may license so to do.

Forms issued by the Board to be sold at Shipping Offices.

42. And be it enacted, That the "Board of Trade" may, with the Consent of the Commissioners of Her Majesty's Customs, direct that at any Place in which no separate Shipping Office is established the whole or any Part of the Business of the Shipping Office shall be conducted at the Custom House, and thereupon the same shall be there conducted accordingly; and in respect of such Business such Custom House shall for all Purposes be deemed to be a Shipping Office, and the Officer of the Customs there to whom

Business of Shipping Offices may be transacted at Custom Houses

Shipping Offices.

whom such Business is committed shall for all Purposes be deemed to be a Shipping Master, within the Meaning of this Act.

The Board may authorize Sailors Homes to take and retain Fees; and may appoint Sailors Homes in London.

43. 'And whereas it is expedient to encourage Sailors Homes in the Seaports of the "United 'Kingdom:"' Be it enacted, That if the "Board of Trade" or any Local Marine Board appoints any Superintendent or other Person connected with any such Home to be a Shipping Master, or constitutes any Office in any such Home a Shipping Office for all or any of the Purposes of this Act, the "Board of Trade" may authorize the whole or any Portion of the Fees paid at any such Office to be appropriated for the Use of such Home: Provided also, that in the Port of *London* the "Board of Trade" may appoint any Superintendent of any Sailors Home, or any other Person connected therewith, to be a Shipping Master, with such Deputies, Clerks, and Servants as may be necessary, and may appoint any Office in any such Home to be a Shipping Office, and may from Time to Time revoke and alter such Appointments; and all Shipping Masters, Deputies, Clerks, and Servants so appointed, and all Shipping Offices so constituted, in the Port of *London*, shall be subject to the immediate Control of the "Board of Trade," and not to the Local Marine Board of the Port.

The Board may dispense with the Shipping Master's Superintendence.

44. And be it enacted, That the "Board of Trade" may from Time to Time in any Case or Class of Cases dispense with the Transaction before a Shipping Master or in a Shipping Office of any Matters required by this Act to be so transacted; and thereupon such Matters shall, if duly transacted as otherwise required by Law, be as valid as if transacted before a Shipping Master or in a Shipping Office.

IX. *Engagement of Seamen and Commencement of Employment.*

Repeal of Provisions as to Agreements, &c.

45. And be it enacted, That so much of the "General Merchant Seamen's Act" as relates to Agreements with "Seamen" shall be repealed from the Time when so much of this Act as relates to the same Particulars comes into operation, except as to Agreements entered into and Liabilities and Penalties incurred before that Time; and that such of the Provisions of the same Act as relate to the Delivery and Production of the Agreements thereby required to any Consular or Naval Officer or Officer of Customs abroad, and to Endorsements to be made thereon by any such Officer, shall apply to the Agreements hereby required.

Agreements to be made with Seamen, containing certain Particulars.

46. And be it enacted, That every Master of a "Ship" shall, on carrying any "Seaman" to Sea as one of his Crew, enter into an Agreement with him in the Manner herein-after mentioned; and every such Agreement shall be in a Form to be sanctioned and issued by the "Board of Trade," and shall be dated at the Time of the First Signature thereof, and shall be signed by the Master before any "Seaman" signs the same, and shall contain the following Particulars as Terms thereof;

1. The Nature, and, as far as practicable, the Length of the Voyage or Engagement on which the "Ship" is to be employed:
2. The Time at which each "Seaman" is to be on board or to begin Work:
3. The Capacity in which each "Seaman" is to serve:
4. The Amount of Wages which each "Seaman" is to receive:
5. A Scale of the Provisions which are to be furnished to each "Seaman:"
6. Any Regulations as to Conduct on board, and as to Fines, short Allowance of Provisions, or other lawful Punishments for Misconduct, which have been sanctioned by the "Board of Trade" as Regulations proper to be adopted, and which the Parties agree to adopt:

And shall be so framed as to admit of Stipulations, to be adopted at the Will of the Master and "Seaman" in each Case, as to Advance and Allotment of Wages; and may contain any other Stipulations which are not contrary to Law.

For Foreign-going Ships Agreements, except, &c. to be made before, &c. Shipping Master; in Duplicate; one Copy to be retained, the other for Master.

47. And be it enacted, That with respect to "Foreign-going Ships," every Agreement (except in the special Cases of Agreements made out of the "United Kingdom" and of Agreements with Substitutes herein-after mentioned) shall be signed by each "Seaman" in the Presence of a Shipping Master; and such Shipping Master shall cause the Agreement to be read over and explained to each "Seaman," or otherwise ascertain that each "Seaman" understands the same, before he signs it, and shall attest each Signature; and when the Crew is first engaged the Agreement shall be signed in Duplicate; and one Part shall be retained by the Shipping Master, and the other Part shall contain a special Place or Form for the Descriptions and Signatures of Substitutes or Persons engaged subsequently to the first Departure of the "Ship," and shall be delivered to the Master; and in the special Cases of "Seamen" engaged out of the "United Kingdom," and of Substitutes engaged in the Place of "Seamen" who have duly signed the Agreement, and whose Services are lost within Twenty-four Hours of the "Ship's" putting to Sea, by Death, Desertion, or other unforeseen Cause, the Engagement may, when practicable, be made before some Official Shipping Master duly appointed either in the "United Kingdom" or in Her Majesty's Dominions abroad for the Purpose of shipping "Seamen," and in the Manner herein-before specified for ordinary Cases happening in the "United Kingdom;" and in such special Cases whenever the Engagement is not so made, the Master shall, before the "Ship" puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained to the "Seaman," either before some "Consular Officer," or before some Officer of Customs, or on board the "Ship;" and the "Seaman" shall thereupon sign the same in the Presence of such Officer, or of some other Witness, who shall attest his Signature; provided, that nothing herein contained shall dispense with the Sanction for shipping "Seamen" at Foreign Ports required by the "General Merchant Seamen's Act."

Provision for Engagements abroad and for Substitutes.

In Home Trade Agreement to be entered into either before a Shipping

48. And be it enacted, That with respect to "Home Trade Ships," Crews or single "Seamen" may, if the Master thinks fit, be engaged or discharged before a Shipping Master in the Manner herein-before directed with respect to "Foreign-going Ships;" and in every Case in which the Engagement is not so made the Master shall, before the "Ship" puts to Sea, if practicable, and if not, as soon afterwards as possible,

possible, cause the Agreement to be read over and explained to each "Seaman," and the "Seaman" shall thereupon sign the same in the Presence of a Witness, who shall attest his Signature. Master or on board.

49. And be it enacted, That every Erasure, Interlineation, or Alteration in any such Agreement as aforesaid (except Additions so made as herein-before directed for shipping Substitutes or Persons engaged subsequently to the first Departure of the "Ship") shall be wholly inoperative, unless proved to have been made with the Consent of all the Persons interested by the written Attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of the Customs, or other public Functionary, or (if made out of Her Majesty's Dominions) of a "Consular Officer," or, where there is no "Consular Officer," of Two respectable *British* Merchants. Alterations to be void unless attested to have been made with the Consent of all Parties.

50. And be it enacted, That in the Case of "Foreign-going Ships" the Master shall, before quitting the first Port of Departure, produce and show to the Collector or Comptroller of Customs the Agreement so signed and attested as aforesaid, and no Officer of Customs shall clear any such "Ship" Outwards or permit any such "Ship" to proceed to Sea without such Production; and the Master shall also, within Forty-eight Hours after the "Ship's" Arrival at her final Port of Destination in the "United Kingdom," or upon the Discharge of the Crew, whichever first happens, deliver such Agreement to the Shipping Master, or, if there is no Shipping Master, to the Collector or Comptroller of Customs; and the Shipping Master or Officer of Customs shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear Inwards any "Foreign-going Ship" without the Production of such Certificate; and in every Case in which any such "Ship" is delayed for Want of the Production of any Agreement or Certificate of the Delivery thereof the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until the same is produced, and Clearance may be delayed till such Expense is satisfied. Agreements to be produced by Foreign-going Ships, on Departure, and delivered on Arrival; otherwise they are not to be cleared Inwards.

51. And be it enacted, That in the Case of "Home Trade Ships" no Agreement shall extend beyond the next following Thirtieth Day of *June* or Thirty-first Day of *December*, or the first Arrival of the "Ship" at her final Port of Destination in the "United Kingdom" after such Date; and the Owner or Master of every such "Ship" shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master or Officer of Customs in the "United Kingdom" every Agreement made within the Six Calendar Months next preceding such Days respectively; and the Shipping Master or Officer of Customs shall thereupon give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall give to the Master or Owner of any such "Ship" as aforesaid a Transire or any other Customs Document necessary for the Conduct thereof without the Production of such Certificate. Agreements to be produced by Home Trade Ships half-yearly; otherwise they are not to receive Transire, &c.

52. And be it enacted, That any "Seaman" may bring forward Evidence to prove the Contents of any Agreement or otherwise to support his Case without producing or giving Notice to produce the Agreement or any Copy thereof. Seamen not bound to produce Agreement or Copy.

53. And be it enacted, That no "Seaman" shall by reason of any Agreement forfeit his Lien upon the Ship, or be deprived of any Remedy for the Recovery of his Wages to which he would otherwise have been entitled; and every Stipulation which is inconsistent with any Provision of this Act or of any other Act relating to Merchant "Seamen," and every Stipulation by which any "Seaman" consents to abandon his Right to Wages in the Case of the Loss of the Ship, or to abandon any Right which he may have or obtain in the Nature of Salvage, shall be wholly inoperative. Seamen not to lose Lien for Wages. Certain Stipulations to be void.

54. And be it enacted, That the Master shall at the Commencement of every Voyage or Engagement cause a legible Copy of the Agreement (omitting the Signatures) to be placed on board in such a Manner as to be accessible to the Crew. Copy of Agreement to be accessible to Crew.

55. And be it enacted, That if in any Case any "Seaman" is carried to Sea without entering into an Agreement in the Form and Manner and at the Place and Time hereby in such Case required, or if any Agreement or such Copy thereof as aforesaid is not delivered or transmitted to a Shipping Master or Officer of Customs at the Time and in the Manner hereby directed, the Master in the Case of a "Foreign-going Ship," and the Master or Owner in the Case of "a Home Trade Ship," shall for each of such Offences be liable to a Penalty not exceeding Five Pounds; and if a Copy of the Agreement is not placed on board in the Manner herein-before directed, the Master shall for such Offence be liable to a Penalty not exceeding Five Pounds; and every Person who fraudulently alters or procures to be altered, or assists in altering, or makes or procures to be made, or assists in making, any false Entry in, or delivers or procures to be delivered or assists in delivering a false Copy of any Agreement, for each such Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit. Penalties on Masters for taking Seamen to Sea without Agreement; for Non-production of Agreement; for not giving Agreement to Crew; for falsifying Agreement.

56. And be it enacted, That a "Seaman's" Right to Wages and Provisions shall be taken to commence either at the Time at which he commences Work or at the Time specified in the Agreement for his Commencement of Work or Presence on board, whichever first happens: Provided, that this Enactment shall not prejudice the Infliction of any lawful Punishment, Forfeiture, or Fine; nor shall any "Seaman" be entitled to Wages for any Period during which he refuses or neglects to work when required, whether before or after the Time fixed by the Agreement for his beginning Work. Right to Wages and Provisions, when to begin.

57. And be it enacted, That any "Seaman" who has signed an Agreement, and who is discharged before the Commencement of the Voyage, or before One Month's Wages are earned, without Fault on his Part justifying such Discharge, and without his Consent, shall be entitled to receive from the Master or Owner, in addition to any Wages he may have earned, due Compensation for the Damage thereby caused Seamen discharged before Voyage to have Compensation.

caused to him not exceeding One Month's Wages, and may, on adducing such Evidence as the Justice hearing the Case may deem satisfactory of his having been so improperly discharged as aforesaid, recover such Compensation as if it were Wages duly earned.

X. *Advance and Allotment of Wages.*

58. And be it enacted, That so much of the "Seamen's Protection Act" as relates to Advance of Wages and Advance Notes shall be repealed from the Time when those Parts of this Act which relate to the same Particulars come into operation, except as to Advances made and Advance Notes given before that Time.

Repeal of 8 & 9 Vict. c. 116. s. 7.

Regulation of Advances and Advance Notes.

59. And be it enacted, That no Advance Note shall be made except in Forms sanctioned by the "Board of Trade," which are to contain Blanks for the Number of Days within which the Notes are to be payable and such other Blanks as may be necessary; and no such Form shall be altered except by duly filling up the Blanks therein; and no Advance of Wages shall be made or Advance Note given to any Person but the "Seaman" himself; and no Advance of Wages shall be made or Advance Note given unless the Agreement contains a Stipulation for the same and an accurate Statement of the Amount thereof; and no Advance Note shall be given to any "Seaman" who signs the Agreement before a Shipping Master, except in the Presence of such Shipping Master, or, except in the Case of a Substitute, until Four Hours after the Agreement has been so signed.

Advances made contrary to the above Regulations to be no Discharge of Wages.

60. And be it enacted, That if any Advance of Wages is made or any Advance Note given to any "Seaman" in any such Manner as to constitute a Breach of any of the above Provisions, the Wages of such "Seaman" shall be recoverable by him as if no such Advance had been made or promised; and in the Case of any Advance Note so given no Person shall be sued thereon unless he was a Party to such Breach.

Advance Notes to be receipted when discounted, and may be sued on summarily;

61. And be it enacted, That whenever any Advance Note is discounted for any "Seaman" such "Seaman" shall sign or set his Mark to a Receipt endorsed on the Note, stating the Sum actually paid or accounted for to him by the Person discounting the same; and such Person may, after the Expiration of Ten Days from the final Departure of the "Ship" from her last Port of Departure in the "United Kingdom," sue for and recover the Amount promised by the Note, with Costs, either from the Owner or from any Agent who has drawn or authorized the drawing of such Note, either in the County Court or in the summary Manner in which "Seamen" are by the "General Merchant Seamen's Act" enabled to sue for and recover Wages not exceeding Twenty Pounds; and in any such Proceeding it shall be sufficient for such Person to prove that the Note was given by the Owner or by the Master or some other authorized Agent, and that the same was discounted to and receipted by the "Seaman;" and the "Seaman" shall be presumed to have gone to Sea with the "Ship," and to have duly earned or to be duly earning his Wages, unless the contrary is proved, either by the Production of his Register Ticket, or by the Official Statement of the Change in the Crew caused by his Absence made and signed by the Master as herein-after required, or in some other Manner.

certain Evidence to be sufficient.

Stipulations for Allotment to be inserted in Agreements.

62. And be it enacted, That all Stipulations for the Allotment of any Part of the Wages of a "Seaman" during his Absence shall be inserted in the Agreement, and shall state the Amounts and Times of the Payments to be made; and all Allotment Notes shall be in Forms sanctioned by the "Board of Trade."

XI. *Health, &c. on Voyage.*

Space appropriated to Seamen.

63. And be it enacted, That every Place in any "Ship" occupied by "Seamen" or Apprentices, and appropriated to their Use, shall have a Space of not less than Nine Superficial Feet for every Adult measured on the Deck or Floor of such Place, which shall be kept free from Stores or Goods of any kind not being their Personal Property in use during the Voyage; and every such Place shall be securely and properly constructed and well ventilated.

Scale of Medicines according to 7 & 8 Vict. c. 112. s. 18.

64. And be it enacted, That the Duty of issuing a Scale of Medicines and Medicaments, which is by the "General Merchant Seamen's Act" imposed on the Lord High Admiral or the Commissioners for executing his Office, shall be transferred to the "Board of Trade."

Board may dispense with Lime Juice, &c. in certain Cases.

65. And be it enacted, That in the Case of "Ships" bound to any Ports in "Her Majesty's Dominions" in *North America* the "Board of Trade" may, by general Regulations, dispense with the Observance of so much of the "General Merchant Seamen's Act" as relates to Lime or Lemon Juice, Sugar, and Vinegar, and may limit such Dispensation to any Class of such "Ships," and impose any Conditions it may think fit, and may revoke any such Dispensation.

Board of Trade and Local Boards may appoint Inspectors of Medicines, who are to see that Ships are properly supplied.

66. And be it enacted, That the "Board of Trade" and the Local Marine Boards may appoint proper Medical Inspectors to inspect the Medicines, Medicaments, Lime or Lemon Juice, Sugar, and Vinegar required by the "General Merchant Seamen's Act," and may, subject to the Sanction of the "Board of Trade," fix the Remuneration of such Persons; and such Medical Inspectors shall for the Purposes of such Inspection have the same Powers as the Special Inspectors herein-after mentioned; and whenever any such Medical Inspector reports to the Collector or Comptroller of Customs in any Port, and at the same Time to the Master, Owner, or Consignee of any "Ship" lying therein which is required to carry such Articles, that in such "Ship" the said Articles or any of them are deficient in Quantity or Quality or are placed in improper Vessels, the Master of such "Ship," before proceeding to Sea, shall produce to such Collector or Comptroller a Certificate under the Hand of such Medical Inspector or of some other Medical Inspector, to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels have been replaced by proper Vessels, as the Case may be; and if such "Ship" proceeds to Sea without the Production of such Certificate, the Owner, Master, or Consignee thereof shall be liable to a Penalty not exceeding Twenty Pounds: Provided, that every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee, shall make his Inspection Three Days at

at least before the "Ship" proceeds to Sea, and if the Result of the Inspection is satisfactory shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the Articles inspected have been subsequently removed, injured, or destroyed.

Health, &c. on Voyage.

67. And be it enacted, That any Person who sells or supplies any Medicines, Medicaments, Lime or Lemon Juice, of bad Quality, for the Use of any Ship, shall for each Offence be liable to a Penalty not exceeding Twenty Pounds.

Persons selling bad Drugs liable to Penalty.

68. And be it enacted, That every Master shall keep on board proper Weights and Measures, for the Purpose of determining the Quantities of the several Provisions and Articles served out, and shall allow the same to be used at the Time of serving out in the Presence of a Witness whenever any Dispute arises about such Quantities.

Masters to keep Weights and Measures on board.

69. And be it enacted, That if any Place in any "Ship" occupied by "Seamen" or Apprentices, and appropriated to their Use, is not in the whole sufficiently large to give such Space as herein-before required, or if any such Place is not securely and properly constructed and well ventilated, the Owner shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds; and if any such Space as aforesaid is not kept free from Goods and Stores as aforesaid, or if proper Weights and Measures are not kept or allowed to be used as herein-before directed, the Master shall for every Offence be liable to a Penalty not exceeding Ten Pounds.

Penalties for Want of Space; for improper Construction or Ventilation; for not keeping Weights and Measures.

XII. *Provisions for checking Desertion.*

70. And be it enacted, That if any "Seaman," after signing the Agreement as herein-before required, or any Apprentice, wilfully neglects or refuses to join his "Ship," or deserts, and then or afterwards is found or arrives at any Place in which there is a Court or Justice capable of exercising Jurisdiction under this Act, he shall, on due Proof of the Offence, and, when practicable, of a proper Entry thereof in the Official Log Book, be summarily punished by Imprisonment for a Period not exceeding Twelve Weeks, with or without hard Labour, at the Discretion of the Court or Justice inflicting the same; provided that, in case the Master or the Owner or his Agent so requires, such Court or Justice may, instead of committing the Offender to Prison, cause him to be conveyed on board for the Purpose of proceeding on the Voyage, or may deliver him to the Master or any Mate of the "Ship," or the Owner or his Agent, to be by them so conveyed, and may in such Case order any Costs and Expenses properly incurred by or on behalf of the Master or Owner by reason of the Offence to be paid by the Offender, and, if necessary, to be deducted from any Wages which he may have then earned, or which by virtue of his then existing Engagement he may afterwards earn.

Refusal to join, and Desertion, Three Months Imprisonment; with Power to Justice to send the Offender on board.

71. And be it enacted, That whenever a "Seaman" or Apprentice neglects or refuses to join, or absents himself without Leave or deserts from, any "Ship" in which he is engaged to serve, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, for the Purpose of carrying him before a Justice, apprehend or require any Police Officer or Constable to apprehend him, without first procuring a Warrant, but so nevertheless as not to detain him in Custody more than Twenty-four Hours, or such shorter Time as may in the particular Case be reasonable, before the Case is heard or a proper Warrant is procured; but if any such Apprehension appears to the Court or Justice before whom the Case is brought to have been made on improper or on insufficient Grounds, the Master, Mate, Owner, Ship's Husband, or Consignee who made the same, or caused the same to be made, shall be liable to a Penalty not exceeding Twenty Pounds.

Master or Owner may give Deserters, &c. in charge without Warrant.

72. And be it enacted, That if in the course of a Voyage any "Seaman" or Apprentice is found absenting himself from his "Ship" without Leave, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, in any Place in Her Majesty's Dominions, with or without the Assistance of the local Authorities, who are hereby directed to give the same, if required, and also at any Place out of Her Majesty's Dominions, if and so far as the Laws in force at such Place will permit, apprehend him, and shall thereupon, if he so requires, and if practicable, convey him before some Court or Justice capable of hearing his Complaint, to be dealt with according to Law, or may, if he does not so require, or if there is no such Court or Justice at or near the Place, at once convey him on board.

On Voyage Seamen found absent without Leave may be carried on board.

73. And be it enacted, That such Wages or Parts of Wages forfeited for Desertion as are, by the Section of the "General Merchant Seaman's Act" numbered IX. in the Copy printed by the Queen's Printer, applicable to the Reimbursement of the Expenses occasioned by such Desertion to the Master or Owner of the "Ship" from which the "Seaman" has deserted, may be recovered by such Master or by the Owner or his Agent in the same Manner as the "Seaman" might have recovered the same if they had not been forfeited; and any Court or Justice may in any Proceeding relating to such Wages order the same to be paid accordingly.

Wages forfeited for Desertion to be recoverable by Master, &c. 7 & 8 Vict. c. 112. s. 9.

74. And be it enacted, That in all Cases of Desertion from any "Ship" in any Place abroad the Master shall produce the Entry of such Desertion in the Official Log Book to the Person or Persons required by the "General Merchant Seaman's Act" to indorse on the Agreement a Certificate of such Desertion; and such Person or Persons shall thereupon make and certify a Copy of such Entry and also a Copy of the said Certificate of Desertion; and if such Person is a public Functionary he shall, and in other Cases the said Master shall, forthwith transmit such Copies to the Registrar of Seamen in *England;* and the said Registrar shall, if required, cause the same to be produced in any legal Proceeding; and such Copies, if purporting to be so made and certified as aforesaid, and if shown to have come from the Custody of the said Registrar, shall in any legal Proceeding relating to such Desertion be received as Evidence of the Entries therein appearing.

Entries and Certificates of Desertion abroad to be copied, sent home, and admitted in Evidence. 7 & 8 Vict. c. 112. ss. 9. 46.

75. And be it enacted, That if any "Seaman" on or before being engaged wilfully and fraudulently makes a false Statement of the Name of his last "Ship" or last alleged "Ship," or wilfully and fraudulently

False Statement as to last Ship or Name to be Forfeiture.

Provisions for checking Desertion.

fraudulently makes a false Statement of his own Name, he shall forfeit out of the Wages he may earn by virtue of such Engagement a Sum not exceeding Five Pounds; and such Sum shall, subject to Reimbursement of the Loss and Expenses (if any) occasioned by any previous Desertion, be paid to the "Board of Trade."

Board may dispense with Sanction for Discharge of Men in Colonies required by 7 & 8 Vict. c. 121. s. 46.

76. And be it enacted, That the "Board of Trade" may, by Regulations duly published, dispense with the Necessity of obtaining such Sanctions for the Discharge of "Seamen" in "Her Majesty's Dominions" abroad as are required by the "General Merchant Seamen's Act," and may limit such Dispensations to any particular Class of "Ships" or Voyages, and may impose any Conditions it may think fit, and may revoke any such Dispensation; and whilst any such Dispensation is in force any Master, whose Agreement permits of his so doing, may discharge his Crew or any Members thereof, without such Sanction as aforesaid, in any Place to which such Dispensation may apply.

XIII. *Discipline on Voyage.*

Misconduct endangering the Ship or Life or Limb a Misdemeanor.

77. And be it enacted, That any Master or Mate of, or any "Seaman" or Apprentice belonging to, any *British* "Ship," who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such "Ship," or tending immediately to endanger the Life or Limb of any Person belonging to or on board of such "Ship," or who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such "Ship" from immediate Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such "Ship" from immediate Danger to Life or Limb, shall for each such Offence be deemed guilty of a Misdemeanor.

Certain Offences to be punishable on Arrival in Port:

78. And be it enacted, That any "Seaman" or Apprentice who whilst on Service commits any of the following Offences, and who then is or afterwards arrives or is found at any Place in which there is a Court or Justice capable of exercising summary Jurisdiction under this Act, may, on due Proof of the Offence, and of such Entry thereof in the Log Book as herein-after directed, be summarily punished by Imprisonment, with or without hard Labour, not exceeding in Duration the several Periods following; (that is to say,)

Theft or wilful Damage;

1. Twelve Weeks for wilfully damaging the "Ship," or embezzling or wilfully damaging any of her Stores or Cargo:

Assaulting Officers;

2. Twelve Weeks for assaulting any Master or Mate:

Disobedience;

3. Four Weeks for wilful Disobedience to any lawful Command:

Continued Disobedience, &c.

4. Twelve Weeks for continued wilful Disobedience to lawful Commands, or for continued wilful Neglect of Duty:

Combining to disobey or neglect Duty.

5. Twelve Weeks for combining with any other or others of the Crew to disobey lawful Commands, or to neglect Duty, or to impede the Navigation of the "Ship" or the Progress of the Voyage:

Provided always, that nothing herein-before contained shall take away or abridge any Powers which a Master has over his Crew.

Fines to be deducted from Wages, and paid to Shipping Master.

79. And be it enacted, That whenever any Act of Misconduct is committed which is by the Agreement subject to a Fine, the appropriate Fine shall, if an Entry of the Offence is made and attested in the Official Log Book as herein-after directed, and if the Offence is proved to the Satisfaction of the Shipping Master to whom the Fine is to be paid, be deducted from the Wages of the Offender; and the Master or Owner shall pay over every Fine so deducted as follows; that is to say, in the Case of "Foreign-going Ships" to the Shipping Master before whom the Crew is discharged, and in the Case of "Home Trade Ships" to the Shipping Master at or nearest to the Place at which the Crew is discharged; and any Master or Owner who neglects or refuses to pay over any such Fine as aforesaid

Penalty.

shall for each Offence be liable to a Penalty not exceeding Six Times the Amount of the Fine retained by him: Provided always, that if, before the final Discharge of the Crew in the United Kingdom, any such Offender as aforesaid enters into any of Her Majesty's Ships, or is discharged abroad, the Offence shall then be proved to the Satisfaction of the Officer in command of the Ship into which he so enters, or of the Consular Officer, Officer of Customs, or other Person by whose Sanction he is so discharged; and the Fine shall thereupon be deducted as aforesaid; and an Entry of such Deduction shall then be made in the Official Log Book, and signed by such Officer or other Person; and such Fine shall, on the Return of the Ship to the United Kingdom, in the Case of "Foreign-going Ships," be paid to the Shipping Master before whom the Crew is discharged, and in the Case of "Home Trade Ships" to the Shipping Master at or nearest to the Place at which the Crew is discharged.

Both Imprisonment and Forfeiture may be inflicted, if Justice so requires.

80. And be it enacted, That whenever in any Proceeding under the General Merchant Seamen's Act or this Act any Question arises concerning any Offence committed by a "Seaman" or Apprentice which is punishable under either of such Acts, the Court or Justice hearing the same may, if the Justice of the Case requires, order the Offender to be punished, both by lawful Imprisonment appropriate to the Case, and, in addition, may make such Order in regard of Wages accruing due in the meantime as to such Court or Justice may seem fit.

No Allowance for Reduction in Provisions during Neglect of Duty, &c. 7 & 8 Vict. c. 112. s. 12.

81. And be it enacted, That no "Seaman" or Apprentice shall be entitled to any pecuniary Allowance, on account of any Reduction in the Quantity of Provisions furnished to him during such Time as he wilfully and without sufficient Cause refuses or neglects to perform his Duty, or is lawfully under Confinement for Misconduct either on board or on shore, or during such Time as such Quantity may be reduced in accordance with any Regulation for Reduction by way of Punishment contained in the Agreement.

82. And

XIV. *Naval Court on Voyage.*

Naval Court for hearing Complaints on the High Seas and abroad; its Constitution; and Powers.

82. And be it enacted, That if, whilst any "Ship" is out of "Her Majesty's Dominions," a Complaint is made by the Master or by any of the certificated Mates, or by One Third or more of the "Seamen" in her Crew, or by the Consignee, to any Naval Officer in Command of any "Ship" of Her Majesty, or in the Absence of such Naval Officer, to any "Consular Officer," such Naval or Consular Officer shall thereupon, if Circumstances admit, and if he thinks the Case requires immediate Investigation, but not otherwise, summon a Court consisting of not more than Five and not less than Three Members, of whom if possible, One shall be a Naval Officer not below the Rank of Lieutenant, One a "Consular Officer," and One a Master of a *British* Merchant Ship, and the rest shall be either Naval Officers, Masters of *British* Merchant Ships, or *British* Merchants, and such Court may include the Naval or Consular Officer summoning the same, but shall not include the Master or Consignee of the "Ship" to which the Parties complaining or complained against may belong; and the Naval or Consular Officer on such Court, if there is only One such Officer on the Court, and if there is more than One, the Naval or Consular Officer who according to any Regulations for settling their respective Ranks for the Time being in force is of the highest Rank, shall be the President of such Court; and such Court shall hear the Case, and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths and Affirmations, and order the Production of Documents, and may discharge any "Seaman" from his "Ship," and may, if the Court is unanimous that the Safety of the "Ship" or Crew, or the Interests of the Owner, absolutely require it, supersede the Master, and appoint another Person to act in his Stead, such Appointment to be made with the Consent of the Consignee of the "Ship," if then at the Place, and shall, whether any Order is made or not, make a Report containing a Statement of the Proceedings and of the Evidence, and send it to the "Board of Trade;" and such Report, if purporting to be signed by the senior Naval Officer or Master, or to be sealed with the Consular Seal, and if produced out of the Custody of the "Board of Trade" or its Officers, shall be admitted in Evidence in any legal Proceeding.

Report to be sent home.

Costs of Proceeding and Compensation for Delay.

83. And be it enacted, That such Court may order the Costs of the Proceeding before it (if any), or any Portion thereof, to be paid by any of the Parties thereto, and may order any Person making a frivolous or vexatious Complaint to pay Compensation for any Loss or Delay caused thereby; and any Cost or Compensation so ordered shall be paid by such Person accordingly, and may be recovered in the same Manner as other Sums hereby made recoverable, or may, if the Case admits, be deducted from his Wages; and the "Board of Trade" may, in any Case in which it thinks fit so to do, pay any Costs of any such Proceeding, and make any reasonable Compensation for any Damage or Delay caused thereby.

Penalty for preventing Complaint.

84. And be it enacted, That any Person who wilfully and without due Cause prevents or obstructs the making or Investigation of any such Complaint as aforesaid shall for each Offence be liable to a Penalty not exceeding Fifty Pounds, or to Imprisonment, with or without hard Labour, for a Period not exceeding Twelve Weeks.

XV. *Log Books.*

The Board is to sanction Forms of Log Books, which are to be invariably employed and properly kept.

85. And be it enacted, That the Board of Trade shall sanction Forms of Official Log Books, which may be different for different Classes of "Ships," and shall contain, amongst other things, Blanks for the Entries herein-after required, and for Entries as to the Character and Conduct of the several Members of the Crew; and an Official Log of every "Ship" shall be kept in the sanctioned Form, and all the Blanks therein shall be duly filled up; and in all Cases the Entries shall be made as soon as possible after the Occurrences to which they relate, and in no Case shall any Entry be made more than Twenty-four Hours after the Arrival of the "Ship" at her final Port of Entry or Discharge in respect of any Occurrence happening previously to such Arrival; and the Official Log may, at the Discretion of the Master or Owner, be either united with or kept distinct from the ordinary Ship's Log; and in Cases in which they are kept distinct, and in which the Official Log is properly kept, nothing herein contained shall apply to the ordinary Ship's Log.

Entries of Fines and Punishments to be made in the Log, and attested; also Entries as to Conduct generally.

86. And be it enacted, That the Master of every "Ship" shall, upon every legal Conviction of any Member of his Crew, and upon every Infliction of Punishment on any such Member, and upon the Commission of every Offence by any such Member for which it is intended to procure Punishment to be inflicted or to enforce a Forfeiture or exact a Fine, immediately cause a Statement of the Offence, and in the Case of a Conviction or of Punishment actually inflicted a Statement of such Conviction or Punishment, to be entered in the Official Log Book, and shall cause such Entry to be signed by a Mate of the "Ship," or, if there is no Mate, by the Carpenter, Boatswain, or One of the oldest Members of the Crew; and the Master shall also from Time to Time or at some Time before the Discharge of the Crew fill up the Blanks left for that Purpose in the Official Log Books with true Entries concerning the Conduct and Character of the several Members of the Crew, or may, in a Blank to be left for that Purpose, state that he declines to give any Opinion thereupon.

Entries of Illness, Injury, and Death to be made in Log Books; also of Seamen leaving Ship.

87. And be it enacted, That every Master shall, in every Case of Illness or Injury causing Suspension of Work or of Death happening to any "Seaman" or Apprentice during a Voyage, cause an Entry thereof, and also, in the Case of Illness or Injury, of the Nature thereof and of the Medical Treatment adopted, and, in the Case of Death, of the Cause of Death, to be made in the Official Log Book, such Entry to be signed by the Mate, or, if there is no Mate, by the Carpenter, Boatswain, or one of the oldest Members of the Crew, and by the Surgeon or Medical Man on board, if any, and shall also, in case of any "Seaman" or Apprentice ceasing to be a Member of the Crew otherwise than by Death on board, thereupon immediately cause an Entry of the Place, Time, Manner, and Cause of such "Seaman" or Apprentice ceasing to be a Member of the Crew to be made in the Official Log Book, such Entry to

Log Books.

List in Schedule (G.) 7 & 8 Vict. c. 112. s. 26. not required.

be signed by the Mate, or, if there is no Mate, by the Carpenter, Boatswain, or One of the oldest Members of the Crew.

88. And be it enacted, That no Lists made in the Form set forth in Schedule (G.) to the "General Merchant Seamen's Act" shall be required from any Master who has engaged his Crew before a Shipping Master; but the Master of every "Foreign-going Ship" of which the Crew has been so engaged shall, before finally leaving the "United Kingdom," sign and send to the nearest Shipping Master a full and accurate Statement, in a Form to be sanctioned by the "Board of Trade," of every Change which takes place in his Crew before finally leaving the "United Kingdom."

Changes in Crew to be reported.

Official Logs to be delivered by Foreign-going Ships on Arrival;

89. And be it enacted, That in the Case of "Foreign-going Ships" the Master shall within Forty-eight Hours after the "Ship's" Arrival at her final Port of Destination in the "United Kingdom" or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master, or, if there is no Shipping Master, to the Collector or Comptroller of Customs, the Official Log Book of the Voyage; and the Shipping Master or Officer of Customs shall thereupon give to the Master a Certificate of such Delivery, and no Officer of Customs shall clear Inwards any "Foreign-going Ship" without the Production of such Certificate; and in every Case in which any such "Ship" is delayed for Want of such Certificate the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until the same is produced, and Clearance may be delayed till such Expense is satisfied.

otherwise they are not to be cleared.

Official Logs to be delivered by Home Trade Ships half-yearly;

90. And be it enacted, That in the Case of "Home Trade Ships" the Owner or Master shall within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year transmit or deliver to some Shipping Master or Officer of Customs in the "United Kingdom" the Official Log Book for the preceding Half Year, and the Shipping Master or Officer of Customs shall thereupon give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall give to the Master or Owner of any such "Ship" as aforesaid a Transire or other Customs Document necessary for the Conduct thereof, without the Production of such Certificate.

otherwise they are not to receive Transire.

Logs to be sent home in case of Transfer of Ship;

and in case of Loss.

91. And be it enacted, That if any "Ship" is so transferred as no longer to be within the Operation of this Act, the Master or Transferor thereof shall, within One Month if such Transfer is made in the "United Kingdom," and within Six Months if the same is made elsewhere, deliver or transmit to the Shipping Master or Comptroller or Collector of Customs at the "Port" to which the "Ship" previously belonged the Official Log Book duly made out to the Time of such Transfer; and if any "Ship" is lost, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master or Comptroller or Collector of Customs at the Port to which the "Ship" belonged the Official Log Book duly made out to the Time of such Loss.

Logs to be re-delivered to Master or Owner.

92. And be it enacted, That every Shipping Master or Officer of Customs to whom any Log Book is delivered in pursuance of this Act shall, at any Time after the Expiration of Forty-eight Hours after such Delivery, re-deliver the same to the Master or Owner, if required so to do; and such Master or Owner shall at any Time within Two Years of such Re-delivery, if required by the "Board of Trade," produce the same for Inspection, as it may direct.

Penalties for not keeping Log;

for not reporting Change in Crew;

for not delivering Log;

for making Entries in Log more than 24 Hours after Arrival;

for making false Entries.

93. And be it enacted, That if any Log Book hereby required to be kept or made in a particular Manner is not so kept, or if any Entry hereby directed to be made in any Log Book is not made at the Time and in the Manner hereby directed, or if, in case of any such Change in a Crew before leaving the "United Kingdom" as herein-before mentioned, such Statement thereof is not signed and sent as herein-before directed, the Master shall for each Offence be liable to a Penalty not exceeding Five Pounds; and if any Log Book hereby required to be delivered, transmitted, or produced is not delivered, transmitted, or produced as hereby directed, the Master or Owner (as the Case may require) shall for each Offence be liable to a Penalty not exceeding Twenty Pounds; and every Person who makes or procures to be made or assists in making any Entry in any Official Log Book more than Twenty-four Hours after the "Ship" has arrived at her final Port of Discharge in respect of any Occurrence happening previously to such Arrival, shall be liable to a Penalty not exceeding Thirty Pounds; and every Person who wilfully makes or procures to be made or assists in making any false or fraudulent Entry or Omission in any Log Book, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Court or Justice hearing the Case may think fit.

XVI. *Payment of Wages and Discharge of Crews.*

No Seaman to sue for Wages abroad except in certain Cases.

94. And be it enacted, That no "Seaman" who is engaged for a Voyage or Engagement which is to terminate in the "United Kingdom" shall be entitled to sue abroad for Wages in any Court or before any Justice, unless he is discharged in the Manner required by the "General Merchant Seamen's Act," and with the written Consent of the Master, or proves such Ill-usage on the Part of the Master, or by his Authority, as to warrant reasonable Apprehension of Danger to the Life of such Seaman by remaining on board; but if any "Seaman" on his Return to the "United Kingdom" proves that the Master or Owner has been guilty of any Conduct or Default which, but for this Enactment, would have entitled the "Seaman" to sue for Wages before the Termination of the Voyage or Engagement, he shall be entitled to recover, in addition to his Wages, such Compensation, not exceeding Twenty Pounds, as the Court or Justice hearing the Case may think reasonable.

Remedy on Return to United Kingdom.

Masters to deliver Accounts to Seamen.

95. And be it enacted, That, except in Cases in which "Seamen" expressly require to be paid without waiting for an Account, every Master shall, not less than Twenty-four Hours before paying off or discharging any "Seaman," deliver to him, or, if the "Seaman" is to be discharged before a Shipping Master, to such Shipping Master, a full Account, in a Form sanctioned by the Board, of his Wages, and of all Deductions to be made therefrom on any Account whatever; and no such Deduction (except

(except in the Cases above excepted, and also except in respect of any Matter happening after such Delivery,) shall be allowed unless a Statement thereof is so made and delivered.

Discharge from Foreign-going Ships to be made before Shipping Master.

96. And be it enacted, That in the Case of "Foreign-going Ships" all "Seamen" discharged in the "United Kingdom" shall be discharged and receive their Wages in the Presence of a Shipping Master duly appointed hereunder.

Shipping Master may decide Questions which Parties refer to him.

97. And be it enacted, That the Shipping Master shall hear and decide any Question whatever between a Master or Owner and any of his Crew which both Parties agree in Writing to submit to him; and every Decision so made by him shall be binding on both Parties, and shall, in any legal Proceeding which may be taken in the Matter before any Court or Justice, be deemed to be conclusive as to the Rights of the Parties; and such written Submission, though unstamped, signed by the Parties, with an unstamped Certificate of the Decision signed by the Shipping Master, shall be sufficient Evidence that the same has been duly made.

Release to be signed before and attested by the Shipping Master;

and to be kept;

and to be a Discharge;

98. And be it enacted, That upon the Completion before a Shipping Master of any Discharge and Settlement the Master or Owner and each "Seaman" shall respectively in the Presence of the Shipping Master sign a mutual Release of all Claims in respect of the past Voyage or Engagement, in a Form to be sanctioned by "the Board of Trade," and the Shipping Master shall also sign and attest it, and shall retain and transmit it as herein-before directed; and such Release so signed and attested shall operate as a mutual Discharge and Settlement of all Demands between the Parties thereto in respect of the past Voyage or Engagement; and a Copy of such Release, certified under the Hand of such Shipping Master to be a true Copy, shall be given by him to any Person who may be a Party thereto, and may require the same; and such Copy shall be receivable in Evidence upon any future Question touching such Claims as aforesaid, and shall have all the Effect of the Original of which it purports to be a Copy; and in Cases in which Discharge and Settlement before a Shipping Master is required, no Payment, Receipt, Settlement, or Discharge otherwise made shall operate or be admitted as Evidence of the Release or Satisfaction of any Claim; and upon any Payment being made by a Master before a Shipping Master the Shipping Master shall, if required, sign and give to such Master a Statement of the whole Amount so paid; and such Statement shall, as between the Master and his Employer, be received as Evidence that he has made the Payments therein mentioned.

and no other Receipt to be a Discharge.

Voucher to be given to Master, and to be Evidence.

Master to make Reports of Character.

99. And be it enacted, That every Master shall, upon any Discharge being effected before a Shipping Master, make and sign in Duplicate, in a Form sanctioned by the "Board of Trade," a Report of the Conduct, Character, and Qualifications of the Persons discharged, or may state in a Column to be left for that Purpose in the said Form that he declines to give any Opinion thereupon; and the Shipping Master shall retain one Copy, and shall transmit the other to the Registrar of Seamen, or to such other Person as the Board may direct, to be recorded, and shall, if desired so to do by any "Seaman," give to him or endorse on his Certificate of Discharge a Copy of so much of such Report as concerns him.

Master, &c. to produce Ship's Papers, &c. to Shipping Masters, and give Evidence.

100. And be it enacted, That any Shipping Master may, in any Proceeding relating to the Wages, Claims, or Discharge of any "Seaman" hereby directed to be carried on before him, call upon the Owner or his Agent, or upon the Master or any Mate or other Member of the Crew, to produce any Log Books, Papers, or other Documents in their respective Possession or Power relating to any Matter in question in such Proceeding, and may call before him and examine any of such Persons, being then at or near the Place, on any such Matter.

Penalties for not discharging before Shipping Master;

for not giving Account to Seamen;

for not giving Evidence;

for falsifying, forging, or fraudulently using Certificates of Character.

101. And be it enacted, That any Master or Owner who, in any Case in which Discharge and Settlement for Wages are hereby directed to be made before a Shipping Master, discharges any "Seaman" or settles with him for his Wages otherwise than as herein-before directed, shall for each Offence be liable to a Penalty not exceeding Ten Pounds; and any Master who fails to deliver such Account as herein-before required at the Time and in the Manner herein-before directed shall for each Offence be liable to a Penalty not exceeding Five Pounds; and every Owner, Agent, Master, Mate, or other Member of the Crew, who when called upon by the Shipping Master does not produce any such Paper or Document as herein-before in that Behalf mentioned, if in his Possession or Power, or does not appear and give Evidence, and does not show some reasonable Excuse for such Default, shall for each Offence be liable to a Penalty not exceeding Five Pounds; and every Person who makes or procures to be made or assists in making any false Certificate or Report of the Service, Qualifications, Conduct, or Character of any "Seaman," knowing the same to be false, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such Certificate or Report, or who fraudulently makes use of any Certificate or Report which is forged or altered or does not belong to him, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit.

XVII. *Powers of Investigation.*

Power of procuring Returns, &c.

102. And be it enacted, That all "Consular Officers" and all Officers of Customs abroad, and all Local Marine Boards, and Shipping Masters, shall make and send to the "Board of Trade" such Returns or Reports on any Matter relating to the *British* Merchant Service or to Persons employed therein as it may require; and all Shipping Masters shall, when required, produce to the "Board of Trade" or to its Officers all Log Books and other Documents which in pursuance of this Act are delivered to them, and the "Board of Trade" may require the Attendance of any Officer of Customs or other public Officer or Servant in the "United Kingdom" whom it thinks fit to examine concerning any such Matter as aforesaid, and may require from him any Answers or Returns as to any such Matter, and may examine him

Powers of Investigation.

him on Oath or Affirmation, and cause him to produce before it any Documents in his Possession relating to any such Matter.

Shipping Masters, Naval Officers, Consuls, and Officers of Customs may call for Log, &c.

103. And be it enacted, That every Shipping Master, and every Officer and Agent of the "Board of Trade," and every Commissioned Officer of any of Her Majesty's "Ships," and every *British* "Consular Officer," and every Chief Officer of Customs in any Place in "Her Majesty's Dominions" abroad, may require the Production of the Official Log Book and any Documents relating to the Crew in the Possession of the Owner, Master, or any of the Crew, for the Purpose of inspecting the same, and of seeing that the Provisions of this Act, and of every other Act relating to Merchant "Seamen," are complied with.

In Cases of Accident, Misconduct, and of gross Violation of Law, the Board may appoint special Inspectors to report.

104. And be it enacted, That whenever the "Board of Trade" has Reason to apprehend that any serious Accident occasioning Loss of Life or Property has been sustained or caused by or has happened on board of any "Ship," or that any "Ship" has been lost or has received material Damage, or that any of the Provisions of this Act or of any other Act relating to Merchant "Ships" or Merchant Sailors are so grossly neglected or disobeyed as to require special Investigation, it may appoint the local Examiners or any other proper Person or Persons as special Inspector or Inspectors to inquire into and to report thereupon; and every Person so authorized may at all reasonable Times, upon producing his Authority (if required), go on board and inspect any "Ship" the Inspection of which appears to him requisite for the Purpose of the Investigation, and every Part thereof, not detaining the "Ship" from proceeding on her Voyage, and enter and inspect any Premises the Entry or Inspection of which appears to him requisite for the same Purpose, and may make such Inquiries in the Matter as he may think fit.

Inspectors may call for the Production of Evidence.

105. And be it enacted, That every such special Inspector as aforesaid may, by Summons under his Hand, require the Attendance of all such Persons as he may think fit to call before him upon any Matter connected with the Execution of any of the Powers and Duties vested in him as such Inspector, and may require Answers or Returns to any Inquiries he may think fit to make, and may require and enforce the Production of all Log Books, Accounts, Agreements, or other Papers or Writings in anywise relating to any such Matter, and may also require every such Person to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination: Provided always, that no such Person need for the Purpose of obeying any such Summons travel more than Ten Miles from his actual Abode at the Time of receiving the same, unless Tender is made to him of such reasonable Expenses in respect of his Attendance to give Evidence and his Journeys to and from the Place where he is required to attend for that Purpose as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster*; and in case of any Dispute as to the Amount of such Expenses the same shall be referred by the Inspector to One of the Masters of Her Majesty's Court of Queen's Bench, who is hereby required, on a Request made to him for that Purpose under the Hand of the said Inspector, to ascertain and certify the proper Amount of such Expenses.

Expenses of Witnesses.

Penalties for obstructing Inspectors in the Execution of their Duty;

and for not giving Evidence to Inspector.

106. And be it enacted, That every Person who wilfully impedes any special Inspector appointed by the "Board of Trade" or any other Person hereby authorized to enter and inspect any "Ship" or other Premises in the Execution of his Duty, whether on board any "Ship" or elsewhere, may be seized and detained by such Inspector or other Person, or by any Person or Persons whom he may call to his Assistance, until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction; and every such Offender, and also every Person who refuses to attend as a Witness before any special Inspector when required so to do in the Manner hereby directed, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations, which any special Inspector or other such Person as aforesaid is hereby empowered to require, shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

XVIII. *Procedure.*

Misdemeanors to be prosecuted by Information or Indictment.

107. And be it enacted, That all Misdemeanors mentioned or created by this Act may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment, or by such other legal Proceeding as is applicable in the like Cases in any Court having appropriate Criminal Jurisdiction in any of "Her Majesty's Dominions," and shall be punishable with Fine or Imprisonment, with or without hard Labour, or both, as such Court may think fit, and the Court may, if it shall think fit, order Payment of the Costs and Expenses of the Prosecution; and all Penalties and other Sums of Money hereby made payable or recoverable may be recovered, with Costs, and all Offences hereby made punishable otherwise than solely as Misdemeanors may be prosecuted and punished, and the Costs of such Prosecution recovered, by some appropriate summary Proceeding, before One or more Justice or Justices, Sheriff or Sheriffs, or other Officer or Officers exercising a similar Jurisdiction in any Part of "Her Majesty's Dominions;" and all such summary Proceedings, if instituted in *England* or *Wales*, may, so far as is consistent with the Provisions of this Act, be carried on either in the Manner directed by an Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or, if the Case admits, in the Manner directed by the "General Merchant Seamen's Act" as to Penalties thereby imposed.

Penalties and other Sums to be recovered and Offences punished summarily.

11 & 12 Vict. c. 43.

7 & 8 Vict. c. 112.

Jurisdiction to be where Offence committed or Offender is.

108. And be it enacted, That for the Purpose of giving Jurisdiction under this Act every Offence shall be deemed to have been committed, and every Cause of Complaint to have arisen, either in the Place in which the same actually was committed or arose or in any Place in which the Offender or Person complained against may be.

109. And

Personal Service, or on board, good. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

109. And be it enacted, That Service of any Summons or other Matter in any legal Proceeding under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act, shall be good Service, if made personally on the Person to be served, or if made by leaving such Summons for him on board any Vessel to which he may belong, with the Person being or appearing to be in command or charge of such Vessel.

Evidence. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

110. And be it enacted, That in any legal Proceeding of a Civil Nature under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act, every Person, whether a Party to the Proceeding or not, shall be a competent Witness, and be allowed to give Evidence accordingly.

Amount and Application of Penalties.

111. And be it enacted, That any Justice or Justices or other Court or Officer imposing any Penalty under this Act for which no specific Application is herein provided, may, if he or they think fit, direct that a Part, not exceeding One Moiety thereof, shall be applied to compensate any Person or Persons for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed; and, subject to such Directions or specific Application as aforesaid, all Penalties recovered in the "United Kingdom" shall be paid over to the "Board of Trade" or applied as it directs, and all Penalties recovered in "Her Majesty's Dominions" abroad shall be paid over into the public Treasury of the Place, and form Part of the public Revenue thereof; and all Sums of Money hereby made recoverable, not being Penalties, shall be paid to the Persons hereby enabled to recover the same; and all Penalties and Forfeitures which by the General Merchant Seamen's Act or the Seamen's Protection Act are made payable to the Seamen's Hospital Society shall be paid to the Board of Trade, or as it may direct.

No Proceeding to be void for Informality.

112. And be it enacted, That no Conviction, Order, or other Proceeding under the "General Merchant Seamen's Act" or this Act shall be quashed or vacated for Want of Form.

Distress not unlawful for Want of Form. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

113. And be it enacted, That no Distress levied in any Proceeding under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act shall be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect of Form in the Summons, Order, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but any Person aggrieved by such Defect or Irregularity may recover Satisfaction for the special Damage in an Action.

Limitation of Time.

114. And be it enacted, That every legal Proceeding under this Act shall, in case the Offence is committed or the Cause of Complaint arises within Twenty Days before the Commencement or during the Continuance of any Voyage made either by the Person complaining or the Person offending complained against, be commenced not later than Twelve Calendar Months after the first subsequent Arrival of such Person or of both of such Persons in the "United Kingdom," and in all other Cases within Twelve Calendar Months after the Offence or Cause of Complaint has been committed or arisen.

XIX. *Evidence taken abroad.*

Depositions before Consuls, when Evidence. 7 & 8 Vict. c. 112. s. 59.

115. And be it enacted, That whenever, in any legal Proceeding in *England* in respect of any Matter in which *British* "Consular Officers" have the Power of taking Depositions, it is proved that a Witness who has been examined before any "Consular Officer" abroad is out of the "United Kingdom" or cannot be found or produced on the Trial or Hearing, the Deposition of such Witness taken before such "Consular Officer" in the Matter, and, if the Proceeding is criminal, in the Presence of the Party accused, and certified by such "Consular Officer" under his official Seal to have been so taken, shall be admitted in Evidence in such Proceeding; and any Deposition purporting to be so certified as aforesaid shall be deemed to have been so taken and certified as aforesaid, unless the contrary is proved.

XX. *Application of Monies.*

Shipping Masters, &c. to account to the Board for Money received.

116. And be it enacted, That every Shipping Master, Officer of Customs, or other public Officer or Servant, who receives or recovers within the "United Kingdom" any Sum of Money for the Sale of any Forms supplied to him by the "Board of Trade," or any Fee, Fine, or Penalty hereby made payable, shall be deemed to be the Agent of such Board in respect thereof, and shall, according to its Instructions, either transmit the same to or to the Account of such Board, or retain or apply the same as it may direct, and shall, at such Times as such Board may direct, render to it a full Account of all Monies so received, and of the Application thereof.

Monies not presently required to be invested in Parliamentary Securities.

117. And be it enacted, That all Monies coming to the Hands of the "Board of Trade" under the Provisions of this Act which are not presently required for any of the Purposes herein-after mentioned, and of which no other Application is hereby specially directed, shall be paid into the Bank of *England* to an Account or Accounts to be there opened in the Name of such Board; and such Board may, at its Discretion, invest any such Monies in Parliamentary Securities, but in no other Security, and may from Time to Time either accumulate the annual Produce of such Investments, or apply the same to any of the Purposes herein-after mentioned, and may from Time to Time sell any Part of the Principal, and apply the Proceeds to any of such Purposes.

Monies to be applied in Payment of Expenses, &c.

118. And be it enacted, That the "Board of Trade" shall, out of the Monies which come to its Hands or to the Hands of its Agents as aforesaid (except Monies of which some other Application is hereby specially directed), and the Produce of the Investments of such Monies, in the first place pay all Salaries, Wages, Remunerations, Payments, and Expenses hereby authorized, and all Expenses properly incurred by the Board or its Agents in pursuance of any of the Provisions of this Act, and in the next place pay annually to the Seamen's Hospital Society the following Sums, that is to say, in case the net Amount arising from such Fines and Forfeitures as have hitherto been received by the said Society equals or exceeds One thousand one hundred and fifty Pounds, then the Sum of One thousand one hundred and fifty

fifty Pounds, or in case such net Amount is less than One thousand one hundred and fifty Pounds, then a Sum equal to such net Amount, and shall apply the Remainder of such Monies for the Benefit of Persons engaged in or connected with the Merchant Service in such Manner as it may think fit.

XXI. *East Indies and Colonies.*

Certain Provisions in 7 & 8 Vict. c. 112. extended to India.

119. And be it enacted, That in construing the "General Merchant Seamen's Act" the Expressions "Her Majesty's Dominions," "Her Majesty's Possessions," "Her Majesty's Colonies," "Her Majesty's Plantations," "*British* Possessions," and "*British* Colonies," shall, from the Thirty-first Day of *December* One thousand eight hundred and fifty, be taken to include the Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain*.

East Indian and Colonial Governments may appoint Officers, and give Directions for enforcing 7 & 8 Vict. c. 112. and this Act.

120. And be it enacted, That the Governor General of *India* in Council and the respective Legislative Authorities in Her Majesty's Colonies and Possessions abroad may, by any Acts, Orders, or other appropriate Means, appoint any Functionaries to perform any of the Duties and exercise any of the Powers within their respective Jurisdictions which are by this Act or by the "General Merchant Seamen's Act" committed to Justices, Officers of Customs, or other public Servants, and may direct in what Manner the Offences thereby made punishable shall be prosecuted and punished, and in what Manner the Penalties thereby imposed and Sums of Money thereby made recoverable shall be recovered in Places within their respective Jurisdictions, and in what Manner and to what Uses such Penalties and Sums of Money shall be applied; and every such Appointment and Direction shall be valid, notwithstanding anything in the "General Merchant Seamen's Act" or in this Act contained.

The Provisions of 7 & 8 Vict. c. 112., 8 & 9 Vict. c. 116., and this Act, when applied by East Indian and Colonial Governments to their own Ships, may be enforced throughout the Empire.

121. And be it enacted, That if the Governor General of *India* in Council or the respective Legislative Authorities in any of Her Majesty's Colonies or Possessions abroad think fit, by any Acts, Orders, or other appropriate legal Means, to apply or adopt any of the Provisions in the "General Merchant Seamen's Act" or in the "Seamen's Protection Act" or in this Act contained to any *British* "Ships" registered at, trading with, or being at any Place within their respective Jurisdictions, and to the Owners, Masters, Mates, and "Crews" thereof, such Provisions, when so applied and adopted as aforesaid, and as long as they remain in force, shall, in respect of the "Ships" and Persons to which the same are applied, be enforced, and Penalties and Punishments for the Breach thereof shall be recovered and inflicted throughout "Her Majesty's Dominions," in the same Manner as if such Provisions had been hereby so adopted and applied, and such Penalties and Punishments had been hereby expressly imposed: Provided that if in any Matter relating to any "Ship," or to any Member of the Crew of any "Ship," there appears to be a Conflict of Laws, the Case shall be governed by the Law of the Place in which such "Ship" is registered or licensed.

East Indian and Colonial Acts to be subject to Disallowance, and require Sanction as in other Cases.

122. Provided also, and be it enacted, That every Act, Order, or other Form of Law to be passed or promulgated by the Governor General of *India* in Council or by any other Legislative Authority in pursuance of this Act shall respectively be subject to the same Right of Disallowance or Repeal, and require the same Sanction or other Acts and Formalities, and be subject to the same Conditions in all respects, as exist and are required in order to the Validity of any other Act, Order, or other Form of Law passed by such Governor General or other Legislative Authority respectively.

Penalty for obtaining Passage surreptitiously.

123. And be it enacted, That any Person who secretes himself and goes to Sea in any "Ship" without the Consent of either the Owner, Consignee, or Master, or of any Mate, or of any Person in charge of such Ship, or of any other Person entitled to give such Consent, shall be liable to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without hard Labour, for a Period not exceeding Four Weeks, at the Discretion of the Court or Justice inflicting the same.

Corporations, &c. may grant Sites for Sailors Homes.

124. And be it enacted, That the Municipal Corporation of any Borough, being a Seaport, in the United Kingdom, and any Body Corporate, Association, or Trustees in any such Seaport existing or constituted for any public Purposes relating to the Government or Benefit of Persons engaged in the *British* Merchant Service, or to the Management of Docks and Harbours, or for any other public Purposes connected with Shipping or Navigation, may, with the Consent of Her Majesty's Principal Secretary of State for the Home Department, appropriate any Lands vested in them, or in Trustees for them, as a Site or Sites for a Sailors Home or Sailors Homes, and may for that Purpose either retain and apply the same accordingly or convey the same to Trustees, with such Powers for appointing new Trustees and continuing the Trust, as they may think fit.

Act may be amended, &c.

125. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Scale of Fees on Examinations.

	£	s.	d.
For a Master's Certificate	2	0	0
For a Mate's Certificate	1	0	0

SCHE-

SCHEDULE B.

Scale of Fees for Matters transacted at Shipping Offices.

1. Engagement of Crews.

	£	s.	d.
Vessels under 60 Tons	0	5	0
60 to 100 "	0	10	0
100 to 200 "	0	15	0
200 to 300 "	1	0	0
300 to 400 "	1	5	0
400 to 500 "	1	10	0
500 to 600 "	1	15	0
600 to 700 "	2	0	0
700 to 800 "	2	2	6
800 to 900 "	2	5	0
900 to 1,000 "	2	7	6
Above 1,000 "	2	10	0

2. Engagement of Seamen separately.
Two Shillings for each.

3. Discharge of Crews.

	£	s.	d.
Vessels under 60 Tons	0	5	0
60 to 100 "	0	10	0
100 to 200 "	0	15	0
200 to 300 "	1	0	0
300 to 400 "	1	5	0
400 to 500 "	1	10	0
500 to 600 "	1	15	0
600 to 700 "	2	0	0
700 to 800 "	2	2	6
800 to 900 "	2	5	0
900 to 1,000 "	2	7	6
Above 1,000 "	2	10	0

4. Discharge of Seamen separately.
Two Shillings for each.

SCHEDULE C.

Sums to be deducted from Wages by way of partial Repayment of the Fees in Schedule B.

1. In respect of Engagements and Discharges of Crews.

	s.	d.
From Wages of a First Mate, Purser, Engineer, or Surgeon of every Ship of 200 Tons or upwards	2	6
" Every other Mate of any Ship	1	6
" Carpenter of any Ship	2	6
" Steward of any Ship	1	6
" All others (except Apprentices) belonging to any Ship	1	0

2. In respect of Engagements and Discharges of Seamen separately.

	s.	d.
From Wages of each Seaman	1	0

CAP. XCIV.

An Act to amend the Acts relating to the Ecclesiastical Commissioners for *England*.

[14th *August* 1850.]

'WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*; and an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*; and an Act was passed' 6 & 7 W. 4. c. 77. 3 & 4 Vict. c. 113.

4 & 5 Vict. c. 39.

'passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to explain and amend Two several 'Acts relating to the Ecclesiastical Commissioners for* England: And whereas it is expedient that the 'said recited Acts should be amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint Two Lay Members of the United Church of *England* and *Ireland* to be Commissioners for the Purposes of this Act, by the Title of First and Second Church Estates Commissioners; and it shall be lawful for Her Majesty upon every Vacancy in the Office of First or Second Church Estates Commissioner to appoint in like Manner some other Lay Member of the said Church to such Office; and it shall be lawful for the Archbishop of *Canterbury* for the Time being to appoint, under his Hand and Archiepiscopal Seal, One Member of the said Church to be a Commissioner for the Purposes of this Act, by the Title of a Church Estates Commissioner, and upon every Vacancy in the Office of a Church Estates Commissioner so appointed to appoint in like Manner some other Member of the said Church to such Office; and every Church Estates Commissioner appointed by Her Majesty shall hold his Office during Her Majesty's Pleasure; and every such Commissioner appointed by the said Archbishop shall hold his Office during the Pleasure of the said Archbishop for the Time being; and every Church Estates Commissioner shall, by virtue of such Appointment, and so long as he shall hold his Office of Church Estates Commissioner, be an Ecclesiastical Commissioner, and a Member of the Body Corporate of "The Ecclesiastical Commissioners for *England*," in addition to the other Members for the Time being of such Body Corporate: Provided always, that any of the Lay Ecclesiastical Commissioners for the Time being appointed by Name, and not by virtue of any Office, shall be capable of being appointed as aforesaid to the Office of Church Estates Commissioner, but any such Ecclesiastical Commissioner may after his Removal from or Resignation of the Office of Church Estates Commissioner continue to hold his Appointment as Ecclesiastical Commissioner so long as he shall well demean himself as such Ecclesiastical Commissioner (unless he expressly resign such last-mentioned Appointment).

Appointment of Church Estates Commissioners.

Salaries to Church Estates Commissioners.

II. And be it enacted, That there shall be paid to the First Church Estates Commissioner a Salary not exceeding the yearly Sum of One thousand two hundred Pounds, and to the Church Estates Commissioner appointed by the said Archbishop a Salary not exceeding the yearly Sum of One thousand Pounds, to be determined by the Commissioners of Her Majesty's Treasury; and such Salaries shall be paid out of the Monies from Time to Time in the Hands of the Ecclesiastical Commissioners for *England*.

First Church Estates Com^r may sit in House of Commons.

III. And be it enacted, That the First Church Estates Commissioner for the Time being shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

Church Estates Commissioners to sign Declaration.

IV. And be it enacted, That every Church Estates Commissioner so appointed as aforesaid, before he proceed to do any Act by virtue of his Appointment, shall (unless at the Time of such Appointment he be an Ecclesiastical Commissioner, and have subscribed the Declaration herein-after mentioned,) subscribe the like Declaration as by the recited Acts is required to be subscribed by the other Lay Members of the said Corporation.

Treasurer and Secretary not to be the same Person.

First Church Estates Commissioner and Commissioner appointed by Archbishop to be joint Treasurers.

V. And be it enacted, That so much of the secondly-recited Act as relates to the Offices of Treasurer and Secretary to the said Ecclesiastical Commissioners shall be repealed; and the First Church Estates Commissioner and the Church Estates Commissioner appointed by the said Archbishop shall be joint Treasurers of the said Corporation, but shall not as such Treasurers be entitled to any Salary other than their respective Salaries as Church Estates Commissioners under this Act; and the Secretary of the said Corporation shall be appointed and liable to be removed as is provided by the first-recited Act; and all Provisions in any Act of Parliament, Assurance, or Instrument whatever concerning the Payment of Money to the Treasurer and Secretary for the Time being of the said Corporation, or for making the Receipts of such Treasurer and Secretary Discharges for Money, shall be applicable to the joint Treasurers for the Time being of the said Corporation, as if such joint Treasurers had been mentioned therein instead of such Treasurer and Secretary.

Estates held in trust for the Ecclesiastical Commissioners to be vested in the First Church Estates Commissioner for the Time being.

VI. And be it enacted, That upon the Appointment of a First Church Estates Commissioner under this Act all Lands and Hereditaments of any Tenure which are now vested in *Charles Knight Murray* Esquire, the late Secretary and Treasurer of the said Corporation, for any Estate or Interest whatever, in trust for the said Ecclesiastical Commissioners, and all Powers which are now vested in the said *Charles Knight Murray* under any Mortgage or other Security in trust for the said Ecclesiastical Commissioners, shall be vested in such First Church Estates Commissioner, by virtue of his Appointment, for the like Estate and Interest and in like Manner as the same are now vested in the said *Charles Knight Murray;* and all Lands, Hereditaments, and Powers which from Time to Time by virtue of this Act, or under any Assurance or Security hereafter made, shall be vested in any First Church Estates Commissioner, in trust for the said Ecclesiastical Commissioners, and shall continue vested in such First Church Estates Commissioner at the Time of his ceasing to be such Commissioner, shall, immediately upon the Appointment of a First Church Estates Commissioner in his Place, be vested in such Commissioner, by virtue of his Appointment, for the like Estate and Interest and in like Manner as the same were vested in the immediately preceding First Church Estates Commissioner at the Time of his ceasing to be such Commissioner; provided, that where any Copyhold or Customaryhold Land becomes vested in any First Church Estates Commissioner by virtue of this Act, such First Church Estates Commissioner shall in each such Case be admitted thereto in trust as aforesaid, and the like Fees, Fines, or Sums of Money shall be paid in respect of such Admittance as would have been payable in respect of the Admittance of an Heir.

VII. And

As to Appointment of Estates Committee.

VII. And be it enacted, That the Church Estates Commissioners for the Time being shall be a Committee of the said Corporation, to be styled "The Estates Committee," but the said Ecclesiastical Commissioners may within Six Weeks after the passing of this Act, and again in the Month of *February* in every Year, by an Instrument under their Common Seal, appoint Two Members of the said Corporation (of whom One at least shall be a Layman who shall have been appointed an Ecclesiastical Commissioner by Name, and not in right of any Office,) to be Members of such Estates Committee, in addition to the Church Estates Commissioners; and the Two Members so appointed from Time to Time shall cease to be Members of such Committee at the End of the Month of *February* next after their Appointment, or upon the Appointment of others in their Stead, which shall first happen, but every such Member of such Committee shall be capable of being re-appointed; and on any Vacancy occurring among such Two Members the said Ecclesiastical Commissioners may appoint to supply such Vacancy, until the next annual Appointment, any Commissioner who might have been originally appointed, but the said Estates Committee may act notwithstanding any Vacancy among or Non-appointment of such Two Members as aforesaid.

The Estates Committee to manage all Property of the Commissioners.

VIII. And be it enacted, That it shall be the Duty of such Estates Committee, or any Three of them, of whom Two or more shall be Church Estates Commissioners, to consider all Matters in any way relating or incident to the Sale, Purchase, Exchange, Letting, or Management, by or on behalf of the Ecclesiastical Commissioners for *England*, of any Lands, Tithes, or Hereditaments, and to devise such Measures touching the same as shall appear to such Committee to be most expedient; and such Estates Committee, or any Three of them, of whom Two or more shall be Church Estates Commissioners, shall have full Power and Authority, subject to such General Rules as are herein-after mentioned, and as shall have been made by the said Ecclesiastical Commissioners, to do and execute any Act, including the affixing of the Common Seal to any Scheme or other Instrument, within the Power of the said Ecclesiastical Commissioners, in respect of the Sale, Purchase, Exchange, Letting, or Management of any Lands, Tithes, or Hereditaments: Provided always, that no such Act shall be done or executed by the said Ecclesiastical Commissioners otherwise than by the said Estates Committee, nor by such Committee unless with the Concurrence of Two at least of the Church Estates Commissioners.

Chairman of Estates Committee.

IX. And be it enacted, That at all Meetings of the Estates Committee the First Church Estates Commissioner shall preside, or if he shall be absent the other Church Estates Commissioner appointed by Her Majesty, or the Church Estates Commissioner appointed by the Archbishop, shall be Chairman at alternate Meetings; and in case of an Equality of Votes the Chairman shall have a second or casting Vote.

Nothing to be done at Meetings of Eccl^{l} Com^{rs} unless 2 Estates Com^{rs} are present.

X. And be it enacted, That no Act, Matter, or Thing shall be done or performed at any Meeting of the said Ecclesiastical Commissioners unless Two or more of the Church Estates Commissioners be present.

Ecclesiastical Commissioners may make special References to Estates Committee or Commissioners.

XI. And be it enacted, That the said Ecclesiastical Commissioners at any Time and from Time to Time may refer to the Consideration of the said Estates Committee any Matters in addition to the Matters which are to be considered by such Estates Committee under the Provision herein-before contained, for the Report of such Estates Committee thereon, or by an Instrument under their Common Seal may authorize the said Committee or the said Church Estates Commissioners, or any Two of such Commissioners, to do and complete any Act within the Powers of the said Ecclesiastical Commissioners, in addition to the Acts which the said Estates Committee are herein-before authorized to do and execute, except affixing the said Common Seal to any Scheme to which the said Estates Committee are not herein-before authorized to affix such Seal without reporting to or requiring further Instructions from the said Ecclesiastical Commissioners.

Ecclesiastical Commissioners may make General Rules for the Direction of the Estates Committee.

XII. And be it enacted, That it shall be lawful for the said Ecclesiastical Commissioners from Time to Time to make General Rules for the Direction of the Estates Committee relative to the Matters and Acts to be considered, done, and executed by such Estates Committee, in which Rules the said Ecclesiastical Commissioners may not only establish General Regulations for the Transaction of the Business of such Committee, but may declare the general Principles which shall guide the Decision of such Committee, and the said Ecclesiastical Commissioners may from Time to Time revise and by other General Rules vary the same as the said Ecclesiastical Commissioners shall think fit; and all such General Rules shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament.

So much of 6 & 7 W. 4. c. 77. as provides who shall be Chairman repealed, and other Regulations made.

XIII. And be it enacted, That so much of the said first-recited Act as directs who shall preside at each Meeting of the said Ecclesiastical Commissioners as Chairman shall be repealed, and the Archbishop of *Canterbury*, if present at the Commencement of any Meeting, shall be Chairman, but if he be not present a Chairman shall be appointed at each Meeting of the said Commissioners; and if any Difference arise upon the Choice of a Chairman at any Meeting such Chairman shall be chosen by the Majority of Votes of the Commissioners present thereat, and in case there be an equal Number of Votes upon such Choice then the Commissioner proposed first in Rank and Precedence, and in case of the Equality in Rank and Precedence of the Commissioners proposed, then the Senior in Order of Appointment of the Commissioners proposed, shall preside as Chairman; and the Commissioner who takes the Chair at the Commencement of any Meeting may continue to preside during such Meeting.

As to the Audit of Accounts.

XIV. And be it enacted, That the Accounts of the said Ecclesiastical Commissioners shall be audited from Time to Time in such Manner and at such Times as shall be directed by the Commissioners of

Her Majesty's Treasury; and the said Commissioners of Her Majesty's Treasury may from Time to Time appoint any Person to be an Auditor of such Accounts, and may remove any such Auditor.

Episcopal Fund to be transferred to the Common Fund.

XV. 'And whereas the Fund accruing to the Ecclesiastical Commissioners for *England* under the 'said first-recited Act, and other Property and Revenues accruing to the said Commissioners from 'like Sources, have been carried to a separate Fund or Account designated as the "Episcopal Fund," 'and have been held applicable only to the Purposes of the said first-recited Act and other Episcopal 'Purposes; and it is expedient that the said Episcopal Fund and the Common Fund vested in the said 'Commissioners should form One Fund applicable to all the Purposes conducive to the Efficiency of 'the Established Church now separately provided for by the said Episcopal Fund and Common Fund 'respectively:' Be it enacted, That from and after the passing of this Act the Fund accrued and accruing to the said Ecclesiastical Commissioners under the first-recited Act, and all other the Monies, Revenues, and Property carried to or deemed Part of the said Episcopal Fund, or which if this Act had not been passed might have been carried to or deemed Part of the said Episcopal Fund, or have been applicable to the Purposes thereof, shall be carried to and form Part of the Common Fund mentioned in the said secondly-recited Act, and be applicable to the Purposes of such Common Fund; and that all the several Payments and Provisions now payable out of or charged upon the said Episcopal Fund and Common Fund respectively, or out of or upon the Property applicable to the Purposes of the said respective Funds, or which if this Act had not been passed might have been payable out of or charged upon such Funds and Property respectively, shall and may be payable out of and charged upon the said Common Fund, and the Property applicable, and under this Act and otherwise to become applicable, to the Purposes thereof: Provided always, that it shall be lawful for the Ecclesiastical Commissioners, if they shall think fit, at the Request of the Bishop, to provide for the spiritual Necessities of any Parish where the Tithes form Part of the Episcopal Revenue, in the same Manner as if those Tithes arose from a sinecure Rectory in the Possession of the Ecclesiastical Commissioners.

Certain Provisions of 5 & 6 Vict. c. 26. as to Deficiency of Incomes of Bishops, repealed.

XVI. 'And whereas by an Act passed in the Fifth Year of Her Majesty, intituled *An Act to alter and 'amend the Law relating to Ecclesiastical Houses of Residence*, it was enacted, that in case such a 'Deficiency should have been or would be created in the average annual Income of any Bishop appointed 'after the passing of the said first-recited Act, by the effecting of any Mortgage or other Arrangement 'under either of the Acts therein mentioned, or that Act, (being Mortgages and Arrangements for pro-'viding the Bishop with a Residence, or more convenient or suitable Residence,) as to reduce it below 'the average annual Income of such Bishop named in the said first-recited Act, or in any Order of Her 'Majesty in Council issued under the Provisions thereof, it should be lawful, by the Authority in the 'Act now in recital mentioned, out of any Monies from Time to Time standing to the Credit and Account 'of the Ecclesiastical Commissioners for *England*, being Part of Payments from the larger Sees respec-'tively towards the Augmentation of the Incomes of the Bishops of the smaller Sees, if it should be 'deemed fit, and if such Monies, after duly considering all the Claims thereon, should appear to be suf-'ficient for such Purpose, to make any Arrangement for supplying or preventing such Deficiency or any 'Part thereof which by the like Authority should be deemed expedient:' Be it enacted, That the lastly herein-before recited Enactment shall be repealed, saving and without Prejudice to any Arrangement made or Matter done under such Enactment before the passing of this Act.

Fixed Incomes may be secured to Archbishops and Bishops appointed after 1st January 1848.

XVII. 'And whereas Her Majesty has issued a Commission to certain Persons therein named to inquire, 'amongst other things, whether any and what Improvement can be made in the existing Law and Practice 'relating to the Incomes of Archbishops and Bishops, so as to secure to them respectively fixed instead 'of fluctuating annual Incomes; and it is expedient that until the said Commissioners shall have made 'their Report, and Parliament shall have determined upon some permanent Mode of effecting the Object 'last aforesaid, temporary Arrangements should be made for that Purpose:' Be it enacted, That, notwithstanding the Provisions of the said first-recited Act, and any Order or Orders of Her Majesty in Council founded thereon, relating to or providing for the Payment to or by the Ecclesiastical Commissioners for *England* of fixed annual Sums, it shall be lawful, by the Authority and in the Manner by and in which the Arrangements for carrying into effect the Recommendations in the said Act recited may now be made, so to regulate from Time to Time the Amounts, Times, Modes, and Conditions of Payments to be made to or by the said Ecclesiastical Commissioners, as the Case may be, by or to any Archbishop or Bishop who shall have succeeded to a See upon any Avoidance thereof happening after the First Day of *January* One thousand eight hundred and forty-eight, or any other Archbishop or Bishop who may signify his Willingness to accept such annual Income as herein-after mentioned in lieu of his present Income, as to secure to every such Archbishop and Bishop the annual Income named for the Archbishop or Bishop of his See in the same or any other Act now in force, or in any Order of Her Majesty in Council duly made and published, and no more, and any Arrangements which may be made for effecting the Purpose last aforesaid shall remain in force until Parliament shall otherwise direct.

As to Endowments of Deans of Salisbury and Wells.

XVIII. 'And whereas it was by the secondly-recited Act enacted, that so much and such Parts of the 'Lands, Tithes, and other Hereditaments annexed or belonging to or usually held and enjoyed with the 'respective Deanries of *York*, *Chichester*, *Exeter*, *Hereford*, *Lichfield*, *Salisbury*, and *Wells* respectively 'should, by the Authority therein provided, be, upon the Vacancies of the said respective Deanries, 'applied to make such Provision for the said Deans respectively as by the like Authority should be 'deemed just and proper, and by the thirdly-recited Act Power was given to carry such Purposes into 'effect by any other Mode of Payment, Contribution, Augmentation, or Endowment which might be 'deemed fit: And whereas the late Dean of *Salisbury* and the present Dean of *Wells* accepted their

'respective

'respective Deanries on the Faith of Arrangements proposed by the said Ecclesiastical Commissioners 'for making up the annual Income of each such Deanry to One thousand five hundred Pounds; but 'Doubts have arisen whether such Arrangements can be lawfully made:' Be it enacted, That it shall be lawful, by the Authority and by any of the Modes in the said Acts provided, to provide for the present Dean of *Wells* as from his Acceptance of such Deanry, and so long as he shall continue to hold the same, an average yearly Income not exceeding One thousand five hundred Pounds, and to pay to the personal Representatives of the late Dean of *Salisbury* such Sum as with the Income received in respect of his Deanry may make up an annual Income of One thousand five hundred Pounds for the Period during which he held the same.

Deans appointed after 10th of April 1850 not to hold any Benefice not situated within the City or Town, &c.

XIX. And be it enacted, That no Spiritual Person appointed to the Deanry of any Cathedral or Collegiate Church after the Tenth Day of *April* One thousand eight hundred and fifty shall accept, to take and hold therewith, any Benefice not situate within the City or Town of the Cathedral or Collegiate Church in which he shall hold such Deanry, and where any Spiritual Person so appointed after the said Tenth Day of *April* holds at the Time of his Admission to such Deanry any Benefice not situate within such City or Town, such Benefice, unless sooner avoided, shall become void on the Expiration of Six Calendar Months from the Time of his Admission to such Deanry: Provided always, that the Income of any Benefice which may be holden with any such Deanry shall in no Case exceed the Amount or Sum of Five hundred Pounds *per Annum*.

Commissioners may, by Authority of 3 & 4 Vict c. 113. and 4 & 5 Vict. c. 39., commute for any Prebend annexed to a Dignity or Office.

XX. 'And whereas the secondly and thirdly recited Acts contain Provisions under which all Lands, 'Tithes, Tenements, and other Hereditaments and Endowments (except any Right of Patronage) belonging 'to any Prebend not residentiary in any Cathedral or Collegiate Church in *England* become from Time 'to Time, as Vacancies occur in such Prebends, vested in the said Ecclesiastical Commissioners for *England* 'for the Purposes in the same Acts specified, and the same Acts contain Provisions for enabling the said 'Commissioners, with the Sanction of Her Majesty in Council, in manner by the same Acts specified, to 'make any Arrangements, with the Consent in Writing of the Holder of any such Prebend, for substituting 'in any Case any Money Payment for any such Lands, Tithes, Tenements, or Hereditaments, but every 'Prebend which is permanently annexed to any Bishoprick, Archdeaconry, Professorship, or Scholarship, or to any School or to the Mastership thereof, are exempted from the Operation of all the said 'Provisions: And whereas it is expedient that the last-mentioned of the said Provisions relating to the 'Substitution of a Money Payment for any Lands, Tithes, Tenements, or Hereditaments should be 'extended to the Prebends so exempted as aforesaid, with a view to enabling the said Commissioners to 'make the Tithes or other Property belonging thereto more conducive to the Spiritual Welfare of the 'several Parishes or Places dependent thereon or connected therewith:' Be it therefore enacted, That it shall be lawful, by the Authority in the secondly and thirdly recited Acts provided, with the Consent in Writing of the Patron of the Dignity or Office to which the same is annexed, to make any Arrangement for vesting in the said Ecclesiastical Commissioners for *England* all or any of the Lands, Tithes, Tenements, and Hereditaments or other Endowments of the same Prebend, and to substitute for the same any just and reasonable Money Payment to such Holder, and all future perpetual annual Payments to his Successors in the same Dignity or Office as shall be deemed by the like Authority to be fit and proper, and also, with the Consent in Writing under the Hand of such last-mentioned Patron, to make any Arrangement which shall be deemed fit as to the future Exercise of the Patronage of any Benefice with Cure of Souls now held by the Holder of such Prebend for the Time being as such Holder; but that no such Alterations shall take any Effect during the Time that the present Holder of such Prebend shall hold the same, except with the Consent in Writing thereto under the Hand of such present Holder.

Commuted Lands, &c. to be subject to similar Uses as Lands vested under former Acts.

XXI. And be it enacted, That all Lands, Tithes, Tenements, and other Hereditaments and Endowments which shall so become vested in the said Ecclesiastical Commissioners shall be by them held, possessed, and administered for the Purposes and under and according to the several Provisions of the same Acts as amended by this Act which apply to Lands, Tenements, and other Hereditaments and Endowments by and under the same Acts vested or liable to be vested in the said Ecclesiastical Commissioners.

Benefices annexed to Sees of Gloucester and Bristol, Oxford, and Peterborough to be severed from the Sees.

XXII. 'And whereas certain Benefices with Cure of Souls are annexed to or have long been accusto- 'mably held with the several Sees of *Gloucester and Bristol*, *Oxford*, and *Peterborough*; and it is expe- 'dient that such Benefices should be severed from the said Sees, and that the Endowments thereof should 'be applied as herein-after mentioned:' Be it enacted, That so soon as conveniently may be the said several Benefices shall, by the Authority by the secondly and thirdly recited Acts provided, be detached and dissevered from the said Sees respectively, and the Tithes, Glebe, and other Endowments belonging to the said Benefices respectively shall, by the like Authority, by means of Division of United Parishes, Endowment of District Churches, or such other Arrangements as the Case may require, be distributed and appropriated in such Manner, within the Limits of the respective Parishes, as shall be deemed most conducive to the Spiritual Welfare of the Inhabitants thereof respectively; and that immediately from and after the Severance of each such Benefice the same shall, subject to such Distribution and Appropriation as aforesaid, be a Rectory or Vicarage, as the Case may be, with Cure of Souls, in the Patronage of the Bishop of the Diocese from which the same shall have been severed, and his Successors, but subject nevertheless to the Provisions of the first-recited Act relating to the Patronage of Bishops; and there shall be assigned, by such Authority as aforesaid, to the Bishop in possession of each such Benefice at the Time of such its Severance from his See, an annual Sum, to be paid to him so long as he shall continue Bishop of the same See, out of the Funds in the Hands of the said Ecclesiastical Commissioners, not exceeding in Amount the average annual net Income theretofore accruing to such Bishop from such Benefice,

Benefice, after deducting all Charges thereupon and Outgoings therefrom, including for the Stipend or Stipends of any Curate or Curates employed by such Bishop the Rate of Stipend now by Law payable in the like Case to the Curate of non-resident Incumbents, or such greater Stipend or Stipends as shall have been actually paid by such Bishop: Provided always, that the Patronage of each such Benefice shall in the first instance be exercised in favour of the Curate (or of the Curate first licensed, if there be more than One Curate,) performing the Spiritual Duties of the Parish at the Time of the Severance, if he shall have performed such Duties for the Seven Years at the least last preceding such Severance.

Owners of Impropriation Tithes may annex the same to the Parsonage or Vicarage.

XXIII. And be it enacted, That the Owner or Proprietor of any Impropriation Tithes, Portion of Tithes, or Rent-charge in lieu of Tithes shall and may have Power to annex the same or any Part thereof unto the Parsonage, Vicarage, or Curacy of the Parish Church or Chapel where the same lie or arise, or to settle the same in trust, for the Benefit of such Parsonage, Vicarage, or Curacy, any Statute or Law whatsoever to the contrary thereof in anywise notwithstanding.

Extension of 6 & 7 W. 4. c. 77. s. 10. for abolishing peculiar, &c. Jurisdictions.

XXIV. And be it declared and enacted, That the Arrangements with reference to peculiar or exempt Ecclesiastical Jurisdictions which the said Commissioners are under the Provisions of the said first-recited Act empowered and authorized to propose in any Scheme for carrying into effect any of the Recommendations therein recited, may be recommended and proposed in any Scheme or Schemes, whether relating to such Arrangements solely, or also to any other Matter and Thing contained in any or either of the said recited Acts or this Act.

Construction of 3 & 4 Vict. c. 113. s. 56. as to the Transfer of Estates of newly endowed Archdeaconries to Commissioners.

XXV. And be it declared and enacted, That in the Case of any Archdeaconry which shall no longer be held by the Archdeacon who was at the Time of the passing of the secondly-recited Act in possession thereof, the Provisions of the same Act which relate to the Transfer to the said Commissioners of the Estates of any Archdeaconry upon its Endowment in either of the Modes therein provided, and also to the disannexing from any such Archdeaconry of any Benefice with Cure of Souls, shall be construed and held to authorize such Transfer or such Disannexation, with the Consent of the Bishop of the Diocese, and of the Archdeacon in possession of the Archdeaconry at the Time, or if the Archdeaconry be then vacant, with the Consent of the Bishop only; and the Provisions of the same Act as amended by this Act for disannexing any Benefice from any Archdeaconry endowed as aforesaid, and concerning the Patronage of such Benefice, shall extend and be applicable for disannexing any Benefice from any Archdeaconry not so endowed, and to the Patronage of such Benefice.

Annual Report to be made of the Commission to One of the Secretaries of State, and to be laid before Parliament.

XXVI. And be it enacted, That the said Ecclesiastical Commissioners shall in each Year, on or before the First Day of *March*, make a Report, under the Corporate Seal of the said Commission, to One of Her Majesty's Principal Secretaries of State, of all the Proceedings of the said Commission for the Year preceding the First Day of *November* then last past, and shall annex to such Report Copies of the Schemes sanctioned and approved by the Queen in Council during such Year, and also an Abstract of the Accounts of the said Commission during such Year; and within Fourteen Days after the Receipt thereof such Report shall be laid before both Houses of Parliament, if Parliament be then sitting, and if not, within Fourteen Days after the then next Meeting of Parliament.

Powers of 7 & 8 Vict. c. 94. s. 9., relating to the Alteration of Boundaries of Districts, extended.

XXVII. And be it declared and enacted, That the Powers and Authority relating to the Alteration of the Boundaries of Districts contained in an Act passed in the Session of Parliament held in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes*, may, as to any such District now existing, notwithstanding the Limitation in the same Act contained, be exercised at any Time within Five Years from the passing of this Act, and as to every such District hereafter to be constituted within Five Years from the Date of the Licence of the Minister first licensed thereto, and this notwithstanding that any such District may have become a new Parish by virtue of the Provisions of the Act under which such District was constituted.

Powers, &c. of former Acts extended to this Act.

XXVIII. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the said Commissioners by the said secondly and thirdly recited Acts with reference to the Matters therein contained, and all other the Provisions of the same Acts relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall, so far as the same are consistent with the Provisions of this Act, be continued and extended and apply to Her Majesty in Council and to the said Ecclesiastical Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated in this Act.

Act may be amended, &c.

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XCV.

An Act to amend the Laws relating to the Customs. [14th *August* 1850.]

'WHEREAS several Acts were passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, for consolidating the Laws of the Customs: And whereas since the passing of the said Acts divers Acts for the Amendment thereof have from Time to Time been passed: And whereas certain further Amendments of the said Acts are now required:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall, except so far as is otherwise provided by this Act, come into and be and continue in full Force and Operation for the Purposes herein mentioned.

Commencement of Act.

I. 'And

Management.

Rules, &c. of Commissioners of Customs declared valid.

II. 'And whereas divers Rules, Orders, and Regulations have from Time to Time been made by the 'Commissioners of Her Majesty's Customs, in pursuance of the Powers conferred upon them by certain 'Acts passed in various Sessions of Parliament, some of which Acts have since been repealed, and Doubts 'have arisen whether such Rules, Orders, and Regulations are still of legal Force and Efficacy:' Be it therefore enacted, That all Rules, Orders, and Regulations already made or issued by or under the Authority of the said Commissioners, under or in pursuance of any Act or Acts relating to the Customs, or to Trade or Navigation, although such Act or Acts may have been repealed, shall be and continue in full Force and Effect, so far as such Rules, Orders, and Regulations are consistent with the Provisions of the Laws in force relating to the Customs, or to Trade or Navigation, unless and until the same shall be revoked or rescinded, and that all Acts whatsoever to be done in pursuance of any such Orders, Rules, and Regulations shall be valid and effectual.

Superannuation Allowances not assignable.

III. And be it enacted, That when any Sum of Money shall have been or shall be granted annually or otherwise to any Person who has been or shall have been employed in the Service of the Customs, as a Superannuation Allowance upon the Retirement of such Person from such Service, or as a Compensation for past Services, it shall not be lawful for the Grantee of such Allowance or Compensation to assign or dispose of the same to any Person or Persons whomsoever; and that all such Assignments or Dispositions of such Allowances or Compensations made after the passing of this Act shall be wholly void to all Intents and Purposes, and shall not be enforced in any Court of Law or Equity.

Regulation.

Account of free Goods to be delivered in Twenty-four Hours after Arrival.

IV. And be it enacted, That the Owner or Consignee of all Goods free of Duties imported into the United Kingdom from Parts beyond the Seas shall, within Twenty-four Hours after the due Entry and landing of such Goods, deliver or cause to be delivered to the Collector of the Customs, or other proper Officer at the Port where the Goods shall be discharged, a true Account of all such free Goods so landed; and in default thereof every such Owner or Consignee shall forfeit and pay a Penalty of Five Pounds.

Goods of Guernsey, Jersey, &c. Duty-free.

V. And be it enacted, That any Goods the Growth of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, and any Goods manufactured in the said Islands or either of them from Materials not subject to Duty in the United Kingdom, or from Materials upon which the Duty shall have been paid in the United Kingdom, and upon which no Drawback or Bounty shall have been subsequently granted, and any Manufactures of Linen or Cotton made in and imported from the *Isle of Man*, may be imported into the United Kingdom from the said Islands respectively without Payment of any Duty, and that such Goods shall not be deemed to be included in any Charge of Duties imposed by any Act hereafter to be made on the Importation of Goods generally from Parts beyond the Seas: Provided always, that such Goods may nevertheless be charged with any Proportion of such Duties as shall fairly countervail any Duties of Excise or Inland Revenue or any Coast Duty payable on the like Goods the Produce or Manufacture of the Part of the United Kingdom into which they shall be imported, or payable upon any of the Materials from which such Goods are manufactured: Provided also, that all Goods manufactured in any of the said Islands from any other Materials than the Materials aforesaid, except Manufactures of Linen and Cotton made in and imported from the *Isle of Man* as aforesaid, shall be deemed and taken to be Foreign Goods.

Exceptions.

Manufactured Goods.

VI. And be it enacted, That all manufactured Goods shall be deemed to be the Produce of the Country of which they are the Manufacture.

No Abatement for Damage.

VII. And be it enacted, That no Abatement of Duties shall be made on account of any Damage received by any Corn, Grain, Meal, or Flour imported into the United Kingdom or the *Isle of Man*.

Cigars, &c. may be imported from United Kingdom into Guernsey, &c. as like Goods into the United Kingdom.

VIII. And be it enacted, That it shall be lawful to import into the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, from the United Kingdom, in Vessels of not less than Sixty Tons Burden, any Cigars, Tobacco, or Snuff in Packages of such Cigars, Tobacco, or Snuff respectively of the same Weight at least in which the like Sorts of Goods may be legally imported into the United Kingdom: Provided always, that no such Cigars, Tobacco, or Snuff shall be separated or divided in any Manner within any such Package; and all Cigars, Tobacco, or Snuff imported into the said Islands respectively, or found within One League of the Coasts thereof, contrary hereto, shall be forfeited.

So much of 8 & 9 Vict. c. 86. and 9 & 10 Vict. c. 102. as alters Restrictions as to Importation of Tobacco, repealed.

IX. 'And whereas by one of the said Acts, intituled *An Act for the general Regulation of the Customs*, 'certain Restrictions are imposed upon the Importation of Tobacco into the United Kingdom: And whereas 'by another Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign 'of Her said Majesty, intituled *An Act to amend the Laws relating to the Customs*, the said Restrictions are 'thereby altered and amended: And whereas it is expedient to further alter and amend the said Restrictions:' Be it therefore enacted, That so much of the said last-mentioned Act as alters and amends the said Restrictions as to the Importation of Tobacco into the United Kingdom shall be repealed.

Tobacco from Porto Rico, &c. may be imported in Packages of 80 lbs.

X. And be it enacted, That it shall be lawful to import into any of the Ports of the United Kingdom into which Tobacco may be lawfully imported any Tobacco from *Malta*, or any Tobacco the Produce of *Porto Rico*, *Mexico*, *South America*, *Saint Domingo*, *Cuba*, or the *British* Possessions in *America*, and imported direct from any of those Places, in Packages each containing at least Eighty Pounds net Weight of such Tobacco.

Repeal of 8 & 9 Vict. c. 86. as to Re-importation of Tea.

XI. And be it enacted, That so much of the said Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the general Regulation of the Customs*, as prohibits the Re-importation of Tea for home Use, shall be repealed.

Repeal of so much of 3 & 4 W. 4. c. 101.

XII. And be it enacted, That so much of an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to*

as prohibits the Importation of Tea into the Channel Islands, &c.

to provide for the Collection and Management of the Duties on Tea, as prohibits the Importation of Tea into any of the Islands of *Guernsey*, *Jersey* *Alderney*, or *Sark*, or into the *British* Possessions in *America*, from any other Place than the *Cape of Good Hope* and Places Eastward of the same to the *Straits of Magellan*, or from the United Kingdom, shall be repealed.

Tobacco may be imported from Manilla in Bales of 300 lbs.

XIII. And be it enacted, That it shall be lawful to import into the United Kingdom into any of such Ports any Tobacco the Produce of the *Phillipine Islands*, and imported direct from *Manilla*, in Bales or Packages containing Three hundred Pounds Weight of Tobacco each at least, not being separated or divided in any Manner within such Bale or Package; and all such Tobacco imported contrary hereto shall be forfeited.

Acts recited in 9 & 10 Vict. c. 99. s. 1. to remain in force as regards Scotland.

XIV. 'And whereas by an Act passed in the Session of Parliament holden in the Ninth and Tenth 'Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending the Laws 'relating to Wreck and Salvage*, certain Acts and Parts of Acts therein mentioned are thereby repealed: 'And whereas by the said Act it is enacted, that the same shall extend to all Parts of the United Kingdom 'except *Scotland*: And whereas Doubts are entertained whether such Acts and Parts of Acts are still in 'force as regards *Scotland*:' Be it therefore enacted and declared, That the said Acts and Parts of Acts mentioned and recited in the said Act shall, so far as the same are applicable to *Scotland*, be deemed to be and continue in full Force and Effect.

Extracts, &c. of Coffee, Chicory, &c.

XV. And be it enacted, That the Importation into the United Kingdom of any Extracts, Essences, or other Concentrations of Coffee, Chicory, Tea, or Tobacco, or any Admixture of the same, shall be prohibited.

Smuggling.

Persons unshipping Tobacco Stalks, &c. to be dealt with as in case of Tobacco.

XVI. And be it enacted, That every Person who shall be in any way concerned in importing or bringing into the United Kingdom or the *Isle of Man*, or who shall unship, carry, convey, harbour, or conceal, or be aiding, assisting, or concerned in the unshipping, carrying, conveying, harbouring, or concealing, any Tobacco Stalks or Tobacco Stalk Flour, or to whose Hands or Possession the same shall come, shall and may be dealt with in like Manner as if such Tobacco Stalks or Tobacco Stalk Flour were Tobacco; and the Value thereof shall be estimated, in the Adjudication of any Penalty, as if the same were unmanufactured Tobacco of the best Description upon which the Duty had been paid.

Justices may summon Witnesses, who, if they refuse to appear or to give Evidence, shall forfeit Fifty Pounds.

XVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, and for any Justice or Justices of the Peace before whom any Complaint, Information, or any Matter or Thing under this or any other Act or Acts of Parliament relating to the Customs, shall be judicially brought or exhibited, to summon any and every Person (other than the Person or Persons against whom such Complaint, Information, Matter, or Thing is brought or exhibited), in whatever Part of the United Kingdom any such Person or Persons so to be summoned shall then reside or be, to appear before the said Commissioners or Justices, as the Case may be, who are to hear, adjudge, and determine such Complaint, Information, Matter, or Thing, at a certain Time and Place to be specified and set forth in such Summons, to give Evidence upon Oath of the Truth of any Facts alleged in such Complaint, Information, Matter, or Thing, or otherwise touching or relating thereto; and every Person so summoned, having his or her reasonable Expenses for such Attendance, if required, tendered to him or her at the Time of Service of such Summons, who shall neglect or refuse to appear according to the Exigency thereof, or who, having so appeared, shall refuse to take Oath, or, if a Quaker or other Person having legal Power to make Affirmation, refuse to affirm, or shall refuse to give Evidence, or to answer according to the best of his or her Knowledge and Belief any legal Question when thereunto required, shall for every such Default or Offence forfeit and lose the Sum of Fifty Pounds.

Justices may issue Summonses from Time to Time on Informations laid within Six Months after Offence.

XVIII. And be it enacted, That where any Information shall have been exhibited before any Justice or Justices of the Peace for any Offence against any Act or Acts relating to the Customs, or to Trade or Navigation, for which Offence the Party charged is not liable to be detained, and by which Information any Penalty or Forfeiture shall be sought to be recovered, or any Punishment of hard Labour sought to be inflicted, and such Information shall have been exhibited before such Justice or Justices within Six Months next after the Date of the Offence committed, it shall be lawful for such Justice or Justices, or any other Justice or Justices having Jurisdiction in that Behalf, from Time to Time and at any Time afterwards to issue a Summons thereon for the Appearance of the Party against whom such Information may have been exhibited as aforesaid before any Two Justices of the Peace; and every such Summons, directed to such Party, being left either at his or her last known Place of Residence, or on board any Ship or Vessel to which such Party may belong or may have lately belonged, shall be deemed to have been sufficiently served; and either upon the Appearance or Default of the Party so summoned, as the Case may be, it shall be lawful for such Justices to proceed to the Examination of the Matter contained in any such Information, and to adjudicate thereon, in like Manner as any Two Justices are authorized to proceed under the Laws for the Prevention of Smuggling.

Penalties how recoverable.

XIX. And be it enacted, That every Penalty or Forfeiture imposed or incurred under this or any other Act now in force or hereafter to be made relating to the Customs, or to Trade or Navigation, shall and may be sued for and recovered either in any of Her Majesty's Courts of Record at *London*, *Edinburgh*, or *Dublin*, or before any Justice or Justices of the Peace or Deemster, as the Commissioners of Her Majesty's Customs may see fit to direct; and such Penalties and Forfeitures, when received or recovered, shall and may be remitted, mitigated, restored, disposed of, applied, and dealt with as any Penalty or Forfeiture can or may be remitted, mitigated, restored, disposed of, applied, and dealt with under any Act or Acts now in force relating to the Customs, or to Trade or Navigation.

Penalties may be remitted, &c.

XX. 'And

Navigation.

XX. 'And whereas it is expedient that the original Names of all Foreign Vessels purchased by 'British Subjects and registered as *British* Vessels should be recorded on the Registry thereof, in order 'to maintain the Identity of such Vessels:' Be it enacted, That before any Foreign-built Vessel shall be registered as a *British* Vessel the Owner or Owners thereof shall state in Writing to the Collector or Comptroller of the Port at which such Vessel is intended to be registered the Foreign Name of such Vessel, and the same shall be inserted in the Declaration now required by Law to be made previous to the Registry of any Vessel, and also in the Certificate of Registry of such Vessel; and if any Person shall make any false Declaration of any Matter or Thing in order to obtain Registry of any Vessel he shall for every such Offence forfeit the Sum of One hundred Pounds, and such Penalty shall be recoverable in the same Manner as any Penalty can or may be recovered under any of the Laws relating to the Customs.

Foreign Name to be retained on Registry of Foreign Vessels as *British*.

Penalty for making false Declaration.

XXI. And be it enacted, That if any Passenger or Passengers shall be carried by any Foreign Ship or Vessel contrary to the Provisions of the Law of Navigation, the Master of such Ship or Vessel shall forfeit the Sum of Five Pounds for each and every Passenger so carried.

Penalty on carrying Passengers contrary to Law.

XXII. And be it enacted, That whenever any Penalty or Forfeiture shall have been incurred in any of the *British* Possessions abroad, under or by virtue of such last-mentioned Act, such Penalty or Forfeiture shall and may be sued for, prosecuted, recovered, and disposed of in any Court of Record or of Vice Admiralty having Jurisdiction in any such *British* Possession where the same may have been incurred or forfeited; but in case there shall be no such Court at such *British* Possession, then such Penalty or Forfeiture shall and may be sued for, prosecuted, recovered, and disposed of in the Court of Record or of Vice Admiralty having Jurisdiction in some *British* Possession near to that where such Penalty or Forfeiture may have been incurred.

Penalties and Forfeitures under Navigation Act, how to be recovered in British Possessions abroad.

Duties.

XXIII. And be it enacted, That no Duties of Customs shall be chargeable upon the Importation of the following Articles; that is to say,

Wood.—Stringy Bark Wood and Blue Gum Wood for Shipbuilding, and shaped for Treenails, not exceeding Three Feet in Length:

——— Locust Treenails for Shipbuilding:

——— Green Hart, Mora Wood, and Locust Wood for Shipbuilding:

——— Shovel Hilts.

Certain Articles not to be chargeable with Duty.

XXIV. 'And whereas by one other of the said Acts, intituled *An Act for granting Duties of Customs*, 'a Duty of Four Shillings *per* Ton is imposed upon Coals, Culm, or Cinders exported to Foreign Countries 'in a Foreign Ship: And whereas it is expedient to repeal the said Duty:' Be it therefore enacted, That from and after the passing of this Act the said Duty shall be repealed.

Repeal of Export Duty on Coals.

Warehousing.

XXV. And be it enacted, That so much of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the warehousing of Goods*, as enacts that before Goods shall be delivered to be removed from one Warehousing Port to another Port to be there warehoused due Entry of the same shall be made, and a proper Bill of such Entry with Duplicates thereof shall be delivered to the Collector and Comptroller, shall be and the same is hereby repealed.

Certain Provisions of 8 & 9 Vict. c. 91. repealed.

XXVI. And be it enacted, That no Entry shall from and after the passing of this Act be received for or in respect of any Timber or Wood Goods deposited in any Warehouse, Yard, or other Bonded Premises for Security of Duties, for any less Quantity at any One Time than Five Loads of such Timber or Wood Goods, unless such Wood Goods shall be delivered by Tale, in which Case such Entry may be passed for any Quantity thereof not less than Two hundred and forty Pieces or Two Great Hundreds of such Wood Goods; and that no less Quantity of such Timber or Wood Goods shall be delivered in virtue of any such Entry at any One Time than Five Loads of such Timber or Wood Goods, or Two hundred and forty Pieces of such Wood Goods if delivered by Tale.

Entries for Wood Goods restricted.

CAP. XCVI.

An Act to continue and amend the Acts for authorizing a Composition for Assessed Taxes.

[14th *August* 1850.]

'WHEREAS under and by virtue of an Act passed in the Ninth Year of the Reign of Her present 'Majesty, intituled *An Act to continue for Five Years and to amend the Acts for authorizing a 'Composition for Assessed Taxes*, divers Persons have compounded for their Assessed Taxes in *Great 'Britain* for a Term which will expire on the Fifth Day of *April* One thousand eight hundred and fifty-'one: And whereas it is expedient to relieve such Persons who have so compounded as aforesaid, as well 'as others who may be willing to compound under the Provisions of this Act, from an annual Assessment 'for a further Term herein limited:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Assessments made or to be made for the Year to end on the Fifth Day of *April* One thousand eight hundred and fifty-one, under and by virtue of the several Acts now in force in relation to such of the Duties of Assessed Taxes as may be comprised in any Composition to be entered into under this Act, shall severally be and remain to the same annual Amount in respect of every Person who shall compound for the same under this Act for the Term of Five Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and fifty-one; and the

8 & 9 Vict. c. 36.

Assessments for the Year ending 5th April 1851 on Persons compounding under this Act to remain to the same Amount for Five Years; and Compositions under

former Acts may be renewed for like Term.

Form of Contract of Composition.

the several Compositions entered into under any former Act or Acts, and now in force, may, in respect of such of the said Duties as are herein enumerated and allowed to be compounded for, be renewed under this Act for the like Term of Five Years, to be computed as aforesaid, in the Manner, and subject to the Terms, Conditions, and Exceptions, herein prescribed; and every Contract of Composition to be entered into or renewed under this Act may be made according to the Form set forth in the Schedule to this Act annexed, *mutatis mutandis*, or according to such other Form as the Commissioners of Inland Revenue shall provide in that Behalf, and shall specify the Number of Servants, Carriages, Horses, and other Articles of the Establishment upon which such Composition shall be made or renewed as aforesaid.

Articles kept for Trade or by Persons in Partnership, or for Hire, not to be compounded for.

Enumeration of Articles to be compounded for.

II. Provided always, and be it enacted, That no Composition shall be entered into or renewed under this Act in respect of any Carriage, Horse, or other Article kept for the Purpose of Trade, or let or used for Hire, or assessed or charged upon Two or more Persons jointly or in Partnership, nor for any Duties of Assessed Taxes other than the Duties on the following Articles forming the Establishment of the Person so compounding, and retained, employed, kept, and used for his own Use, and not for or to the Use, Benefit, or Profit of any other Person; (*videlicet*,) the Duties on Servants mentioned in the Schedule marked (C.) No. 1. and No. 3. of Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of King *George* the Third, and the reduced Duty granted by an Act of the Fifty-ninth Year of the Reign of King *George* the Third on Under Gamekeepers; the Duties on Carriages mentioned in the Schedule marked (D.) No. 1. and No. 2. of the said Acts respectively, and the several reduced Duties granted by an Act of the First Year of the Reign of His late Majesty King *William* the Fourth upon Carriages with Four Wheels of less Diameter than Thirty Inches, and drawn by Ponies not exceeding Thirteen Hands in Height, and upon Carriages with Four Wheels and drawn by One Horse only; and also the Duties on Horses mentioned in the Schedules respectively marked (E.) No. 1. and (F.) No. 1. of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third, whether such Horses are subject to the Rates mentioned in the said Acts, or to any reduced Duty by any subsequent Act; and the reduced Duty granted by Two several Acts, passed respectively in the Fifty ninth Year of the Reign of King *George* the Third and the Fourth Year of the Reign of King *George* the Fourth, upon Horses not exceeding the Height of Thirteen Hands, used for the Purpose of riding or drawing Carriages; and also the Duties on Race Horses granted by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth; and the Duties on Dogs mentioned in the Schedule marked (G.) of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third; and the Duties in respect of using or wearing Hair Powder mentioned in the Schedule marked (I.) of the said Act of the Forty-eighth Year of King *George* the Third; and also the Duties in respect of using or wearing Armorial Bearings or Ensigns mentioned in the Schedule marked (K.) of the said last-mentioned Act; and every such Composition which shall comprise any other Duty or Duties than the Duties herein-before enumerated, and allowed by this Act to be compounded for, shall be void and of no Effect in respect of such other Duties; and all such other Duties shall be assessed and charged according to the Laws in force relating to Assessments, notwithstanding any such Composition.

Persons assessed for the Year ending 5th of April 1851 may compound on the Amount assessed in that Year, paying an additional Duty of 5*l.* per Cent.

III. And be it enacted, That every Person, not having compounded under any of the said former Acts, who is or shall be duly assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and fifty-one to the Duties chargeable under the Acts relating to Assessed Taxes may compound for the said Duties in respect of the Articles comprised in such Assessment and herein enumerated for the said Term of Five Years hereby limited, on Payment of the same Amount annually as is or shall be assessed on him for the said Year ending as aforesaid in respect of the said Articles herein enumerated, together with an additional annual Duty of One Shilling for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of the said Amount so assessed, but no fractional Part of One Penny of the said additional Duty shall be payable.

Persons who have compounded under former Acts may renew their Compositions under this Act.

Duties to be paid on renewed Compositions.

IV. And be it enacted, That every Person, except as herein after is excepted, who hath compounded under any of the said former Acts for the Duties of Assessed Taxes by any Contract now in force may renew such Composition as to the Duties on the Articles herein enumerated and allowed by this Act to be compounded for; and the Commissioners of the Division in which such Person shall reside shall renew such Composition under the Provisions of this Act, whether the same was entered into with the Commissioners of the same Division or of any other Division; and the Amount of Duty charged and now payable on the same Articles respectively comprised in the said former Composition, together with the additional Per-centage Rate or several additional Per-centage Rates of Duty also charged therein under the said former Acts in respect of the said Articles, shall form the aggregate Amount on which the following additional Rates of Duty shall respectively be computed and charged for the Renewal of such Composition under this Act; (that is to say,) where the Person who hath compounded as aforesaid hath increased his Establishment of Servants, Horses, Carriages, or other Articles upon which such Composition hath been made, but to such an Extent only that the Duties chargeable thereon under an Assessment would not exceed by more than One Fourth the total Amount of the Sum now payable on such Contract of Composition, there shall be payable annually a further additional Duty of One Shilling for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of the said aggregate Amount; and where such Person hath increased such his Establishment beyond the Extent aforesaid, but so that the Duties chargeable thereon under an Assessment would not exceed double the Sum now payable on such Contract of Composition, there shall be payable annually a further additional Duty of Two Shillings for every Twenty Shillings, and after that Rate for any greater or less

Sum

Sum than Twenty Shillings of the said aggregate Amount, but no fractional Part of One Penny of the said respective additional Duties shall be payable under this Act: Provided always, that where the Person who hath compounded as aforesaid hath not increased such his Establishment so that the Duties chargeable thereon under an Assessment would exceed the total Amount of the Sum now payable on his Contract of Composition, no additional Rate of Duty shall be payable under this Act for the Renewal of such Composition.

The Duty of 10 per Cent. by 3 & 4 Vict. c. 17. to be charged on Composition under this Act.

V. Provided always, and be it enacted, That the additional Duty of Ten *per Centum* granted and now payable under an Act passed in the Third Year of Her Majesty's Reign, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes,* shall be computed and charged upon and shall be payable over and above the gross aggregate Amount of all the Duties charged by this or any former Act or Acts upon or in respect of any Contract of Composition made or renewed under this Act.

Persons who, since compounding, have increased their Establishments more than double, or compounded on too low a Duty, not to renew Compositions, but compound de novo.

VI. And be it enacted, That no Contract of Composition shall be renewed under this Act with any Person who, since entering into such Contract, hath increased his Establishment of Servants, Carriages, Horses, or other Articles upon which such Composition hath been made, so that the Duties chargeable on such Establishment, under an Assessment for the Year to commence from the Fifth Day of *April* One thousand eight hundred and fifty-one, would amount to more than double the Sum now payable under such Contract, nor with any Person who hath compounded on a less Amount of Duty than ought to have been included in such Composition; but nevertheless it shall be lawful for any such Person, in either of the Cases aforesaid, after he shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment, according to the Laws in force relating to the Assessed Taxes, in order to an Assessment thereon for the Year to commence from the Fifth Day of *April* One thousand eight hundred and fifty-one, and shall be duly assessed for that Year, to compound *de novo* on the Amount so assessed in respect of the Articles herein enumerated, together with the additional Duty chargeable on Contracts of Composition entered into under this Act.

Persons who have compounded under former Acts giving Notice of Reduction in their Establishment not to renew their Compositions, but may compound de novo.

VII. Provided always, and be it enacted, That no Person who hath compounded under any of the said former Acts, and who hath given or shall give Notice in this present Year in pursuance of the said Acts of his Intention to discontinue any Part of his increased Establishment of Servants, Carriages, Horses, or other Articles in the Manner provided by the said Acts, shall be allowed to renew his former Contract of Composition, or to enter into any new Contract of Composition under this Act, except upon the Amount of an Assessment to be made on a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other such Articles as aforesaid kept or used or employed by him in the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty, together with the additional Duty chargeable thereon under this Act, in the same Manner as if such Person had not compounded under the said former Acts, notwithstanding the said Notice, or anything contained in the said former Acts or in this Act.

Persons having diminished their Establishment abroad, or Persons residing abroad, not to compound.

VIII. Provided also, and be it enacted, That no Composition shall be entered into under this Act with any Person who shall have resided out of *Great Britain* before the passing of this Act for a temporary Purpose only, and who shall be assessable to the said Duties, for the Year ending the Fifth Day of *April* One thousand eight hundred and fifty-one, to a less Amount than he was assessed before his Departure from *Great Britain*, nor shall any Composition be entered into or renewed with any Person who shall be residing out of the United Kingdom.

Persons having compounded and reduced their Establishments may compound de novo on the Assessment of 1851.

IX. And be it enacted, That if any Person having compounded under the said former Acts shall have reduced his Establishment so that he may be chargeable with a less Amount of Assessed Taxes for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-one than the Amount of Duty compounded for, and shall by reason thereof be desirous of waiving the said Composition, and of compounding *de novo*, it shall be lawful for him so to do, upon giving Notice in Writing of such his Intention to the Surveyor of Taxes for the District in which such Person shall reside, on or before the said Fifth Day of *April* One thousand eight hundred and fifty-one, and annexing to such Notice a full, true, and complete Return or List of the greatest Number of Articles chargeable with Duty kept and retained or employed by such Person after the Fifth Day of *April* One thousand eight hundred and fifty, so that an Assessment may be duly made for the Year to commence from the Fifth Day of *April* One thousand eight hundred and fifty one on all the Articles chargeable for that Year; and it shall be lawful for the Commissioners to enter into Composition *de novo* with the Person giving the Notice aforesaid, upon the Amount of such Assessment as aforesaid, with the additional Duty chargeable thereon under this Act, as if such Person had not compounded under the said former Acts.

Persons who keep taxable Articles not included in a renewed Contract of Composition may compound for the same by a separate Contract.

X. And be it enacted, That where any Person who hath compounded under any of the said former Acts, and shall renew such Composition under this Act, shall have kept or employed or used any taxable Articles of a Description allowed to be compounded for under this Act, but of a different Description from those included in such his former Composition, and for which Articles he is or will be liable to be assessed for the Year ending the Fifth Day of *April* One thousand eight hundred and fifty-one, it shall be lawful for such Person, upon being duly assessed for such Articles not included in the renewed Composition, to compound for the same by a separate and distinct Contract, on the same Terms and in the like Manner as any Person who hath not compounded under the said former Acts may enter into an original Contract of Composition under this Act.

Compounders entitled to the like Privileges

XI. And be it enacted, That every Person entering into or renewing any Composition under this Act shall be entitled to the like Privileges of setting up or retaining, and keeping, using, or employing any

of increasing Establishments, &c. as under former Acts.

Exceptions as to certain Descriptions of Dogs.

any additional Articles of the same Description, and chargeable under the same Schedule and Number of the Schedule, or with the same or a lower Rate of Duty as the Articles compounded for composing his Establishment, and to and for his own Use, but not otherwise, as the Persons compounding under the said former Acts are now by Law entitled to, and shall be exempt from all Assessments on such additional Articles of his Establishment during the Term mentioned in such Composition, save and except that no Person who shall compound or renew any Composition under this Act for any Dog chargeable with a less Rate of Duty than Fourteen Shillings shall be entitled to keep free of Duty any Hound, Pointer, Setting Dog, Spaniel, Terrier, or Lurcher; nor shall any Person who shall have compounded for any Dog or Dogs other than Hounds, and not for any Hound, keep free of Duty any Hound; nor shall any Person who shall have compounded for any less Number of Hounds than Ten keep free of Duty any additional Number of Hounds; neither shall any Person keep free of Duty any Greyhound, unless he shall have compounded for a Greyhound; in all which excepted Cases, as well as in all Cases where Articles of any Description excluded from Composition by this Act shall be kept, retained, employed, or used, Assessments and further or increased Charges shall be made; and the Penalties which may be incurred under any of the Acts relating to Assessed Taxes shall and may be sued for, prosecuted, and recovered according to the Provisions of the said several Acts as fully and effectually as if no Composition had been made or renewed under this Act.

Persons compounding for Servants, Carriages, and Horses at the higher Rates of Duty entitled to keep free of Duty Servants, Carriages, and Horses chargeable at lower Rates.

XII. And be it enacted, That it shall be lawful for every Person who shall enter into or renew any Composition under this Act in respect of any Male Person employed in any of the Capacities described in and chargeable with Duty under the said Schedule marked (C.) No. 1. of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third to retain, keep, and employ free of Duty any other Male Person or Number of Male Persons employed in the same Capacity, or in any other Capacity chargeable with the same or any lower Rate of Duty, and allowed by this Act to be compounded for; and it shall be lawful for every Person who shall enter into or renew any Composition as aforesaid in respect of any Carriage of whatever Description chargeable with Duty, and allowed by this Act to be compounded for, to set up, keep, and use free of Duty any other Carriage or Number of Carriages of the same Description, or of any other Description chargeable with the same or a lower Rate of Duty, and allowed to be compounded for as aforesaid; and it shall also be lawful for every Person who shall enter into or renew any Composition as aforesaid in respect of any Horse chargeable with Duty under the Schedule marked (E.) No. 1. of the said respective Acts to keep and use free of Duty any additional Number of Horses chargeable with Duty under the same Schedule, or any Horse or Horses chargeable with any lower Rate of Duty, and allowed to be compounded for as aforesaid.

Persons assessed or having compounded for a Carriage at a lower Rate of Duty entitled to substitute for it in their Composition Contract a Carriage at a higher Rate.

XIII. And be it enacted, That where any Person intending to compound under this Act is or shall be assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and fifty-one in respect of any Carriage with Four Wheels, and drawn by One Horse only, or any Carriage of whatever Description chargeable with the same Rate of Duty as the last-mentioned Carriage or a lower Rate, and also where any Person intending to renew any Contract of Composition now in force hath by such Contract compounded for any such Carriage as aforesaid, and where any such Person in either of the Cases aforesaid, after the Fifth Day of *April* One thousand eight hundred and fifty, shall have set up, kept, or used, or shall intend to set up, keep, or use, any Carriage chargeable with a higher Rate of Duty than that for which he shall have been so assessed or hath compounded as aforesaid, it shall be lawful for him, if he shall think fit, to compound or to renew his Composition under this Act for a Carriage at such higher Rate, upon giving Notice thereof in Writing to the Surveyor of the Division in which he shall reside within the Time herein limited for giving Notice of Intention to compound, and thereupon such Carriage at the higher Rate of Duty shall be substituted in the Contract to be entered into under this Act for the Making or Renewal of such Composition for and in lieu of One such Carriage at the lower Rate;

Persons having compounded for a Carriage at a lower Rate of Duty entitled to set up under their Composition a Carriage chargeable at a higher Rate, on Payment of the Difference of Duty.

and where any Person who shall have entered into any Contract for the Making or Renewal of any Composition under this Act in respect of any Carriage with Four Wheels, and drawn by One Horse only, or any Carriage of whatever Description chargeable with the same Rate of Duty as such last-mentioned Carriage or a lower Rate, and such Person at any Time after the entering into such Contract shall be desirous of setting up and keeping under such Composition any Carriage chargeable with a higher Rate of Duty, such Person shall give Notice thereof to the Surveyor of the Division in which he shall reside One Calendar Month at least before setting up or keeping or using such Carriage chargeable with the higher Rate of Duty; and the said Surveyor shall transmit such Notice to the Clerk of the Commissioners acting for the said Division, and such Clerk shall cause to be endorsed upon each Part of the Contract of Composition, and to be signed by Two of the said Commissioners, a Certificate of such Notice, and of the additional Duty to be paid on such Contract in that Behalf; (that is to say,) there shall be payable thereon annually, during the Remainder of the Term of Composition, the Difference between the Rate of Duty chargeable on one such Carriage which shall have been compounded for as aforesaid and the Rate of Duty chargeable on the Carriage intended to be set up, kept, and used as aforesaid, together with the several additional Per-centage Rates of Duty payable under the said Contract, to be computed upon such Difference; and such additional Duties shall be payable for the whole Year, commencing from the Fifth Day of *April* next preceding the Date of such endorsed Certificate, and shall be paid during all the Remainder of the Term of Composition by half-yearly Instalments, and be collected, levied, and recovered in like Manner as if the same had been comprised in the Body of the said Contract; and after such Notice, and the Endorsement of such Certificate as aforesaid, it shall be lawful

for

for the Person compounding as aforesaid to set up, keep, and use any such Carriage as aforesaid, with the like Privileges and Immunities during the Remainder of the said Term as he would have been entitled to if he had originally compounded in respect of such Carriage chargeable at the higher Rate of Duty.

Persons compounding not to be charged for their increased Establishment.

XIV. Provided always, and be it enacted, That no Person shall be chargeable under the Acts in force at the Time of passing this Act, after the Expiration of the said Term of Five Years, for any Part of the increased Establishment not included in the Composition entered into under this Act, who shall give Six Months previous Notice of his Intention to discontinue the same, and who shall actually have ceased to keep the same One Calendar Month prior to the Expiration of the said Period of Five Years.

Compositions with Persons afterwards succeeding to Estates on the Death of any Person, or on Marriage, and increasing their Establishments beyond a certain Extent, to cease, with Power to compound de novo.

XV. And be it enacted, That every Composition entered into or renewed under this Act with any Person herein-after described shall cease and determine at the respective Times herein-after mentioned; (that is to say,) if any Person who shall compound or renew any Composition under this Act shall afterwards come into possession of any Estate, Real or Personal, or become entitled to the Rents or Profits of any Estate, Real or Personal, upon the Death of any Person, whether by Descent, Devise, Bequest, Gift, or Settlement, or under the Statute for the Distribution of Estates of Intestates, and shall thereupon or afterwards begin to keep any greater Number of Servants, Carriages, Horses, or other taxable Articles of the Description comprised in such Composition, whereby the Establishment of the Person compounding shall be increased, so that the Duties which would be chargeable thereon under an Assessment, if no such Composition had been made, would exceed by One Fourth or more the Amount of the Duties payable under such Composition, then and in every such Case the Composition entered into or renewed under this Act by any such Person herein-before described shall cease and determine on the Fifth Day of *April* next after any such Increase of Establishment shall take place; and if any Person shall intermarry after entering into or renewing any Composition under this Act, and shall by such Marriage come into the Possession or to the Use or Enjoyment of the Rents or Profits of any Estate, Real or Personal, belonging to his Wife before Marriage, whether upon such Marriage the Husband shall acquire any Interest in Law or Equity in such Estate or not, or whether the said Estate shall remain in or be vested to the sole Use of the Wife or not, in case the Husband shall, upon or after such Marriage, retain or keep any Servants, Carriages, Horses, or other Articles of the Description aforesaid kept by or belonging to his Wife before Marriage, or in case the Wife shall, after such Marriage, retain her former Establishment or any Part thereof, or in case the Husband or Wife shall, upon or after such Marriage, begin to keep any other Servants, Carriages, Horses, or other Articles of the Description aforesaid, in lieu of the like Articles of the Establishment of the Wife before Marriage, so that the Husband, if no Composition had been entered into, would have been assessable to an Amount of Duty exceeding by One Fourth the Amount of the Duties payable under such Composition, then and in such Case the Composition entered into or renewed under this Act by any such Person so intermarrying as aforesaid shall cease and determine on the Fifth Day of *April* next after such Marriage shall take place, or such increased Establishment shall begin to be kept: Provided always, that in all the several Cases in which the Composition is determined and made to cease by this Act for any of the respective Causes aforesaid it shall be lawful for every such Person as aforesaid, after he shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles for which he shall be chargeable with any Duty of Assessed Taxes, in order to an Assessment thereon for the Year commencing on the Sixth Day of *April* next after the Determination of such Composition, and upon being duly assessed for that Year, to compound *de novo* for the Remainder of the Term limited by this Act then to come and unexpired on the Amount so assessed on him in respect of such of the said Articles as are allowed to be compounded for under this Act, together with the additional Duty chargeable thereon under this Act, and as if such Person had not before compounded.

Composition Contracts of married Women to cease.

XVI. And be it enacted, That no Contract of Composition shall be entered into or renewed under this Act with any married Woman, and that every such Contract which shall be entered into or renewed with any unmarried Woman who shall afterwards marry shall cease and determine on the Fifth Day of *April* next after her Marriage.

Commissioners and Officers acting in the Execution of the Acts relating to Assessed Taxes to execute this Act.

XVII. And be it enacted, That the several Persons who for the Time being shall be Commissioners for putting in execution the Acts relating to Assessed Taxes shall be Commissioners for putting in execution this Act, and the Powers herein contained or referred to, in all and every the respective Counties, Ridings, Divisions, Shires, and Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places in *Great Britain*; and the several Assessors, Collectors, Surveyors, Inspectors, and other Officers for the Time being appointed or to be appointed to put into execution the said Acts shall respectively be Assessors, Collectors, Surveyors, Inspectors, and Officers to put in execution this Act within the Limits of their respective Divisions, Districts, and Places to which they are or shall be appointed; and the respective Commissioners and other Persons authorized by the said former Acts to contract and agree for Compositions for Assessed Taxes, or to do or perform any other Matter or Thing for carrying the said Acts into execution, shall respectively contract and agree for the Compositions to be entered into or renewed under this Act, and shall do and perform all such other Matters and Things as are required to be done and performed in the Execution of this Act within the Limits of their respective Jurisdictions; and all Powers, Authorities, Rules, Regulations, Directions, Clauses, Penalties, Matters, and Things contained in any former Act or Acts relating to Assessed Taxes, or to Compositions for Assessed Taxes, and now in force, shall severally and respectively be construed and deemed to apply to the Compositions to be made and renewed respectively under this Act, and shall, so far as the same shall be consistent with

Powers and Provisions of former Acts to remain and to be applied to the

Compositions under this Act.

with and shall not be superseded by the express Provisions of this Act, be observed, applied, enforced, and put in execution with relation to the Compositions to be made and renewed respectively under this Act, and for the raising, levying, paying, and accounting for the Monies to arise under this Act. and for the Prevention and Punishment of Fraud, Imposition, and Evasion in relation thereto, as fully and effectually to all Intents and Purposes as if such Powers, Authorities, Rules, Regulations, Directions, Clauses, Penalties, Matters. and Things had been herein repeated and specially enacted with reference to the Compositions respectively to be made and renewed under this Act.

Persons intending to compound or to renew any Composition to give Notice thereof, together with a Statement of the Articles of Composition.

XVIII. And be it enacted, That every Person intending to compound under this Act shall on or before the Fifth Day of *April* One thousand eight hundred and fifty-one in *England*, and on or before the Term of *Whitsunday* in the same Year in *Scotland*, deliver or cause to be delivered, free of Charge, to the Surveyor of Taxes for the Division in which such Person shall reside, a Notice in Writing in such Form as shall be provided by the Commissioners of Inland Revenue in that Behalf, declaring the Intention of such Person to compound, which Notice shall be signed by such Person (or by some authorized Agent on his Behalf residing in such Division, and whose Place of Residence shall be specified in such Notice) in the Presence of one of the Assessors or Collectors of the said Duties for the same Parish or Place where the Person intending to compound shall reside, or in the Presence of such Surveyor, who respectively shall subscribe his Name thereto as attesting such Signature; and every such Notice shall bear Date on the Day of signing the same, and shall contain a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and all other Articles of his Establishment chargeable with Duty upon which he shall be entitled to compound under this Act, and which have been kept, retained, or employed by him at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-nine; and every Person intending to renew his former Composition under this Act shall, on or before the respective Days or Times herein-before limited for the Delivery of such Notices as aforesaid, deliver or cause to be delivered, in like Manner, to such Surveyor as aforesaid, the Contract of his former Composition, or a true Copy or Certificate thereof, under the Hands of any Two of the Commissioners acting for the Division in which such Contract was entered into, together with a Notice in such Form as shall be provided by the said Commissioners of Inland Revenue in that Behalf, and signed and attested in the Manner herein-before directed with regard to Notices of Intention to compound, declaring the Intention of such Person to renew such former Composition, and containing a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment chargeable with Duty which shall have been kept and retained or employed by such Person at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty.

Persons assessed in Places other than where they reside to deliver Certificates of Assessments to the Surveyor.

XIX. And be it enacted, That every Person who shall be assessed for any Servants, Carriages, Horses, or other taxable Articles, for the Year ending the Fifth Day of *April* One thousand eight hundred and fifty-one, in Two or more Divisions in *Great Britain*, or who shall be assessed for that Year in a different Division from that in which he resides, and who shall be desirous of compounding under this Act, shall deliver or cause to be delivered in manner aforesaid, to the Surveyor of Taxes to whom he is by this Act required to give Notice of his Intention to compound, a Certificate under the Hand of the Surveyor of the Division or of each Division in which he shall be so assessed as aforesaid, containing the Particulars of such Assessment in every such Division, according to such Form as shall be provided by the Commissioners of Inland Revenue in that Behalf.

Surveyor to examine Notices of Intention to compound or renew Compositions, and to deliver the same with his Certificate to the Commissioners.

XX. And be it enacted, That all such Notices and Contracts, or Copies or Certificates of Contracts, and Certificates of Assessment, by this Act directed to be delivered to the Surveyors of Taxes by Persons intending to compound or to renew any Composition, may respectively be retained in the Hands of the said Surveyors respectively until the Expiration of Two Calendar Months after the Delivery thereof; and every such Surveyor shall carefully and diligently inspect and examine every Assessment relating to the Persons so applying to compound or to renew any Composition as aforesaid, and every Contract of Composition entered into under the said former Acts by any such Persons respectively, and also any Notices which may have been delivered by such Persons under the said Acts to discontinue any increased Establishment set up under any such former Contract; and after such Examination thereof every such Surveyor shall deliver all such Notices and Contracts, or Copies or Certificates of Contracts, and Certificates of Assessment, to the Clerks of the respective Commissioners authorized by this Act to contract for such Compositions, and for the Renewal of such former Compositions; and such Surveyor shall also certify to the said Commissioners either his Satisfaction with the Notices delivered in such Cases, or his Objection thereto, and the Grounds of such Objection, and the Amount of Duty on which every such Composition ought to be made or renewed; and no Composition shall be entered into or renewed in any of the Cases so objected to until a full and complete Return shall be made of every Article chargeable with Duty on which the Composition ought to be made under the Provisions of this Act; and every Composition entered into or renewed contrary to the Provisions of this Act shall be void and of no Effect, and the Person entering into or renewing the same shall be liable to Assessment and to the Charge of the respective Surveyors, according to the Provisions of the Acts in force relating to Assessed Taxes, as if no Composition had been entered into or renewed.

Errors or Mistakes in Compositions may be amended.

XXI. Provided always, and be it enacted, That where by any Error or Mistake the just Amount of Duty shall not be duly computed or inserted in the Contract of Composition, it shall be lawful for the Commissioners of Inland Revenue, by Certificate under the Hands of any Two or more of them directed to the Commissioners of the Division by whom such Contract shall have been made or allowed, to certify such

such Error or Mistake, and to direct the same to be amended or a new Contract made and executed in such Manner as may seem to the said Commissioners of Inland Revenue to be expedient to obviate such Error or Mistake, and conformable to the true Intent and Meaning of this Act; and the Commissioners to whom such Certificate shall be directed shall cause such Contract to be amended or a new Contract to be entered into accordingly.

Composition Contracts not liable to Duty.

XXII. And be it enacted, That no Contract for the making or renewing of any Composition under this or any former Act shall be liable to any Stamp Duty.

Act may be amended.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE containing the FORMS referred to in the foregoing Act.

CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with of in the Parish of in the Division of in the County of in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties. £ s. d.
	Servants	Schedule (C.) No. 1.	
	Servants	Schedule (C.) No. 3.	
	Under Gamekeepers	59 Geo. 3. c. 118. s. 5.	
	Four-wheel Carriages	Schedule (D.) No. 1.	
	Four-wheel Carriages drawn by One Horse	1 W. 4. c. 35. s. 4.	
	Four-wheel Carriages, with Wheels of less Diameter than 30 Inches, and drawn by Ponies not exceeding 13 Hands in Height	1 W. 4. c. 35. s. 4.	
	Two-wheel Carriages drawn by One Horse	Schedule (D.) No. 2.	
	Two-wheel Carriages drawn by Two Horses	Schedule (D.) No. 2.	
	Horses	Schedule (E.) No. 1.	
	Horses	Schedule (F.) No. 1.	
	Horses not exceeding 13 Hands in Height	59 Geo. 3. c. 13. s. 3.	
	Race Horses	5 & 6 W. 4. c. 64. s. 15.	
	Dogs; viz. Hounds, Pointers, Setting Dogs, Spaniels, Terriers, and Lurchers	Schedule (G.)	
	Greyhounds	Schedule (G.)	
	Other Dogs	Schedule (G.)	
	Hair Powder	Schedule (L.)	
	Armorial Bearings	Schedule (K.)	
	Composition Duty of £5 per Cent., under the Vict. c.		
	Additional £10 per Cent. under the 3 Vict. c. 17.		
	Total Annual Payment	£	

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have, by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for a Composition for the Duties of Assessed Taxes above specified for the Term of Five Years, to be computed from the 5th Day of April 1851, and for such Composition the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of being the Amount of the Duties above stated, together with the several Per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.

First Instalment on or before the 10th Day of October,
Second Instalment on or before the 5th Day of April,
in each and every Year of the Term aforesaid.

Dated this Day of 185 .

_____ } Commissioners.
_____
_____ the Party hereto.

Witness to the signing by the said Commissioners }
_____ Clerk.

Witness to the signing by the within-named Party }
_____ Clerk.

RENEWED

RENEWED CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with of in the Parish of in the Division of in the County of in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties. £ s. d.
	Servants	Schedule (C.) No. 1.	
	Servants	Schedule (C.) No. 3.	
	Under Gamekeepers	59 Geo 3 c. 118. s. 5.	
	Four-wheel Carriages	Schedule (D.) No. 1.	
	Four-wheel Carriages drawn by One Horse	1 Will. 4. c. 35. s. 4.	
	Four-wheel Carriages, with Wheels of less Diameter than 30 Inches, and drawn by Ponies not exceeding 13 Hands in Height	1 Will. 4. c. 35. s. 4.	
	Two-wheel Carriages drawn by One Horse	Schedule (D.) No. 2.	
	Two-wheel Carriages drawn by Two Horses	Schedule (D.) No. 2.	
	Horses	Schedule (E.) No. 1.	
	Horses	Schedule (F.) No. 1.	
	Horses not exceeding 13 Hands in Height	59 Geo. 3. c. 13. s. 3.	
	Race Horses	5 & 6 Will. 4. c. 64. s. 15.	
	Dogs; viz. Hounds, Pointers, Setting Dogs, Spaniels, Terriers, and Lurchers	Schedule (G.)	
	Greyhounds	Schedule (G.)	
	Other Dogs	Schedule (G.)	
	Hair Powder	Schedule (I.)	
	Armorial Bearings	Schedule (K.)	
	Composition Duties; viz.		
	[Specify the Amount, with the Rates per Cent., and the Acts under which the same are chargeable.]		
	Additional £10 per Cent. under the 3 Vict. c. 17.		
	Total Annual Payment £		

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have, by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for the Renewal of the Composition heretofore entered into by him, in pursuance of the Statutes in that Behalf, for the Duties of Assessed Taxes above specified, and which Renewal we do hereby make for the Term of Five Years, to be computed from the 5th Day of April 1851, and for such Composition and Renewal the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of being the Amount of the Duties above stated, together with the several Per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.

First Instalment on or before the 10th Day of October,
Second Instalment on or before the 5th Day of April,

in each and every Year of the Term aforesaid.

Dated this Day of 185 .

_____ } Commissioners.
_____
_____ the Party hereto.

Witness to the signing by the said Commissioners _____ Clerk.

Witness to the signing by the within-named Party _____ Clerk.

CAP. XCVII.

An Act to repeal certain Stamp Duties, and to grant others in lieu thereof; and to amend the Laws relating to the Stamp Duties. [14th *August* 1850.]

55 G. 3. c. 184. ‘WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions to Personal Estate upon Intestacies, now payable in* Great Britain, *and for granting other Duties in lieu thereof*, certain Stamp Duties specified and contained in a Schedule to the said Act annexed were granted and made payable in and throughout *Great Britain*, for and in respect of the several Instruments, Matters, and Things described or mentioned in the said Schedule: And whereas by an Act passed

'passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to reduce the* 3 G. 4. c. 117.
'*Stamp Duties on Reconveyances of Mortgages and in certain other Cases, and to amend an Act of*
'*the last Session of Parliament for removing Doubts as to the Amount of certain Stamp Duties in*
'Great Britain *and* Ireland *respectively*, certain Stamp Duties therein mentioned or referred to were
'repealed, and in lieu thereof certain other Stamp Duties in the said last-recited Act specified were
'granted and made payable in and throughout *Great Britain* and *Ireland* respectively: And whereas
'by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to assimilate* 5 & 6 Vict. c. 82.
'*the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and managing*
'*the same until the Tenth Day of* October *One thousand eight hundred and forty-five*, certain of the
'said Stamp Duties granted by the said first-recited Act were extended to and made payable in *Ireland;*
'and under and by virtue of the said Three several Acts, and also of Two other Acts passed respectively 8 & 9 Vict. c. 2.
'in the Eighth and Eleventh Years of Her Majesty's Reign, for continuing the said last-recited Act, 11 & 12 Vict.
'the said Stamp Duties are now payable in *Great Britain* and *Ireland* respectively: And whereas it is c. 9.
'expedient to repeal certain of the said Stamp Duties, so far as the same relate to the several Instru-
'ments, Matters, and Things mentioned and described in the Schedule to this Act annexed, and to
'substitute in lieu thereof other Rates of Duties for and in respect of the same Instruments, Matters, and
'Things:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and fifty the several Stamp Duties now payable in *Great Britain* and *Ireland* respectively, under or by virtue of the said several Acts herein-before recited or referred to, or any of the said Acts respectively, or any other Act or Acts, for or in respect of the several Instruments, Matters, and Things described or mentioned in the said Schedule to this Act annexed, and whereon other Duties are by this Act granted and imposed, shall respectively cease and determine, and shall be and the same are hereby repealed, and in lieu and instead thereof there shall be granted, raised, levied, collected, and paid in and throughout the United Kingdom of *Great Britain* and *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, for and in respect of the said several Instruments, Matters, and Things, or for or in respect of the Vellum, Parchment, or Paper upon which the same respectively shall be written, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said last-mentioned Schedule, and that the said last-mentioned Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Instruments, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and shall be applied, observed, and put in execution accordingly: Provided always, that nothing herein contained shall extend to repeal or alter any of the said Duties now payable in relation to any Deed or Instrument which shall have been signed or executed by any Party thereto, or which shall bear Date before or upon the said Tenth Day of *October* One thousand eight hundred and fifty.

Stamp Duties on Instruments specified in the annexed Schedule repealed, and other Duties granted in lieu thereof.

II. And be it enacted, That the said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and that all Powers, Provisions, Clauses, Regulations, Directions, and Exemptions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the said recited Act of the Fifty-fifth Year of the Reign of King *George* the Third and the Schedule thereto annexed, and in or by any other Act or Acts, relating to any Duties of the same Kind or Description heretofore payable in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of and not repealed by this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things, charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the said Duties by this Act granted, and the said Schedule annexed to the said Act of the Fifty-fifth Year of the Reign of King *George* the Third and the said Schedule to this Act annexed shall be read and construed as One Schedule and as One Act.

Duties granted to be denominated Stamp Duties, and to be under the Care of the Commissioners of Inland Revenue.

Powers and Provisions of former Acts to be in force and be put in execution with regard to the Duties hereby granted.

III. Provided always, and be it enacted, That nothing in this Act or in the Schedule hereto annexed contained shall extend or be deemed or construed to extend to charge with Stamp Duty any Deed or Instrument which by any Act or Acts now in force is expressly exempted from all Stamp Duty; or to subject or charge any Transfer or Assignment of any Share in the Stock and Funds of the Governor and Company of the Bank of *England*, or of the *South Sea* Company, or of the *East India* Company respectively, to or with any higher or other Stamp Duty than such Transfers and Assignments are respectively subject and liable to under any Act or Acts now in force.

Duties not to be charged on Deeds or Instruments expressly exempted from Stamp Duty by existing Acts.

IV. And be it enacted, That the Duties imposed by the said Act of the Sixth Year of Her Majesty's Reign upon any Lease, Release, or Deed, Minute, Memorandum, or legal or equitable Article or Instrument for setting or demising Lands, Tenements, or Hereditaments in *Ireland*, in the Manner in the said Act mentioned, and also the Duty imposed by an Act passed in the Tenth Year of Her Majesty's Reign, intituled *An Act to facilitate and encourage the granting of certain Leases for Terms of Years in* Ireland, on any Lease in the said last-mentioned Act described, shall, so far as the same respectively relate

Duties imposed by 5 & 6 Vict. c. 82. and 9 & 10 Vict. c. 112. on certain Leases in Ireland, repealed.

relate to any such Lease, Release, or Deed, Minute or Memorandum, Article or Instrument as aforesaid which shall bear Date after the said Tenth Day of *October* One thousand eight hundred and fifty, be and the same are hereby repealed; and every such Lease, Release, or Deed, Minute, Memorandum, or legal or equitable Article or Instrument last mentioned shall be and become subject and liable to and chargeable with the Duties imposed by this Act and the said Act of the Fifty-fifth Year of the Reign of King *George* the Third respectively, on Deeds and Instruments of the like Kind or Description.

For removing Doubts as to the Stamp Duties on certain Agreements for setting or demising Lands in Ireland.

V. 'And whereas by an Act passed in the Seventh Year of Her Majesty's Reign the Stamp Duty on 'an Agreement, or Minute or Memorandum of an Agreement, under Hand only, and in the said last-'mentioned Act more particularly described, was reduced to the Sum of Two Shillings and Sixpence: 'And whereas Doubts have arisen as to whether the said reduced Duty extends to Agreements or other 'Instruments under Hand only for setting or demising Lands, Tenements, or Hereditaments in *Ireland* 'at a yearly Rent not exceeding Fifty Pounds; and it is expedient to remove such Doubts:' Be it therefore declared and enacted, That no Agreement, or Minute, Memorandum, or legal or equitable Article or Instrument, under Hand only, made or to be made at any Time since the Sixth Day of *June* One thousand eight hundred and forty-four, and before or upon the Tenth Day of *October* One thousand eight hundred and fifty, for setting or demising Lands, Tenements, or Hereditaments in *Ireland* at any yearly Rent not exceeding Fifty Pounds, shall be held or deemed to be or to have been subject or liable to any higher Amount of Stamp Duty than the said reduced Duty of Two Shillings and Sixpence payable on an Agreement, or Minute or Memorandum of an Agreement, under Hand only, by virtue of the said Act of the Seventh Year of Her Majesty's Reign.

Preamble.

4 & 5 Vict. c. 21.

8 & 9 Vict. c. 106.

VI. 'And whereas under or by virtue of the said several Acts herein-before recited, or some of them, 'certain Stamp Duties are now payable for or in respect of any Bargain and Sale, or Lease for a Year, for 'vesting the Possession of Lands or other Hereditaments, and enabling the Bargainee to take a Release of 'the Freehold or Inheritance: And whereas by an Act passed in the Fourth Year of the Reign of Her 'present Majesty, intituled *An Act for rendering a Release as effectual for the Conveyance of Freehold 'Estates as a Lease and Release by the same Parties*, it is provided, that every Deed or Instrument taking 'effect under the said last-mentioned Act in the Manner therein mentioned shall be chargeable with the 'same Amount of Stamp Duty as any Bargain and Sale or Lease for a Year would have been chargeable 'with (*except Progressive Duty*) if executed to give Effect to such Deed or Instrument, in addition to 'the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise 'under any Act or Acts relating to Stamp Duties: And whereas by an Act passed in the Ninth Year of 'the Reign of Her present Majesty, intituled *An Act to amend the Law of Real Property*, it is enacted, 'that every Deed which by force only of the said last-mentioned Act shall be effectual as a Grant shall 'be chargeable with the Stamp Duty with which the same Deed would have been chargeable in case 'the same had been a Release founded on a Lease or Bargain and Sale for a Year, and also with the 'same Stamp Duty (*exclusive of Progressive Duty*) with which such Lease or Bargain and Sale for a 'Year would have been chargeable: And whereas it is expedient to repeal the said Stamp Duties now 'payable for or in respect of any such Bargain and Sale or Lease for a Year as aforesaid, and also to 'repeal so much of the said Two several Acts last mentioned as imposes upon any Deed or Instrument 'the said additional Stamp Duty as for a Bargain and Sale or Lease for a Year:' Be it therefore enacted, That the said Duties now payable for or in respect of any such Bargain and Sale or Lease for a Year as aforesaid, and also so much of the said Two several last-mentioned Acts as is herein-before recited, shall, so far as the same respectively relate to any Deed or Instrument which shall bear Date after the said Tenth Day of *October* One thousand eight hundred and fifty, be and the same are hereby repealed.

Stamp Duties on a Bargain and Sale, and so much of said Two Acts as is recited, repealed.

Preamble.

Additional Duty on a Conveyance by Feoffment or Bargain and Sale enrolled, repealed.

VII. 'And whereas by the said recited Act of the Fifty-fifth Year of the Reign of King *George* the 'Third, and the Schedule thereto annexed, it is provided, that where any Freehold Lands or Heredita-'ments shall be conveyed by a Deed of Feoffment or by a Deed of Bargain and Sale enrolled, such Deed 'of Feoffment or Bargain and Sale, unless accompanied with a Lease and Release, shall be charged with 'such further Duty as in the said last-mentioned Schedule is specified and contained in that Behalf:' Be it enacted, That so much of the said last-mentioned Act and of the said Schedule as charges such Deed of Feoffment or Bargain and Sale with any such further Duty shall, as to any such Deed as aforesaid which shall bear Date at any Time after the Tenth Day of *October* One thousand eight hundred and fifty, be and the same is hereby repealed.

All Persons receiving Monies for Stamp Duties, and misappropriating the same, to be liable for the Amount, and the Court of Exchequer to enforce Payment thereof.

VIII. And be it enacted, That if any Person shall have received or gotten into his Hands, or shall receive or get into his Hands, any Sum or Sums of Money as and for the Stamp Duty upon or in respect of any Deed, Instrument, or Transaction, or intended Deed, Instrument, or Transaction, or the Duty upon or in respect of any Legacy or Residue, and shall improperly neglect or omit to appropriate such Sum or Sums of Money to the due Payment of such Duty, or shall otherwise by or under any Means or Pretence whatsoever improperly withhold or detain the same, every such Person shall be accountable for the Amount of such Duty or Sum or Sums of Money, and the same shall be a Debt from such Person to Her Majesty, Her Heirs and Successors, and recoverable as such accordingly; and it shall be lawful for the Barons of Her Majesty's Court of Exchequer in *England*, *Scotland*, or *Ireland* respectively, upon Application to be made for that Purpose on behalf of the Commissioners of Inland Revenue, upon such Affidavit as to such Court may appear sufficient, to grant a Rule requiring such Person, or his Executor or Administrator, to show cause why he should not deliver to the said Commissioners an Account upon Oath of all such Duties and Sums of Money as aforesaid, and why the same should not be forthwith paid to the Receiver General of Inland Revenue, or to such Person as the said Commissioners shall appoint

appoint or authorize to receive the same; and it shall be lawful for such Court to refer the taking or auditing of any such Account to the proper Officer of such Court, who shall examine any such Person as a Debtor or alleged Debtor to the Crown, on personal Interrogatories, if such Court shall think proper so to do; and it shall be lawful for such Court to make absolute any such Rule as aforesaid in every Case in which the same may appear to such Court to be proper and necessary, and to enforce by Attachment or otherwise the Payment of any such Duties or Sums of Money as on such Proceedings shall appear to such Court to be due, together with the Costs of all such Proceedings.

For removing Doubts as to the Duties upon Transfers of Mortgages.

IX. 'And whereas Doubts have arisen as to certain Stamp Duties in *Great Britain* and *Ireland* 'respectively payable under the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, 'the said Act of the Third Year of the Reign of King *George* the Fourth, and the several Acts respec- 'tively therein recited or mentioned, and the said Act of the Sixth Year of the Reign of Her present 'Majesty, or under some or one of the said several Acts respectively, upon or in respect of certain 'Deeds or Instruments herein-after mentioned, and it is proper that such Doubts should be removed:' Be it therefore enacted and declared, That any Transfer or Assignment, Disposition or Assignation, already made, or which on or before the Tenth Day of *October* One thousand eight hundred and fifty may be made, of any Mortgage or Wadset or of any other Security in the said Acts or any of them mentioned, or of the Benefit thereof, or of the Money or Stock thereby secured, shall not, by reason of its containing, either by the Mortgagor or by any Person entitled to the Property mortgaged by Descent, Devise, or Bequest from such Mortgagor, any further or additional Security for the Payment or Transfer or Re-transfer of such Money or Stock, or any Interest or Dividends thereon, or any new Covenant, Proviso, Power, Stipulation, or Agreement, or other Matter whatever, in relation to such Money or Stock, or the Interest or Dividends thereon, or by reason of its containing all or any of such Matters, be or be deemed to be liable to any further or other Duty (*except Progressive Duty*) than the Duty herein-after mentioned; (that is to say,) where no further Money or Stock has been or shall be added to the Principal Money or Stock already secured, a Stamp Duty of One Pound Fifteen Shillings, and where any further Sum of Money or Stock has been or shall be added to the Principal Money or Stock already secured, the same Stamp Duty only as on a Mortgage or Wadset for such further Sum or Stock; and that any Deed or Instrument, either by the Mortgagor or by any Person entitled as aforesaid, already made or which may be made as aforesaid, operating or intended to operate as a further Charge or as a Security for any further or additional Money or Stock advanced upon any Property already comprised in any Mortgage or other Security, shall not by reason of its containing all or any of the Matters aforesaid, in relation to the Money or Stock previously secured, or the Interest or Dividends thereon, be deemed to be liable to any further or other Stamp Duty than the Duty chargeable on an original Mortgage for the further or additional Money or Stock in and by such Deed of further Charge or Security charged or secured, or intended so to be.

For affording Relief in certain Cases of Leases.

X. 'And whereas numerous Leases have been from Time to Time granted upon or after Sales made 'in consideration of Money paid to some other Person or Persons than the Lessor, without stamping 'such Leases with any *ad valorem* Stamp in respect of such pecuniary Consideration, the Parties to such 'Leases conceiving that the Provisions of the several Acts now in force requiring the Consideration to 'be set out, and imposing an *ad valorem* Duty thereon, did not apply to any other Consideration than 'that passing between the Lessor and Lessee; but inasmuch as Doubts have arisen on the Subject, it is 'reasonable that such Relief as is herein-after mentioned should be afforded in such Cases:' Be it therefore enacted and declared, That no Lease made and executed before the Twentieth Day of *March* One thousand eight hundred and fifty shall be adjudged, deemed, or taken to be improperly stamped by reason of there not being an *ad valorem* Stamp impressed thereon for or in respect of any pecuniary Consideration which may have been paid or may be therein expressed to be paid by the Lessee to any other Person or Persons than the Lessor, and that the Seller and the Lessee respectively in any such Lease, and any Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the Preparation or Completion of the same, shall be exempted from all Penalties and other Liabilities for or by reason of any Default in setting forth any such pecuniary Consideration as aforesaid.

For removing Doubts regarding Progressive Duties.

Progressive Duties not to be charged on Deeds or Instruments in respect of others duly stamped, and endorsed on or referred to therein.

XI. 'And whereas, by the several Acts now in force relating to the Stamp Duties as well as by this 'Act, certain Stamp Duties called Progressive Duties are imposed upon Deeds and Instruments in respect 'of certain Quantities of Words contained therein, together with any Schedule, Receipt, or other Matter 'put or endorsed thereon or annexed thereto: And whereas Doubts are entertained whether such Pro- 'gressive Duties are chargeable on any Deed or Instrument in respect of the Words contained in any 'other Deed or Instrument liable to Stamp Duty and duly stamped which may be put or endorsed upon, 'or annexed to, or referred to in or by such first-mentioned Deed or Instrument, and it is expedient to 'remove such Doubts:' Be it therefore declared and enacted, That the said Progressive Duties shall not be deemed or held to be or to have been imposed or chargeable upon any Deed or Instrument in respect of the Words or any Quantity of the Words contained in any other Deed or Instrument liable to Stamp Duty and duly stamped which may be or may have been put or endorsed upon or annexed to such first-mentioned Deed or Instrument, or which may be or may have been in any Manner incorporated with or referred to in or by the same.

Terms and Conditions on which Deeds, &c. may be stamped after the signing thereof.

XII. 'And whereas, for securing the due Payment of the Stamp Duties imposed by Law on Deeds 'and other Instruments, it is expedient to alter the Terms and Conditions on which any such Deed or 'Instrument may be stamped after the Execution or signing thereof:' Be it therefore enacted, That where any Deed or Instrument liable by Law to any Stamp Duty shall be written on Vellum, Parchment, or Paper, and shall be signed or executed by any Person before such Vellum, Parchment, or Paper shall be

be duly stamped for denoting the Payment of the said Duty, then and in every such Case there shall be due, answered, and paid to Her Majesty, Her Heirs and Successors, the whole or (as the Case may be) the Deficiency of the Stamp Duty payable upon or in respect of such Deed or Instrument, and there shall also be paid and payable, over and above the said Duty or Deficiency of Duty, by way of Penalty, and in lieu of any former Penalty imposed or made payable by Law in the like Case, the Sum of Ten Pounds; and where the whole Amount of the Duty or Deficiency of Duty, as the Case may be, to be denoted by the Stamp or Stamps required to be impressed on such Deed or Instrument when the same shall be brought to be stamped shall exceed the Sum of Ten Pounds, there shall be paid by way of Penalty, in addition to the said Sum of Ten Pounds, Interest on the said Duty or Deficiency of Duty computed at the Rate of Five Pounds *per Centum per Annum* from the Date or first signing or Execution of such Deed or Instrument; provided, that if such Interest shall exceed in Amount the said Duty or Deficiency of Duty, then there shall be paid by way of Penalty, in addition to the said Duty or Deficiency of Duty, and the said Sum of Ten Pounds, and in lieu of the said Interest, a Sum equal to the Amount of the said Duty or Deficiency of Duty; and the Commissioners of Inland Revenue are hereby required, upon Payment of the said Duty or Deficiency of Duty, and of the said Sum or Sums herein-before directed to be paid by way of Penalty, to cause such Deed or Instrument to be duly stamped with a Stamp or Stamps for denoting the Payment of such Duty or Deficiency, and also with a Stamp for denoting the Payment of a Penalty, in lieu of the Receipt heretofore required by any Act to be written or given for such Penalty; and no such Deed or Instrument shall be pleaded or given in Evidence, or admitted to be good, useful, or available in Law or Equity, until the same shall be duly stamped in manner aforesaid: Provided always, that where it shall appear to the Commissioners of Inland Revenue, upon Oath or otherwise, to their Satisfaction, that any Deed or Instrument hath not been duly stamped previously to being signed or executed, by reason of Accident, Mistake, Inadvertency, or urgent Necessity, and without any wilful Design or Intention to defraud Her Majesty, Her Heirs or Successors, of the Duty chargeable in respect thereof, or to evade or delay the Payment of such Duty, then and in any such Case, if such Deed or Instrument shall within Twelve Calendar Months after the first signing or executing of the same by any Person be brought to the said Commissioners in order to be stamped, and the Stamp Duty chargeable thereon by Law shall be paid, it shall be lawful for the said Commissioners, if they shall think fit, to remit the whole or any Part of the Penalty payable on stamping such Deed or Instrument, and to cause such Deed or Instrument to be duly stamped, upon Payment of the whole, or, as the Case may be, the Deficiency of the Stamp Duty chargeable thereon by Law, and either with or without any Portion of the said Penalty; and thereupon every such Deed or Instrument shall be as valid and available in the Law as it would have been if it had been duly stamped before the signing or executing of the same: Provided also, that nothing herein contained shall extend or be deemed or construed to extend to any Deed or Instrument for the stamping of which after the signing or Execution thereof Provision is specially made by any Law now in force, or to any Deed or Instrument the stamping of which after the signing or Execution thereof is expressly prohibited or restricted by any such Law as aforesaid, or to repeal, alter, or affect any such Provision, Prohibition, or Restriction.

Commissioners of Inland Revenue authorized to remit the Penalty on stamping Deeds, &c. within Twelve Months after the signing thereof.

Not to extend to Instruments for which special Provision is made, or where the stamping is by Law prohibited.

XIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Inland Revenue to order and direct that any Deed or Instrument which shall have been or shall or may be signed or executed by any Party thereto at any Place out of the United Kingdom may be duly stamped, upon Payment of the proper Stamp Duty payable thereon, and without Payment of any additional Duty or Penalty, provided such Deed or Instrument shall be brought to the said Commissioners to be stamped as aforesaid within the Space of Two Calendar Months from the Time when the same shall have been received in the United Kingdom, and provided Proof shall be first made to the Satisfaction of the said Commissioners of the Facts aforesaid.

Commissioners may stamp Instruments executed abroad, without Penalty, if brought to them within Two Months after Arrival home.

XIV. ‘ And whereas Doubts frequently arise as to the Stamp Duties with which some Deeds or ‘ Instruments are chargeable, and it is expedient that Provision should be made whereby such Doubts ‘ may be removed:’ Be it therefore enacted, That when any Deed or Instrument liable to Stamp Duty, whether previously stamped or otherwise, shall be presented to the Commissioners of Inland Revenue at their Office, and the Party presenting the same shall desire to have the Opinion of the said Commissioners as to the Stamp Duty with which such Deed or Instrument in their Judgment is chargeable, and shall tender and pay to the said Commissioners a Fee of Ten Shillings (which shall be accounted for and paid over as Part of Her Majesty's Revenue arising from Stamp Duties), it shall be lawful for the said Commissioners and they are hereby required to assess and charge the Stamp Duty to which in their Judgment such Deed or Instrument is liable, and upon Payment of the Stamp Duty so assessed and charged by them, or, in the Case of a Deed or Instrument insufficiently stamped, of such a Sum as, together with the Stamp Duty already paid thereon, shall be equal to the Duty so assessed and charged, and upon Payment also of the Amount, if any, payable by way of Penalty on stamping such Deed or Instrument, to stamp such Deed or Instrument with the proper Stamp or Stamps denoting the Amount of the Duty so paid, and thereupon, or if the full Stamp Duty to which in the Judgment of the said Commissioners such Deed or Instrument shall be liable shall have been previously paid and denoted upon the same in manner aforesaid, the said Commissioners shall impress upon such Deed or Instrument a particular Stamp to be provided by them for that Purpose, with such Word or Words or Device or Symbol thereon as they shall think proper in that Behalf, and such last-mentioned Stamp shall be deemed and taken to signify and denote that the full Amount of Stamp Duty with which such Deed or Instrument is by Law chargeable has been paid, and every Deed or Instrument upon which the same shall be impressed shall be deemed to have been duly stamped, and shall be receivable in Evidence in all Courts of

For removing Doubts as to the Sufficiency of Stamp Duty paid on Deeds.

of Law or Equity, notwithstanding any Objection made to the same as being insufficiently stamped; save and except that such last-mentioned Stamp shall not be impressed upon any Deed or Instrument chargeable with *ad valorem* Duty under or by reference to the Head of Bond or Mortgage in the Schedule to this Act where the same is made as a Security for the Payment or Transfer or Re-transfer of Money or Stock without any Limit as to the Amount thereof; and provided always, that nothing herein contained shall be deemed or construed to extend to require or authorize the said Commissioners to stamp as last aforesaid any Probate of a Will or Letters of Administration, or to stamp as last aforesaid any Deed or Instrument after the signing or Execution thereof in any Case in which the stamping thereof is expressly prohibited by any Law in force.

Party dissatisfied with the Determination of the Commissioners as to the Stamp Duty chargeable may appeal to the Court of Exchequer, and the Duty shall be paid according to the Decision of the Court.

XV. Provided always, and be it enacted, That if the Party presenting such Deed or Instrument to the said Commissioners as aforesaid for their Opinion as to the Stamp Duty with which the same is chargeable shall declare himself dissatisfied with the Determination made by them in that Behalf, it shall be lawful for such Party, upon paying the Amount of the Stamp Duty according to such Determination, and depositing with the said Commissioners the Sum of Forty Shillings for Costs and Charges to be paid by him in the event herein-after provided for, to require the said Commissioners to state specially and to sign the Case on which the Question with respect to such Stamp Duty arose, together with their Determination thereupon, which Case the said Commissioners are hereby required to state and sign accordingly, and to cause the same to be delivered to the Party making such Request as aforesaid, in order that he may appeal against such Determination to Her Majesty's Court of Exchequer at *Westminster*; and upon the Application of the said Party (due Notice thereof being given to the Solicitor of Inland Revenue, to the end that Counsel may be heard on behalf of the said Commissioners,) it shall be lawful for the said Court of Exchequer and the said Court is hereby required to hear and determine the said Appeal, and to decide as to the Stamp Duty with which such Deed or Instrument is chargeable, and according to such Decision the Stamp Duty and Penalty (if any) which shall have been the Subject of such Case shall be deemed to have been payable by Law; and if no Excess of Stamp Duty or Penalty shall have been paid to the said Commissioners by the said Appellant, over and above the Sum which according to the Decision of the said Court ought to have been paid upon or in respect of such Deed or Instrument, the said Sum of Forty Shillings deposited for Costs and Charges as aforesaid shall be applied to the Use of Her Majesty's Revenue; but if any such Excess as aforesaid shall have been so paid by the said Appellant, the same, together with the said Sum of Forty Shillings deposited as aforesaid, shall be repaid by the said Commissioners to the said Appellant; and if the Sum paid for Stamp Duty or Penalty upon or in respect of such Deed or Instrument shall fall short of the Amount which, according to the Decision of the said Court upon any such Appeal, is chargeable or ought to be paid upon or in respect of such Deed or Instrument, the Deficiency of such Stamp Duty or Penalty, or both, as the Case may be, shall be paid by the said Appellant to the said Commissioners, and the Court shall order and enforce the Payment thereof accordingly.

Conveyances, Mortgages, and Settlements of Property under Contract or Obligation before 20th March 1850 exempted from any increased *ad valorem* Duty.

XVI. And be it enacted, That where any Lands or other Property shall have been actually and *bonâ fide* contracted to be sold prior to the Twentieth Day of *March* One thousand eight hundred and fifty by any Contract or Agreement in Writing duly stamped, or shall have been actually and *bonâ fide* sold under the Decree of any Court made prior to the said Twentieth Day of *March*, and the same shall be conveyed to the Purchaser or any other Person by his Direction after the Tenth Day of *October*, and before or on the Thirty-first Day of *March* One thousand eight hundred and fifty-one, or where any Lands or other Property shall have been actually and *bonâ fide* contracted to be mortgaged prior to the said Twentieth Day of *March* One thousand eight hundred and fifty, and the Abstract of Title of the Mortgagor to such Lands or other Property shall have been actually delivered to the intended Mortgagee or his Solicitor prior to the said Twentieth Day of *March* One thousand eight hundred and fifty, and the same Mortgage shall be executed after the said Tenth Day of *October*, and before or on the Thirty-first Day of *March* One thouaand eight hundred and fifty-one, or where any Deed or Instrument liable to the *ad valorem* Duty by this Act granted under the Head of "Settlement" in the Schedule to this Act shall be executed after the said Tenth Day of *October*, and before or on the Thirty-first Day of *March* One thousand eight hundred and fifty-one, in pursuance of an Obligation contained in any Deed, Will, or other Instrument which was actually and *bonâ fide* in force and obligatory upon the Party executing the same prior to the said Twentieth Day of *March* One thousand eight hundred and fifty, or in pursuance of the Decree of any Court made prior to that Day, the principal or only Deed or Instrument whereby such Lands or other Property as aforesaid shall be conveyed or mortgaged respectively, and the principal or only Deed chargeable with *ad valorem* Duty by this Act granted under the Head of "Settlement" in the Schedule hereto, shall be exempt from any *ad valorem* Duty of a greater Amount than would have been payable on such Deed or Instrument respectively if this Act had not been passed; but in order to prevent Frauds such Deed or Instrument shall be produced on or before the Thirtieth Day of *April* One thousand eight hundred and fifty-one, duly executed and duly stamped, to the Commissioners of Inland Revenue, and upon its being proved to their Satisfaction that the Lands or other Property therein comprised were actually and *bonâ fide* contracted to be sold as aforesaid, or were actually and *bonâ fide* sold under the Decree of any Court made prior to the said Twentieth Day of *March* One thousand eight hundred and fifty, or that such Lands or other Property therein comprised were actually and *bonâ fide* contracted to be mortgaged as aforesaid, and that the Abstract of Title thereto was actually delivered as aforesaid, or that such Deed or Instrument liable to the *ad valorem* Duty by this Act, granted under the Head of "Settlement" in the Schedule to this Act, was executed in pursuance of an Obligation contained in such Deed, Will, or other Instrument so in force and obligatory as aforesaid, or was actually and

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bonâ fide executed in pursuance of the Decree of any Court made prior to the said Twentieth Day of *March* One thousand eight hundred and fifty, and that such Deed or Instrument was duly executed on or before the Thirty-first Day of *March* One thousand eight hundred and fifty-one, the said Commissioners of Inland Revenue, or some or One of them, shall sign a Certificate of what shall be so proved to their Satisfaction upon such Deed or Instrument, and thereupon such Deed or Instrument, being stamped with the *ad valorem* Duty which would have been payable if this Act had not been passed, shall be as valid and available in the Law as if the same had been stamped with the said *ad valorem* Duty by this Act granted, but the same shall not without such Certificate be given in Evidence, or be in any Manner available unless stamped with such *ad valorem* Duty last mentioned.

1 & 2 G. 4. c. 55.

XVII. 'And whereas it is considered that under the Provisions of an Act passed in the First and 'Second Years of the Reign of King *George* the Fourth, intituled *An Act to remove Doubts as to the 'Amount of Stamp Duties to be paid on Deeds and other Instruments under the several Acts in force 'in* Great Britain *and* Ireland *respectively*, any Deed, Agreement, or other Instrument which relates 'wholly to Real or Personal Property in *Ireland*, or to any Matter or Thing (other than the Payment 'of Money) to be done in *Ireland*, cannot after the engrossing thereof properly be stamped elsewhere 'than at the Stamp Office in *Dublin*, and also that any Deed, Agreement, or other Instrument which 'relates to any Real or Personal Property situate elsewhere than in *Ireland*, or to any Matter or Thing '(other than the Payment of Money) to be done elsewhere than in *Ireland*, cannot after the engrossing 'thereof properly be stamped elsewhere than at the Stamp Office in *London*: And whereas such Con-'struction of the said Act as aforesaid is the Occasion of Inconvenience:' Be it therefore enacted and declared, That from and after the passing of this Act any such Deed, Agreement, or Instrument as aforesaid may and shall, without regard to the Place where the Property, Matter, or Thing to which the same may relate may be situate or may be to be done, be stamped with such Duty or Duties as the same may be liable to, either at the Stamp Office in *London* or at the Stamp Office in *Dublin*, according as the same shall for that Purpose be presented at either of the said Offices.

Deeds, &c. may be stamped either in London or Dublin.

The Allowance on Receipt Stamps granted by 12 & 13 Vict. c. 80. repealed.

XVIII. 'And whereas by an Act passed in the Thirteenth Year of the Reign of Her said Majesty, 'intituled *An Act to repeal the Allowances on the Purchase of Stamps, and for the receiving and 'accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof*, an 'Allowance at the Rate of One Pound Ten Shillings *per Cent.* is granted to any Person who shall 'produce at the Office of the Commissioners of Inland Revenue in *London* or *Dublin* to be stamped, or 'shall purchase of the said Commissioners at their Office in *London*, *Edinburgh*, or *Dublin*, Vellum, 'Parchment, or Paper stamped with Stamps (not being Labels for Medicines) under the Value respec-'tively of Ten Pounds each, but to the Amount or Value in the whole of Thirty Pounds or upwards: 'And whereas it is expedient to repeal the said Allowance so far as relates to Stamps for Receipts, and 'to grant another and increased Rate of Allowance in lieu thereof:' Be it therefore enacted, That from and after the passing of this Act the said Allowance granted by the said last-mentioned Act, so far as the same relates to Stamps for Receipts, shall be and the same is hereby repealed, and that in lieu thereof there shall be made and granted the Allowance following; (that is to say,) to any Person who at one and the same Time shall produce at the Office of the said Commissioners in *London* or *Dublin* Paper to be stamped with Stamps for Receipts to the Amount of Five Pounds or upwards, or shall purchase at the Office of the said Commissioners in *London*, *Edinburgh*, or *Dublin* Stamps for Receipts to the Amount of Five Pounds or upwards, or of any Distributor or Sub-distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively to the Amount of One Pound or upwards, an Allowance at and after the Rate of Seven Pounds Ten Shillings *per Centum*, provided that no such Allowance shall be made for any Fraction of a Pound.

Allowance of 7*l.* 10*s.* per Cent. granted.

Reciting 55 G. 3. c. 101. as to Fire Insurances in Ireland.

XIX. 'And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, 'intituled *An Act to regulate the Collection of Stamp Duties on Matters in respect of which Licences 'may be granted by the Commissioners of Stamps in* Ireland, it is enacted, that the said Commissioners 'shall annually grant a Licence for insuring Houses, Furniture, Goods, Wares, Merchandize, or other 'Property from Loss by Fire to all and every Body and Bodies Politic or Corporate or Person or Persons 'applying for the same in manner therein mentioned, and that where the Business of Insurance is carried 'on by a Company consisting of a greater Number than Four the said Licence shall be granted to such 'Two or more of such Company or Partners, or if such Company or Partnership shall be a *British* Com-'pany or Partnership, then to such Agent or Agents resident in *Ireland* as shall be named to the said 'Commissioners; and that no Person or Persons or Body or Bodies Politic or Corporate shall insure, or 'open or keep any Office in *Ireland* for insuring Houses, Furniture, Goods, Wares, Merchandize, or 'other Property from Loss by Fire, without having first taken out and continuing to take out annually a 'Licence for that Purpose; and it is also enacted, that all and every Person and Persons and Body or 'Bodies Politic or Corporate to whom any such Licence as aforesaid shall be granted shall at the Time 'of receiving such Licence give such Security, with sufficient Sureties, to be approved of by the said 'Commissioners of Stamps, by Bond to His Majesty, conditioned for making out, signing, and delivering 'the Accounts of all Monies received for Duties upon such Insurances, and Payment of the same, as 'therein mentioned: And whereas under and by virtue of an Act passed in the Sixth and Seventh Years 'of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Persons to make 'Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General 'and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes*, and of an Act passed in 'the First and Second Years of Her present Majesty's Reign, for amending the said last-mentioned Act, 'any Person from whom any Security is required in respect of any Matter relating to the Revenues of

6 & 7 W. 4. c. 28. and 1 & 2 Vict. c. 61. as to Deposit of Stock.

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'the Post Office, Land Revenues, Customs, Excise, Stamps, or Taxes is enabled, in lieu of giving such 'Security by Bond, to give the same by Transfer of Stock or Deposit of Exchequer Bills, as therein 'mentioned: And whereas the giving of Security every Year by Persons in *Ireland* insuring Property 'from Loss or Damage by Fire on taking out a Licence for that Purpose is attended with great Incon-'venience, and it is expedient to provide a Remedy for the same:' Be it therefore enacted, That every Licence which shall be hereafter granted for insuring Houses, Furniture, Goods, Wares, Merchandize, or other Property from Loss by Fire, under the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, shall endure and remain in force from the Day of the Date thereof for and during all such Time as the Body Politic or Corporate to which the same shall be granted, or the Person or Persons therein named, or any of them, shall continue to insure or carry on the Business of Fire Insurance, or, in the Case of a Company in *Ireland* not incorporate, so long as the Persons named in the Licence shall be Members or Partners or a Member or Partner of the Company named or described in such Licence, and as and for the whole of which the same shall have been granted, anything in any of the said recited Acts or in any other Act contained to the contrary notwithstanding: Provided always, that every Person and Body Politic or Corporate to whom any such Licence as aforesaid shall be granted shall give Security by Bond to Her Majesty, Her Heirs and Successors, in such Sum as the Commissioners of Inland Revenue, or their proper Officer in that Behalf in *Ireland*, shall think proper, with sufficient Sureties, to the Satisfaction of the said Commissioners or Officer, or by Transfer of Stock or Deposit of Exchequer Bills, in pursuance of the said recited Acts in that Behalf, for duly and faithfully keeping, making out, signing, and delivering, in the Manner required by any Act of Parliament relating thereto, all and every the Accounts by any such Act required to be kept, made out, signed, and delivered by Persons and Bodies Politic or Corporate to whom Licence is granted for insuring Houses, Furniture, Goods, Wares, Merchandize, or other Property from Loss by Fire, and for duly and faithfully paying, as required by any such Act, the Duties which shall appear to be due on such Accounts respectively, and for truly and faithfully observing and performing all the Directions, Matters, and Things contained in the said Acts, on the Part of such licensed Person or Body Politic or Corporate to be observed and performed; and every such Security to be given under any of the said Acts, whether by Bond, or Transfer or Deposit of Stock or Exchequer Bills, and in the Case of any such Transfer or Deposit in or into whose Name or Names soever, together with the Name of the Chairman of the Commissioners of Inland Revenue for the Time being, the Stock or Exchequer Bills shall be or be transferred or deposited, shall continue and be a Security for the due Performance of all Things required as aforesaid, not only during all such Time as the Licence to which the same shall relate shall be in force, but, in the Case of Bodies Politic or Corporate or Companies not incorporate in *Ireland*, during all such Time as the Body Politic or Corporate or the Company not incorporate named or described in such Licence shall insure any such Property from Loss by Fire, or shall carry on the Business of such Insurance, whether any such Licence shall be in force or not, or otherwise, according to the Conditions of any such Bond, or the Terms or Conditions of any Declaration relating to any such Stock or Exchequer Bills; and such Stock or Exchequer Bills may, when the Security for which the same was or were transferred or deposited shall be no longer necessary, be transferred or delivered up to any of the Persons who for the Time being shall be a Partner or Member or Partners or Members of the Company for on whose Behalf the same was or were transferred or deposited, or otherwise, according to the Terms, if any, in that Behalf mentioned and contained in any such Declaration as the said Chairman for the Time being shall think proper: Provided always, that every such Security shall be renewed from Time to Time as often as any such Bond shall become forfeited, or any of the Parties thereto shall die, or become bankrupt or insolvent, or reside in Parts beyond the Seas, and also as often as the said Commissioners or their said Officer shall think fit, and in such Amount as they or the Commissioners of Her Majesty's Treasury shall direct, whether the same shall be by Bond or Transfer or Deposit as aforesaid; and in the event of any Neglect or Refusal to renew the same, when required by this Act, or by the said Commissioners of Inland Revenue or their said Officer, it shall be lawful for the said last-mentioned Commissioners to revoke the Licence which shall have been granted to the Body Politic or Corporate, or Company, or Person or Persons, neglecting or refusing to renew such Security, to insure Property from Loss by Fire, and thenceforth such Licence shall cease and determine.

Fire Insurance Licences in Ireland to be permanent.

Security to be given for Payment of Duties.

The Security to continue in force so long as the Person to whom the Licence is granted or the Company shall continue to insure.

The Security to be renewed.

XX. And in order to avoid the frequent Use of divers Terms and Expressions, and to prevent any Misconstruction of the Terms and Expressions used in this or any other Act relating to Stamp Duties, be it enacted, That wherever in this Act or in any other such Act as aforesaid, with reference to any Person, Offence, Matter, or Thing, any Word or Words is or are or have been or shall be used importing the Singular Number or the Masculine Gender only, yet such Words shall be understood to include several Persons as well as one Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as one Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that wherever the several Words, Terms, or Expressions following are or shall be used in this Act or in any other such Act as aforesaid, with reference to any Deed or Instrument, they shall be construed respectively in the Manner herein-after directed, (that is to say,) the Word "write" or the Word "written" shall be respectively deemed to mean and include the several Words "print" or "printed," or "partly write and partly print," or "partly written and partly printed," as well as "write" or "written."

Construction of certain Terms used in Stamp Acts.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

The

The SCHEDULE referred to,

CONTAINING

THE DUTIES GRANTED BY THIS ACT.

SCHEDULE.	Duty.	
AGREEMENT, or any Minute or Memorandum of Agreement, made in *England* or *Ireland* under Hand only, or made in *Scotland* without any Clause of Registration, (*not charged otherwise than under the Head* AGREEMENT *in the Schedule to the Act 55 G. 3. c. 184., nor expressly exempted from all Stamp Duty,*) where the Matter thereof shall be of the Value of 20*l.* or upwards, whether the same shall be only Evidence of a Contract, or obligatory upon the Parties from its being a written Instrument, together with every Schedule, Receipt, or other Matter put or endorsed thereon or annexed thereto - - - - - -	£ s. d. 0 2 6	
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein, over and above the first 1,080 Words, a further *progressive* Duty of - - -	0 2 6	
BOND in *England* or *Ireland*, and Personal Bond in *Scotland*, given as a Security for the Payment of any *definite* and *certain* Sum of Money :		
Not exceeding 50*l.* - - - - - - -	0 1 3	
Exceeding 50*l.* and not exceeding 100*l.* - - - -	0 2 6	
Exceeding 100*l.* and not exceeding 150*l.* - - - - -	0 3 9	
Exceeding 150*l.* and not exceeding 200*l.* - - - -	0 5 0	
Exceeding 200*l.* and not exceeding 250*l.* - - - - -	0 6 3	
Exceeding 250*l.* and not exceeding 300*l.* - - - -	0 7 6	
And where the same shall exceed 300*l.*, then for every 100*l.* and also for any fractional Part of 100*l.* - - - - - - -	0 2 6	
BOND in *England* or *Ireland*, and Personal Bond in *Scotland*, given as a Security for the Repayment of any Sum or Sums of Money *to be thereafter lent, advanced, or paid, or which may become due upon an Account Current*, together with any Sum already advanced or due, or without, as the Case may be ;		
Where the Money secured or to be ultimately recoverable thereupon *shall be limited* not to exceed a given Sum - - - - -	The same Duty as on a Bond for such limited Sum.	
And where the total Amount of the Money secured or to be ultimately recoverable thereupon *shall be uncertain, and without any Limit* -	The same Duty as on a Bond for a Sum equal to the Amount of the Penalty of such Bond.	
And where there shall be no Penalty of the Bond in such last-mentioned Case, such Bond shall be available for such an Amount only as the *ad valorem* Duty denoted by any Stamp or Stamps thereon will extend to cover.		
BOND in *England* or *Ireland*, and Personal Bond in *Scotland*, given as a Security for the Transfer or Re-transfer of any Share in any of the Government or Parliamentary Stocks or Funds, or in the Stock and Funds of the Governor and Company of the Bank of *England*, or of the Bank of *Ireland*, or of the *East India* Company, or of the *South Sea* Company, or of *any other* Company or Corporation - - - - - - - - -	The same *ad valorem* Duty as on a Bond for a Sum of Money equal to the Value of the Stock or Fund secured according to the average Price thereof on the Day of the Date of the Bond, or on either of the Ten Days preceding, or if there shall not have been any known Sale on any of such Days, then on the latest Day preceding on which there shall have been a known Sale.	
Heritable BOND in *Scotland* for any of the Purposes aforesaid.—See MORTGAGE.		

SCHEDULE.	Duty.
	£ s. d.
BOND in *England* or *Ireland*, and Personal Bond in *Scotland*, given as a Security for the Payment of any Sum of Money, or for the Transfer or Re-transfer of any Share in any of the Stocks or Funds before mentioned, *which shall be secured also by a Mortgage or Wadset*, or other Instrument or Writing herein-after charged with and which shall have paid the same Duty as a Mortgage or Wadset, or for the Performance of Covenants contained in such Mortgage or other Instrument or Writing, or for both those Purposes, *provided such Mortgage, Wadset, or other Instrument or Writing shall bear even Date with and be referred to in such Bond;*	
Where the Sum of Money or the Value of the Stock or Funds secured shall not exceed 800*l.* - - - - - - -	The same *ad valorem* Duty as on a Mortgage or Wadset for securing the like Amount or Value.
And where such Sum of Money or Value shall exceed 800*l.* - -	1 0 0
BOND in *England* or *Ireland*, and Personal or Heritable Bond in *Scotland*, given as an *additional or further Security* for the Payment of any Sum or Sums of Money, or for the Transfer or Re-transfer of any Share in any of the Stocks or Funds before mentioned, previously secured by a Bond, Mortgage, or other Security *therein referred to*, and which shall have paid the proper *ad valorem* Duty on Bonds or Mortgages imposed by Law at the Date thereof;	
Where the Sum of Money or the Value of the Stock or Funds secured shall not exceed 1,400*l.* - - - - - - - -	The same *ad valorem* Duty as on a Bond or Mortgage for securing the like Sum or Value.
And where such Sum of Money or the Value of the Stock or Funds secured shall exceed 1,400*l.* - - - - - - -	1 15 0
BOND.—Any TRANSFER or ASSIGNMENT, Disposition or Assignation of any such Bond as aforesaid, and which shall have paid the proper *ad valorem* Duty on Bonds;	
Where the Principal Money or Stock secured by the Bond shall not exceed in Amount or Value in the whole the Sum of 1,400*l.* - - -	The same Duty as on a Bond for the total Amount or Value of such Principal Money or Stock.
And in every other Case such Transfer, Assignment, Disposition, or Assignation shall be chargeable with the Duty of - - - - And see PROGRESSIVE DUTY.	1 15 0
BOND in *England* or *Ireland*, and Personal or Heritable Bond in *Scotland*, given as the *only or principal* Security for the Payment of any *Annuity upon the original Creation and Sale thereof* - - - - - - - -	The same *ad valorem* Duty as on a Conveyance upon Sale in consideration of the Sum or Value given or agreed to be given for the Purchase of such Annuity.
For the Duty payable, see CONVEYANCE upon the Sale of Property.	
BOND in *England* or *Ireland*, and Personal Bond in *Scotland*, given as a *collateral or auxiliary Security* for the Payment of any *Annuity upon the original Creation and Sale thereof*, where the same shall be granted or conveyed or secured by any other Deed or Instrument liable to and charged with the *ad valorem* Duty imposed by Law on Conveyances upon the Sale of any Property;	
Where such *ad valorem* Duty shall not exceed 20*s.* such Bond shall be chargeable with a Stamp Duty of equal Amount with the said *ad valorem* Duty.	
And where such *ad valorem* Duty shall exceed 20*s.* such Bond shall be chargeable with the Duty of - - - - -	1 0 0
BOND in *England* or *Ireland*, and Personal or Heritable Bond in *Scotland*, given as a Security for the Payment of any *Annuity*, (*except upon the original Creation and Sale thereof,*) or of any Sum or Sums of Money, at stated Periods (*not being Interest for any Principal Sum, nor Rent reserved or payable upon any Lease or Tack*), for any *definite and certain Term*, so that the total Amount of the Money to be paid can be previously ascertained - - - -	The same *ad valorem* Duty as on a Bond of the like Nature for the Payment of a Sum of Money equal to such total Amount.

SCHEDULE.	Duty.
	£ s. d.
BOND in *England* or *Ireland*, and Personal or Heritable Bond in *Scotland*, given as a Security for the Payment of any *Annuity*, (*except as aforesaid*,) or of any Sum or Sums of Money at stated Periods (*not being Interest for any Principal Sum, nor Rent reserved or payable upon any Lease or Tack*), for the Term of Life or any other *indefinite Period*, so that the whole Money to be paid cannot be previously ascertained;	
Where the Annuity or Sum secured shall not exceed 50*l.* per Annum - -	1 0 0
And where the same shall exceed 50*l.* and not exceed 100*l.* per Annum -	2 0 0
And where the same shall exceed 100*l.* per Annum, then for every 100*l.* per Annum and also for any fractional Part of 100*l.* per Annum - -	2 0 0
But where there shall be both a Personal and Heritable Bond in *Scotland* in separate Deeds of the same Date for securing any such Annuity or Sums payable at stated Periods, and the *ad valorem* Duty above charged thereon shall amount to 2*l.* or upwards, the Heritable Bond only shall be charged with the *ad valorem* Duty, and the Personal Bond shall be charged only with a Duty of - - - - - -	1 0 0
BOND of any Kind or Description *given for any other Purpose than as aforesaid* -	The Duty chargeable thereon by any Act or Acts now in force.
Provided always, and it is hereby declared, that no such Bond as last mentioned shall be charged or chargeable under this or any other Act or Acts with any greater Amount of Stamp Duty than the *ad valorem* Duty herein-before charged upon a Bond given for the Payment of a *definite and certain* Sum of Money *of the same Amount as the Penalty* of such Bond.	
And in all the said several Cases of BOND see PROGRESSIVE DUTY.	
CHARTER of Resignation, or of Confirmation, or of Novodamus, or upon apprising, or upon a Decreet of Adjudication or Sale of any Lands, or other Heritable Subjects in *Scotland*, holden of any Subject Superior - - - - -	0 5 0
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words, a further *progressive* Duty of - - -	0 5 0
CONVEYANCE, whether Grant, Disposition, Lease, Assignment, Transfer, Release, Renunciation, or of any other Kind or Description whatsoever, *upon the Sale* of any Lands, Tenements, Rents, Annuities, *or other Property*, real or personal, heritable or moveable, or of any Right, Title, Interest, or Claim in, to, out of, or upon any Lands, Tenements, Rents, Annuities, or other Property, that is to say, for and in respect of *the principal or only Deed, Instrument, or Writing* whereby the Lands or other Things sold shall be granted, leased, assigned, transferred, released, renounced, or otherwise conveyed to or vested in the Purchaser or Purchasers, or any other Person or Persons by his, her, or their Direction;	
Where the Purchase or Consideration Money therein or thereupon expressed shall not exceed 25*l.* - - - - -	0 2 6
And where the same shall exceed 25*l.* and not exceed 50*l.* - - -	0 5 0
And where the same shall exceed 50*l.* and not exceed 75*l.* - -	0 7 6
And where the same shall exceed 75*l.* and not exceed 100*l.* - - -	0 10 0
And where the same shall exceed 100*l.* and not exceed 125*l.* - -	0 12 6
And where the same shall exceed 125*l.* and not exceed 150*l.* - - -	0 15 0
And where the same shall exceed 150*l.* and not exceed 175*l.* - -	0 17 6
And where the same shall exceed 175*l.* and not exceed 200*l.* - - -	1 0 0
And where the same shall exceed 200*l.* and not exceed 225*l.* - -	1 2 6
And where the same shall exceed 225*l.* and not exceed 250*l.* - -	1 5 0
And where the same shall exceed 250*l.* and not exceed 275*l.* - -	1 7 6
And where the same shall exceed 275*l.* and not exceed 300*l.* - -	1 10 0
And where the same shall exceed 300*l.* and not exceed 350*l.* - -	1 15 0
And where the same shall exceed 350*l.* and not exceed 400*l.* - -	2 0 0
And where the same shall exceed 400*l.* and not exceed 450*l.* - -	2 5 0
And where the same shall exceed 450*l.* and not exceed 500*l.* - -	2 10 0
And where the same shall exceed 500*l.* and not exceed 550*l.* - -	2 15 0
And where the same shall exceed 550*l.* and not exceed 600*l.* - -	3 0 0
And where the Purchase or Consideration Money shall exceed 600*l.*, then for every 100*l.* and also for any fractional Part of 100*l.* - - -	0 10 0

SCHEDULE.	Duty.
	£ s. d.
CONVEYANCE—*continued.*	
And it is hereby directed, that the Purchase Money or Consideration *shall be truly expressed and set forth in Words at Length* in or upon every such principal or only Deed or Instrument of Conveyance; and where such Consideration shall consist either wholly or in part of any Stock or Security, the Value thereof respectively, to be ascertained as herein-after mentioned, shall also be truly expressed and set forth in manner aforesaid in or upon every such Deed or Instrument; and such Value shall be deemed and taken to be the Purchase or Consideration Money, or Part of the Purchase or Consideration Money, as the Case may be, in respect whereof the *ad valorem* Duty shall be charged as aforesaid.	
And where the Consideration or any Part of the Consideration shall be any Stock in any of the Public Funds, or any Government Debenture or Stock of the Bank of *England* or Bank of *Ireland*, or any Debenture or Stock of any Corporation, Company, Society, or Persons or Person, payable only at the Will of the Debtor, the said Duty shall be calculated (taking the same respectively, whether constituting the whole or a Part only of such Consideration,) according to the average selling Price thereof respectively on the Day or on either of the Ten Days preceding the Day of the Date of the Deed or Instrument of Conveyance, or if no Sale shall have taken place within such Ten Days, then according to the average selling Price thereof on the Day of the last preceding Sale; and if such Consideration or Part of such Consideration shall be a Mortgage, Judgment, or Bond, or a Debenture, the Amount whereof shall be recoverable by the Holder, or any other Security whatsoever, whether payable in Money or otherwise, then such Calculation shall be made according to the Sum due thereon for both Principal and Interest.	
And see PROGRESSIVE DUTY.	
COPYHOLD ESTATES and CUSTOMARY Estates passing by Surrender and Admittance, or by Admittance only, and not by Deed: INSTRUMENTS relating thereto *upon the Sale or Mortgage* of any such Estates; (that is to say,)	
Any ADMITTANCE out of Court, or the Memorandum thereof, or the Copy of Court Roll of any Admittance in Court - - - - -	0 2 6
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words, a further *progressive* Duty of - - - - - -	0 2 6
COUNTERPART. See DUPLICATE.	
COVENANT.—Any *separate* Deed of Covenant made on the Sale or Mortgage of any Freehold, Leasehold, Copyhold, or Customary Estate, or of any Right or Interest therein (*the same not being a Deed chargeable with* ad valorem *Duty under the Head of* CONVEYANCE *in this Schedule*) for the Conveyance, Assignment, Surrender, or Release of such Estate, Right, or Interest, or for the Title to, or quiet Enjoyment, Freedom from Incumbrances, or further Assurance of the same Estate, Right, or Interest, or otherwise, by way of Indemnity in respect of the same, or for the Production of the Title Deeds or Muniments of Title relating thereto, or for all or any of those Purposes;	
Where the *ad valorem* Duty on the Purchase Money or Consideration or on the Mortgage Money shall not exceed the Sum of 10*s.* - - -	A Duty equal to the Amount of such *ad valorem* Duty.
And where the same shall exceed that Amount - - -	0 10 0
And see PROGRESSIVE DUTY.	
COVENANT.—Any Deed containing a Covenant for the Payment or Repayment of any Sum or Sums of Money, or for the Transfer or Re-transfer of any Share or Shares in the Government or Parliamentary Stocks or Funds, or in the Stock and Funds of the Governor and Company of the Bank of *England*, or of the Bank of *Ireland*, or of the *East India* Company, or of the *South Sea* Company, or of any other Company or Corporation, in any Case where a Mortgage, if made for the like Purpose, would be chargeable under this Schedule with any *ad valorem* Duty exceeding in Amount the Sum of 1*l.* 15*s.*; or for the Payment of any Annuity, or any Sums at stated Periods in any Case where a Bond for the like Purpose would be chargeable with any such Duty - - - -	The same *ad valorem* Duty as on a Mortgage or Bond respectively for the like Purpose.
For the Duty thereon see BOND or MORTGAGE.	
And see PROGRESSIVE DUTY.	
Provided always, that where any Covenant shall be made as an additional or further Security for the Payment or Repayment, Transfer or Re-transfer	

SCHEDULE.	Duty. £ s. d.
COVENANT—*continued.* of any Sum or Sums of Money, or any Share or Shares in any of the said Stocks or Funds, or for the Payment of any Annuity or Sums at stated Periods, at the same Time or already or previously secured by any Bond or other Instrument mentioned and referred to by the Deed containing such Covenant, and chargeable with and which shall have paid the proper *ad valorem* Duty under the Head of BOND or MORTGAGE, or (as respects any Annuity) under the Head of CONVEYANCE, respectively in this Schedule, or under any Act or Acts in force at the Date thereof, in respect of the same Sum or Sums, Share or Shares, the said *ad valorem* Duty hereby charged shall not be payable upon or in respect of such Covenant; and if required for the sake of Evidence the Deed containing such Covenant shall, on the same and such Bond or other Instrument being produced duly stamped in other respects, be stamped with a particular Stamp for denoting or testifying the Payment of the *ad valorem* Duty hereby charged.	
EXEMPTION from the preceding ad valorem *Duty, but not from any other Duty to which the same may be liable.*	
Any Covenant contained in any Deed chargeable with any Duty under the Head of MORTGAGE *in this Schedule, or in any Deed exempted from the* ad valorem *Duty on Mortgages by the Act 3 Geo. 4. c. 117., such Deeds hereby exempted operating as a Security by way of Mortgage, or as a Transfer, Assignment, Disposition, or Assignation herein-after charged for the same Sum or Sums of Money, or Share or Shares in any of the said Stocks or Funds, which is or are the Subject of such Covenant.*	
Also any Convenant contained in any Deed chargeable with any Duty under the Head of SETTLEMENT *in this Schedule, in respect of the same Sum or Sums of Money or Share or Shares in any of the said Stocks or Funds, which is or are the Subject of such Covenant.*	
DUPLICATE or COUNTERPART of any Deed or Instrument, of any Description whatever, chargeable with any Stamp Duty or Duties, either under this Schedule or any other Act or Acts now in force;	
Where such Stamp Duty or Duties chargeable as aforesaid (*exclusive of progressive Duty*) shall not amount to the Sum of Five Shillings - -	The same Duty or Duties as shall be chargeable on the original Deed or Instrument, including the *progressive* Duty thereon (if any).
And where the same (*exclusive as aforesaid*) shall amount to the Sum of Five Shillings or upwards - - - - - - -	0 5 0
And where in the latter Case any such Deed or Instrument, together with any Schedule, Receipt, or other Matter put or endorsed thereon or annexed thereto, shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein, over and above the first 1,080 Words, such Duplicate or Counterpart shall be charged with the further *progressive* Duty of - - - - - -	0 2 6
Provided always, that in such latter Case the Duplicate or Counterpart shall not be available unless stamped with a particular Stamp for denoting or testifying the Payment of the full and proper Stamp Duty on the original Deed or Instrument, which said particular Stamp shall be impressed upon such Duplicate or Counterpart, on the same being produced, together with the original Deed or Instrument, and on the whole being duly executed and duly stamped in all other respects.	
LEASE or TACK of any Lands, Tenements, Hereditaments, or Heritable Subjects, granted in consideration of a Sum of Money by way of *Fine*, Premium, or Grassum paid for the same, *without any yearly Rent, or with any yearly Rent under 20l.* - - - - - - - -	The same Duty as for a Conveyance *on the Sale* of Lands for a Sum of Money of the same Amount.
For the Duty thereon see CONVEYANCE.	
(*Save and except Leases and Tacks for a Life or Lives not exceeding Three, or for a Term of Years determinable with a Life or Lives not exceeding Three, by whomsoever granted, and Leases for a Term absolute, not exceeding Twenty-one Years, granted by Ecclesiastical Corporations, aggregate or sole, where the Duties on such Leases and Tacks respectively would, under the Provisions of this Act, amount to 1l. 15s. or upwards.*)	

SCHEDULE.	Duty. £	s.	d.
LEASE or TACK of any Lands, Tenements, Hereditaments, or Heritable Subjects *at a yearly Rent, without any* Sum of Money by way of *Fine*, Premium, or Grassum paid for the same;			
Where the yearly Rent shall not exceed 5*l.* - - - -	0	0	6
And where the same shall exceed 5*l.* and not exceed 10*l.* - - -	0	1	0
And where the same shall exceed 10*l.* and not exceed 15*l.* - -	0	1	6
And where the same shall exceed 15*l.* and not exceed 20*l.* - - -	0	2	0
And where the same shall exceed 20*l.* and not exceed 25*l.* - -	0	2	6
And where the same shall exceed 25*l.* and not exceed 50*l.* - - -	0	5	0
And where the same shall exceed 50*l.* and not exceed 75*l.* - -	0	7	6
And where the same shall exceed 75*l.* and not exceed 100*l.* - - -	0	10	0
And where the same shall exceed 100*l.*, then for every 50*l.* and also for any fractional Part of 50*l.* - - - - - - - -	0	5	0
LEASE or TACK of any Lands, Tenements, Hereditaments, or Heritable Subjects, granted in consideration of a Sum of Money by way of *Fine*, Premium, or Grassum, *and also of a yearly Rent* amounting to 20*l.* or upwards - - - (*Save and except the Leases and Tacks herein-before excepted.*)	Both the *ad valorem* Duties payable for a Lease in consideration of a Fine only and for a Lease in consideration of a Rent only of the same Amount.		
LEASE or TACK of any *Mine* or *Minerals* or other Property of a like Nature, either with or without any other Lands, Tenements, Hereditaments, or Heritable Subjects, *where any Portion of the Produce* of such Mines or Minerals *shall be reserved to be paid in Money or Kind;*			
If it shall be stipulated that the Value of such Portion of the Produce *shall amount at least* to a given Sum per Annum, or if such Value *shall be limited not to exceed* a given Sum per Annum, to be specified in such Lease or Tack, then the said *ad valorem* Duty on Leases shall be charged in respect of the *highest* of such Sums so given or limited for any Year during the Term of such Lease or Tack.			
And where any *yearly Sum* shall be reserved in addition to or together with such Produce, relative to the yearly Amount or Value of which Produce there shall be no such Stipulation or Limitation as aforesaid, the said *ad valorem* Duty shall be charged in respect of such *yearly Sum.*			
And where *both a certain yearly Sum and also such Produce* relative to the yearly Amount or Value of which there shall be such Stipulation or Limitation as aforesaid shall be reserved, the said *ad valorem* Duty shall be charged on the *aggregate* of such yearly Sum, and also of the highest yearly Amount or Value of such Produce.			
GENERAL REGULATIONS as to Leases and Tacks:			
Where, in any of the aforesaid several Cases of Lease or Tack, any Fine, Premium, or Grassum, or any Rent, payable under any Lease or Tack, shall consist wholly or in part of *Corn, Grain, or Victual*, the Value of such Corn, Grain, or Victual shall be ascertained or estimated at and after any permanent Rate of Conversion which the Lessee may be specially charged with, or have it in his Option to pay; and if no such permanent Rate of Conversion shall have been stipulated, then in *England* and *Ireland* respectively at and after the Prices, upon an Average of Twelve Calendar Months preceding the First Day of *January* next before the Date of such Lease or Tack, of the average Prices of *British* Corn published in the *London Gazette* in the Manner directed by any Act in force for the Commutation of Tithes in *England* and *Wales;* and in *Scotland* at and after the Fiars Prices of the County in which the Lands or any Part thereof lie, upon an Average of Seven Years preceding the Date of such Lease or Tack; and such respective Values shall be deemed and taken to be the Fine, Premium, or Grassum, or yearly Rent or Part thereof respectively, as the Case may be, in respect whereof the *ad valorem* Duty shall be charged as aforesaid.			
And where *separate* and *distinct* Fines, Premiums, or Grassums shall be paid to several Lessors, being Joint Tenants, Tenants in Common, or Coparceners, in *England* or *Ireland*, or Proprietors *pro indiviso* in *Scotland*, who shall by one and the same Deed or Instrument jointly or severally			

SCHEDULE.	Duty.
LEASE or TACK—*continued.*	£ s. d.
demise or lease the Lands, Tenements, Hereditaments, or Heritable Subjects of which they are such Joint Tenants, Tenants in Common, or Coparceners, in *England* or *Ireland*, or Proprietors *pro indiviso* in *Scotland*, or where *separate* and *distinct* Rents shall be by one and the same Deed or Instrument reserved or made payable, or agreed to be reserved or made payable, to the Lessor or to several Lessors, being such Joint Tenants, Tenants in Common, or Coparceners, in *England* or *Ireland*, or Proprietors *pro indiviso* in *Scotland*, the *ad valorem* Duties shall be charged in respect of the *aggregate* Amount of such Fines, Premiums, or Grassums, and of such Rents respectively.	
And where any Person, having contracted for, but not having obtained, a Lease of any Lands or other Property, shall contract to sell such Lands or other Property, or any Part thereof, or his Right or Interest therein or thereto, to any other Person, and a Lease shall accordingly be granted to such other Person, the Purchase Money or Consideration which shall be paid or given or agreed to be paid or given to the Person immediately selling to such Lessee shall be set forth in such Lease, and such Lease shall be charged as well with the said *ad valorem* Duty on such Purchase Money or Consideration as with the Duty on the Purchase Money or Consideration or Rent paid or reserved to the Lessor.	
LEASE or TACK, of any Kind, *not otherwise charged* - - -	1 15 0
Provided always, that no *ad valorem* Duty shall be chargeable in respect of any *penal Rent*, or increased Rent in the Nature of a penal Rent, reserved in any such Lease or Tack as aforesaid.	
LEASE.—Any ASSIGNMENT or SURRENDER of a Lease or Tack upon any other Occasion than a Sale or Mortgage - - - - - - -	A Duty equal to the *ad valorem* Duty with which a similar Lease or Tack would be chargeable under this Act.
Provided always, that where a similar Lease or Tack would be chargeable under this Act with any Stamp Duty amounting to 1*l.* 15*s.* or upwards, then such Assignment or Surrender shall be chargeable only with a Duty of - - - - - - - - -	1 15 0
Provided also, that no Stamp Duty, except the said *ad valorem* Duty, shall be chargeable for or in respect of any LEASE, whether in Possession, Reversion, or Remainder, expressed to be granted in consideration of the Surrender of an existing Lease and also of a Sum of Money.	
And in all the said several Cases of LEASE or TACK see PROGRESSIVE DUTY.	
MEMORIAL to be registered pursuant to any Act of Parliament made or to be made for the public registering of Deeds and Conveyances in *England* or *Ireland*; (that is to say,)	
For every Piece of Vellum, Parchment, or Paper upon which any such Memorial shall be written - - - - -	0 2 6
MORTGAGE, Conditional Surrender by way of Mortgage, Further Charge, Wadset, and Heritable Bond, Disposition, Assignation, or Tack in Security, and Eik to a Reversion, of or affecting any Lands, Estate, or Property, real or personal, heritable or moveable, whatsoever:	
Also any Deed containing an Obligation to infeft any Person in an Annual Rent, or in Lands or other Heritable Subjects, in *Scotland*, under a Clause of Reversion, but without any Personal Bond or Obligation therein contained for Payment of the Money or Stock intended to be secured:	
Also any Conveyance of any Lands, Estate, or Property whatsoever, in trust to be sold or otherwise converted into Money, which shall be intended only as a Security, and shall be redeemable before the Sale or other Disposal thereof,	

SCHEDULE.	Duty.
MORTGAGE—*continued.*	£ s. d.
either by express Stipulation or otherwise, *except where such Conveyance shall be made for the Benefit of Creditors generally, or for the Benefit of Creditors specified, who shall accept the Provision made for Payment of their Debts in full Satisfaction thereof, or who shall exceed Five in Number:*	
Also any Defeasance, Letter of Reversion, Back Bond, Declaration, or other Deed or Writing for defeating or making redeemable or explaining or qualifying any Conveyance, Disposition, Assignation, or Tack of any Lands, Estate, or Property whatsoever, which shall be apparently absolute, but intended only as a Security:	
Also any Agreement, Contract, or Bond, accompanied with a Deposit of Title Deeds for making a Mortgage, Wadset, or any such other Security or Conveyance as aforesaid of any Lands, Estate, or Property comprised in such Title Deeds, or for pledging or charging the same as a Security:	
And also any Deed whereby a Real Burden shall be declared or created on Lands or Heritable Subjects in *Scotland;*	
Where the same respectively shall be made as a Security for the Payment of any *definite and certain* Sum of Money advanced or lent at the Time, or previously due and owing, or forborne to be paid, being payable,	
Not exceeding 50*l.* - - - - - - - -	0 1 3
Exceeding 50*l.* and not exceeding 100*l.* - - -	0 2 6
Exceeding 100*l.* and not exceeding 150*l.* - - - -	0 3 9
Exceeding 150*l.* and not exceeding 200*l.* - - -	0 5 0
Exceeding 200*l.* and not exceeding 250*l.* - - - -	0 6 3
Exceeding 250*l.* and not exceeding 300*l.* - - -	0 7 6
And where the same shall exceed 300*l.*, then for every 100*l.* and also for any fractional Part of 100*l.* - - - - -	0 2 6
And where the same respectively shall be made as a Security for the Repayment of Money *to be thereafter lent, advanced, or paid, or which may become due upon an Account Current,* together with any Sum already advanced or due, or without, as the Case may be, *other than and except any Sum or Sums of Money to be advanced for the Insurance of any Property comprised in such Mortgage or Security against Damage by Fire, or to be advanced for the Insurance of any Life or Lives, or for the Renewal of any Grant or Lease upon the dropping of any Life or Lives, pursuant to any Agreement in any Deed whereby any Estate or Interest held upon such Life or Lives shall be granted, assigned, or assured, or whereby any Annuity shall be granted or secured for such Life or Lives;*	
If the total Amount of the Money secured or to be ultimately recoverable thereupon *shall be limited* not to exceed a given Sum -	The same Duty as on a Mortgage or Wadset for such limited Sum.
And if the total Amount of the Money secured or to be ultimately recoverable thereupon *shall be uncertain and without any Limit,* then the same shall be available as a Security or Charge for such an Amount only of Money or Stock intended to be thereby secured as the *ad valorem* Duty denoted by any Stamp or Stamps thereon will extend to cover.	
And where the same respectively shall be made as a Security for the Transfer or Re-transfer of any Share in any of the Government or Parliamentary Stocks or Funds, or in the Stock and Funds of the Governor and Company of the Bank of *England,* or of the Bank of *Ireland,* or of the *East India* Company, or of the *South Sea* Company, or of *any other* Company or Corporation, in consideration of Stock or Money advanced or lent at the Time, or previously due and owing, or forborne to be paid, being payable - - - - - -	The same Duty as on a Mortgage or Wadset for a Sum of Money equal to the Value of the Stock or Fund secured according to the average Price thereof on the Day of the Date of the Mortgage or other Instrument aforesaid, or on either of the Ten Days preceding, or if there shall not have been any known Sale on any of such Days, then on the latest Day preceding on which there shall have been a known Sale.

SCHEDULE.	Duty.
MORTGAGE.—And where any such Deed or Instrument as aforesaid shall be made respectively as a Security for the Payment of any *Rent-charge or Annuity*, or any Sum or Sums of Money by way of Repayment, or in Satisfaction or Discharge, or in Redemption of any Sum of Money lent, advanced, or paid as or for or in the Nature of a Loan intended to be repaid, satisfied, discharged, or redeemed, in manner aforesaid - - - - - - - - -	£ s. d. The same Duty as on a Mortgage or Wadset for the Sum of Money so lent, advanced, or paid.
MORTGAGE.—Any TRANSFER or ASSIGNMENT, Disposition, or Assignation of any Mortgage or Wadset, or of any such other Security as aforesaid, or of the Benefit thereof, or of the Money or Stock thereby secured;	
Where no further Sum of Money or Stock shall be added to the Principal Money or Stock already secured,	
If such Principal Money or Stock already secured shall not exceed in Amount or Value in the whole the Sum of 1,400*l.* - - -	The same Duty as on a Mortgage or Wadset for the total Amount or Value of such Principal Money or Stock.
And if such Principal Money or Stock shall exceed in Amount or Value in the whole the Sum of 1,400*l.* - - - - - -	1 15 0
And where any further Sum of Money or Stock shall be added to the Principal Money or Stock already secured - - - - - -	The same Duty as on a Mortgage or Wadset for such further Money or Stock only.
And in every other Case not herein-before expressly provided for, such Transfer, Assignment, Disposition, or Assignation shall be chargeable with the Duty of - - - - - - - -	1 15 0
Provided always, that no such Deed or Instrument as aforesaid shall in any of the said several Cases be chargeable with any further or other Duty than is herein expressly provided (*except progressive Duty*), by reason of its containing any further or additional Security for the Payment or Transfer or Re-transfer of such Money or Stock, or any Interest or Dividends thereon, or any new Covenant, Proviso, Power, Stipulation, or Agreement, or other Matter whatever in relation to such Money or Stock, or the Interest or Dividends thereon, or by reason of its containing all or any of such Matters.	
MORTGAGE.—Any Deed or Instrument made for the *further Assurance* only of any Estate or Property which shall have been already mortgaged, pledged, or charged as a Security, by any Deed or Instrument which shall have paid the *ad valorem* Duty on Mortgages or Bonds chargeable under any Act or Acts in force at the Time of making such last-mentioned Deed or Instrument.	
Also any Deed or Instrument made as an *additional or further Security* for any Sum or Sums of Money, or any Share or Shares of any of the Stocks or Funds before mentioned, which shall have been already secured by any Deed or Instrument which shall have paid the said *ad valorem* Duty on Mortgages or Bonds chargeable as aforesaid, shall be chargeable respectively with the following Duties; (that is to say,)	
Where the total Amount or Value of the Money or Stock already secured, and in respect whereof the said *ad valorem* Duty shall have been paid, shall not exceed the Sum of 1,400*l.* - - - -	The same Duty as on a Mortgage or Wadset for the Amount or Value of the said Money or Stock.
And in any other Case - - - - - - - -	1 15 0
Provided always, that if any further Sum of Money or Stock shall be added to the Principal Money or Stock already secured, such Deed or Instrument for further Assurance, or additional or further Security, either by the Mortgagor or by any Person entitled to the Property mortgaged by Descent, Devise, or Bequest from such Mortgagor, shall be chargeable only (*exclusive of progressive Duty*) with the *ad valorem* Duty on Mortgages under this Act, in respect of such further Sum of Money or Stock in lieu of the Duty aforesaid, notwithstanding that the same Deed or Instrument may also contain any Covenant either by the Mortgagor or by any Person entitled as aforesaid, Proviso, Power, Stipulation, or Agreement, or other Matter whatever in relation to the Money or Stock already secured, or the Interest or Dividends thereon.	

SCHEDULE.	Duty.
	£ s. d.
MORTGAGE.—Any RECONVEYANCE, Release, Surrender, Discharge, or Renunciation of any Mortgage or Wadset, or of any other such Security as aforesaid, or of the Benefit thereof, or of the Money or Stock thereby secured;	
Where the total Amount of the Principal Money or Stock at any Time secured shall not exceed the Sum of 1,400*l.* - - - -	The same Duty as on a Mortgage or Wadset for the Amount or Value of the said Money or Stock.
And in any other Case - - - - - - - -	1 15 0
And in all the said several Cases of Deeds and Instruments chargeable under the Head of MORTGAGE see PROGRESSIVE DUTY.	
PRECEPT of Clare Constat to give Seisin of Lands or other Heritable Subjects in *Scotland* - - - - - - - - - -	0 5 0
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words a further *progressive* Duty of - - - - -	0 5 0
PROGRESSIVE DUTY; that is to say;—Where any Deed or Instrument of any Description whatever chargeable with any Stamp Duty either under this Schedule or under any other Act or Acts now in force, together with any Schedule, Receipt, or other Matter put or endorsed thereon or annexed thereto, shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein, over and above the first 1,080 Words, there shall be charged the further *progressive* Duty following; (that is to say,)	
Where such Deed or Instrument shall be chargeable with any *ad valorem* Stamp Duty or Duties not exceeding in the whole the Sum of Ten Shillings, a further *progressive* Duty equal to the Amount of such *ad valorem* Duty or Duties.	
And in every other Case (*except where any other progressive Duty is by this Schedule expressly charged thereon*) a further *progressive* Duty of -	0 10 0
Provided always, that nothing herein contained shall extend to charge the said *progressive* Duty in any Case in which express Provision is made by any such Act or Acts as aforesaid for charging a certain Duty on every Skin, Sheet, or Piece of Vellum, Parchment, or Paper in or upon which any Deed or Instrument shall be contained or written, or to charge with progressive Duty any Description of Deed or Instrument not chargeable with *progressive* Duty under any Act or Acts now in force, or to charge any Deed or Instrument with any higher Rate or Amount of *progressive* Duty than is now chargeable on a Deed or Instrument of the like Description under any such Act or Acts as aforesaid.	
RESIGNATION.—Principal or original Instrument of Resignation, or Service of Cognition of Heirs, or Charter or Seisin of any Houses, Lands, or other Heritable Subjects in *Scotland* holding Burgage or of Burgage Tenure - - -	0 5 0
Also Instrument of Resignation of any Lands or other Heritable Subjects in *Scotland* not of Burgage Tenure - - - - - -	0 5 0
And where any of the said Instruments shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words a further *progressive* Duty of -	0 5 0
SCHEDULE, Inventory, or Catalogue of any Lands, Hereditaments, or Heritable Subjects, or of any Furniture, Fixtures, or other Goods or Effects, or containing the Terms and Conditions of any proposed Sale, Lease, or Tack, or the Conditions and Regulations for the Cultivation or Management of any Farm Lands or other Property leased or agreed to be leased, or containing any other Matter or Matters of Contract or Stipulation whatsoever, *which shall be referred to* in or by and be intended to be used or given in Evidence as Part of or as material to any Agreement, Lease, Tack, Bond, Deed, or other Instrument charged with any Duty, *but which shall be separate and distinct from* and not endorsed on or annexed to such Agreement, Lease, Tack, Bond, Deed, or other Instrument;	
Where any such Schedule, Inventory, or Catalogue shall be so referred to in or by any such Agreement, Lease, Tack, Bond, Deed, or other Instrument chargeable with any Stamp Duty not exceeding 10*s.*, *exclusive of progressive Duty* - - - - - - - -	The same Duty (*exclusive of progressive Duty*) as shall be so chargeable on such Agreement, Lease, Tack, Bond, Deed, or other Instrument.

SCHEDULE.	Duty.
SCHEDULE—*continued.*	£ s. d.
And where any such Schedule, Inventory, or Catalogue shall be referred to in or by any Lease, Tack, Bond, Deed, or such other Instrument as aforesaid, chargeable with any Stamp Duty exceeding Ten Shillings, *exclusive of progressive Duty* - - - - - -	0 10 0
And if in any of the said Cases such Schedule, Inventory, or Catalogue shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words -	A further *progressive* Duty of the same Amount as the Duty herein-before charged thereon respectively.
SEISIN.—Instruments of Seisin given upon any Charter, Precept of Clare Constat, or Precept from Chancery, or upon any Wadset, Heritable Bond, Disposition, Apprising, Adjudication, or otherwise of any Lands or Heritable Subjects in *Scotland* not of Burgage Tenure - - - - - -	0 5 0
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words a further *progressive* Duty of - - -	0 5 0
SETTLEMENT.—Any Deed or Instrument, whether voluntary or gratuitous, or upon any good or valuable Consideration other than a *bonâ fide* pecuniary Consideration, whereby any *definite and certain* Principal Sum or Sums of Money, (whether charged or chargeable on Lands or other Hereditaments or Heritable Subjects, or not, or to be laid out in the Purchase of Lands or other Hereditaments or Heritable Subjects, or not,) or any *definite and certain* Share or Shares in any of the Government or Parliamentary Stocks or Funds, or in the Stock and Funds of the Governor and Company of the Bank of *England*, or of the Bank of *Ireland*, or of the *East India* Company, or of the *South Sea* Company, or of *any other* Company or Corporation, shall be settled or agreed to be settled upon or for the Benefit of any Person or Persons, either in possession or reversion, either absolutely, or for Life or other partial Interest, or in any other Manner whatsoever;	
If such Sum or Sums of Money, or the Value of such Share or Shares in all or any of the said Stocks or Funds, or of such One or more of the said Articles as shall be so settled or agreed to be settled, or both such Sum or Sums of Money and the Value of One or more of such Articles together, shall not exceed in the whole 100*l.* - - - -	0 5 0
And if the same shall exceed 100*l.*, then for every 100*l.* and also for any fractional Part of 100*l.* - - - - - -	0 5 0
And all Deeds or Instruments chargeable with the said *ad valorem* Duty which shall also contain any Settlement of Lands or other Property, or contain any other Matter or Thing besides the Settlement of such Money or Stock, shall be chargeable with such further Stamp Duty as any separate Deed or Instrument containing such Settlement of Lands or other Property, or other Matter or Thing, would have been chargeable with, exclusive of the *progressive* Duty.	
And where there shall be more than One such Deed or Instrument for effecting any such Settlement as aforesaid, chargeable with any such Duty or Duties exceeding 1*l.* 15*s.*, one of them only shall be charged with the said *ad valorem* Duty; and also where any Settlement shall be made in pursuance of any previous Articles chargeable with and which shall have paid any such Duty or Duties exceeding 1*l.* 15*s.* such last-mentioned Settlement shall not be chargeable with the said *ad valorem* Duty; and the said Deeds and Instruments respectively not chargeable with the said *ad valorem* Duty shall be charged with the Duty to which the same may be liable under any more general Description in this Schedule, or in the Schedule annexed to the said Act of the Fifty-fifth Year of the Reign of King *George* the Third; and on the whole being produced, duly executed and duly stamped, as hereby required, the latter shall also be stamped with a particular Stamp for denoting or testifying the Payment of the said *ad valorem* Duty.	
And see PROGRESSIVE DUTY.	

SCHEDULE.	Duty.
	£ s. d.
WARRANT OF ATTORNEY (with or without a Release of Errors) to confess and enter up a Judgment in any of Her Majesty's Courts at *Westminster* or in *Ireland*, or in any of the Courts of the Counties Palatine of *Lancaster* and *Durham*, or in any other Court of Record holding Pleas, where the Debt or Damage amounts to 40*s.*, which shall be given as a Security for the Payment of any Sum or Sums of Money, or for the Transfer of any Share or Shares in any of the Government or Parliamentary Stocks or Funds, or in the Stock and Funds of the Governor and Company of the Bank of *England*, or of the Bank of *Ireland*, or of the *East India* Company, or of the *South Sea* Company, or of *any other* Company or Corporation - - - - - - - - -	The same Duty as on a Bond for the like Purpose.
Save and except where such Payment or Transfer shall be already secured by a Bond, Mortgage, or other Security which shall have paid the proper ad valorem Duty *on Bonds or Mortgages imposed by Law at the Date thereof, exceeding in Amount the Sum of 5s.; and also except where the Warrant of Attorney shall be given for securing any Sum or Sums of Money exceeding 200l. for which the Person giving the same shall then be in actual Custody under an Arrest on Mesne Process or in Execution;* and in those excepted Cases a Duty of - - - - -	0 5 0
WARRANT OF ATTORNEY *not otherwise charged* in this Schedule - -	1 15 0

CAP. XCVIII.

An Act to amend the Law relating to the holding of Benefices in Plurality.

[14th *August* 1850.]

'WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy;* and it is by the said Act provided, that no Spiritual Person shall hold together any Two Benefices, if, at the Time of his Admission, Institution, or being licensed to the Second Benefice, the Value of the Two Benefices jointly shall exceed the yearly Value of One thousand Pounds, and that the said Benefices shall be within the Distance of Ten Statute Miles the one from the other, and that the Population of the said Benefices shall not exceed a certain Amount, as provided by the said Act: And whereas it is desirable further to restrain Spiritual Persons from holding Benefices in Plurality:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any Provision in the said recited Act contained, it shall not be lawful, after the passing of this Act, for any Spiritual Person to take and hold together any Two Benefices, except in the Case of Two Benefices the Churches of which are within Three Miles of one another by the nearest Road, and the annual Value of one of which does not exceed One hundred Pounds. 1 & 2 Vict. c. 106.

Spiritual Persons not to hold Benefices in Plurality, except under certain Circumstances.

II. And be it enacted, That, notwithstanding any Provision in the said recited Act contained, it shall be lawful for any Spiritual Person to hold together Two Benefices according to the Provision hereinbefore contained, whatever may be the yearly Value of such Two Benefices jointly, but this Enactment shall not extend to repeal or affect any Provision of the said Act whereby any Restraint on the holding of Benefices in Plurality is imposed in respect of or with reference to the Amount of the Population of any Benefice, or to repeal or affect the Provisions of the said Act concerning the Licence or Dispensation required for the holding together of any Two Benefices. Spiritual Persons may hold Two Benefices, subject to Provisions of this Act.

III. And be it enacted, That the Term "Benefice" in this Act shall be taken to mean Benefice with the Cure of Souls, and no other, and therein to comprehend all Parishes, Perpetual Curacies, Donatives, endowed Public Chapels, Parochial Chapelries, and Chapelries or Districts belonging or reputed to belong, or annexed or reputed to be annexed, to any Church or Chapel, anything in any other Act to the contrary notwithstanding. Explanation of Term "Benefice."

IV. And be it enacted, That for the Purpose of estimating the annual Value of such Benefice there shall be considered as deducted from the gross Amount of the annual Value all Taxes, Rates, Tenths, Dues, and permanent Charges and Outgoings, but not to deduct or allow for any Stipend or Stipends to any Stipendiary Curate or Curates, nor for such Taxes or Rates in respect of the House of Residence of any Benefice, or of the Glebe Land belonging thereto, as are usually paid by Tenants or Occupiers, nor for Monies expended in the Repair or Improvement of the House of Residence and Buildings and Premises belonging thereto. To estimate Value of Benefice.

V. And be it enacted, That it shall not be lawful for any Person appointed after the passing of this Act to the Deanery of any Cathedral Church to hold the Office of Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or the Office of Provost of *Eton College*, or of Deans of Cathedrals not to hold Office of Heads of Col-

leges or Halls in the Universities.

Warden of *Winchester College*, or of Master of the *Charter House*, together with his Deanery: Provided always, that nothing herein contained shall apply to the Dean of the Cathedral Church of *Christ* in *Oxford* as Chief Ruler of the College there maintained.

Heads of Colleges in the Universities not to hold Cathedral Preferments, except in certain Cases.

VI. And be it enacted, That (anything in the said recited Act to the contrary notwithstanding) it shall not be lawful for any Spiritual Person, being Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or being Warden of the University of *Durham*, and also holding any Benefice, to take after the passing of this Act and hold therewith any Cathedral Preferment or any other Benefice, or for any such Spiritual Person, also holding any Cathedral Preferment, to take after the passing of this Act and hold therewith any Benefice: Provided always, that nothing in this Act contained shall be construed to prevent any such Spiritual Person from holding any Benefices or Cathedral Preferment permanently attached to or forming Part of the Endowment of his Office.

Presentation of the same Person to Two Benefices to be void.

VII. And be it enacted, That if any Spiritual Person holding any Benefice or Benefices shall accept any other Benefice, and shall be admitted, instituted, or licensed thereto, contrary to the Provisions of this Act, every such Benefice or Benefices which he previously held shall become *ipso facto* void, as if he had died or resigned the same, any Law, Statute, Canon, Usage, Custom, Faculty, or Dispensation whatsoever to the contrary notwithstanding.

Her Majesty in Council may authorize Union of Benefices in certain Cases.

VIII. 'And whereas in the said recited Act a Provision is contained authorizing the Union by Order 'of Her Majesty in Council after such Inquiry and Notice, and with such Consent and upon such Cer-'tificate as therein mentioned, of Two or more Benefices, or of One or more Benefice or Benefices, and 'One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in the same Parish, or 'contiguous to each other, of which the aggregate Population shall not exceed One thousand five 'hundred Persons, and the aggregate yearly Value shall not exceed Five hundred Pounds:' Be it enacted, That the said Provision of the said Act shall extend and be applicable to and for the Union of Two or more Benefices, or One or more Benefice or Benefices and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in the same Parish or contiguous to each other, and of which the aggregate Population shall not exceed One thousand five hundred Persons, notwithstanding the aggregate yearly Value shall exceed Five hundred Pounds, in like Manner and with the like Preliminaries and Consequences as if the Words "and the aggregate yearly Value shall not exceed Five hundred Pounds" had not been inserted in the Provision lastly herein-before referred to: Provided always, that it shall be lawful for the Bishop to direct that there shall be Two full Services in each Church of such consolidated Livings.

Not to affect Possession of Preferments or Benefices already existing.

IX. And be it enacted, That nothing herein-before contained shall be construed to prejudice or affect the Right of Possession in any Preferment or Benefice to which any Spiritual Person shall have been admitted, instituted, or licensed, or which shall have been otherwise granted to any Spiritual Person, before the passing of this Act.

Persons holding Benefices may hold One other if nominated, &c. for next Presentation before 23d Dec. 1837.

X. Provided always, and be it enacted, That nothing herein-before contained shall be construed to prevent any Spiritual Person possessed of One or more than One Benefice on the Fourteenth Day of *August* One thousand eight hundred and thirty-eight, and to whom or in trust for whom the Advowson of or the next Presentation or Nomination to any other Benefice has been conveyed, granted, or devised by any Deed or Will made before the Twenty-third Day of *December* One thousand eight hundred and thirty-seven, from taking the said last-mentioned Benefice, and holding together such Benefice and any One such first-mentioned Benefice.

Extending Provisions of Act 4 & 5 Vict. c. 39. as to holding Benefices with Honorary Canonries, &c.

XI. And be it enacted, That the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England, which authorize the holding of more Benefices than One with an Honorary Canonry, or with any Prebend, Dignity, or Office not then in any Manner endowed, or whereof the Endowments shall have been vested in the Ecclesiastical Commissioners for *England*, or which might thereafter be endowed to an Amount not exceeding Twenty Pounds by the Year, shall be extended so as to authorize the holding of One Benefice and One Cathedral Preferment in the same Church with such Honorary Canonry, Prebend, Dignity, or Office.

Previous Provisions not to extend to Ireland.

XII. And be it enacted, That nothing herein-before contained shall be construed to extend to that Part of the United Kingdom called *Ireland*.

Faculties for the same Person to hold Two Livings in Ireland not to be granted.

XIII. 'And whereas no Faculty or Dispensation has been granted for the holding of Two or more 'Benefices in that Part of the United Kingdom called *Ireland* for upwards of Twenty Years last past, 'and it is expedient to prevent the future Grant thereof:' Be it therefore enacted, That no Faculty or Dispensation shall be granted to any Spiritual Person to hold Two or more Benefices in *Ireland*; and that if any Spiritual Person, holding or taking any Benefice in *Ireland*, shall take or accept of any other Benefice to the holding whereof together with the Benefice so previously held a Faculty or Dispensation would before the passing of this Act have been necessary, and shall be admitted, licensed, or instituted to the same, every Benefice so previously held by such Spiritual Person shall be and become *ipso facto* void as if he had died or had resigned the same, any Law, Statute, Canon, or Usage to the contrary notwithstanding; provided, however, that nothing herein contained shall be deemed, construed, or taken to affect or alter the Laws now in force in *Ireland* regulating and respecting the Unions or Divisions of Parishes.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCIX.

An Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements. [14th *August* 1850.]

'WHEREAS the Collection of Poor Rates and Highway Rates assessed upon the Occupiers of 'Tenements of small annual Value is expensive, difficult, and frequently impracticable, and it is 'expedient to make better Provision for the rating of such Tenements, and for the Collection of such 'Rates:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Vestry of any Parish, from Time to Time and at all Times hereafter, to declare and order that the Owners of Tenements in such Parish the yearly rateable Value whereof shall not exceed Six Pounds shall be rated and assessed to the Rates for the Relief of the Poor in respect of such Tenements instead of the Occupiers thereof, and the Order so made shall remain in force until rescinded in the Manner herein-after authorized.

Vestries to determine whether 6*l.* Tenements shall be rated to the Owners instead of Occupiers.

II. And be it enacted, That it shall be lawful for the Vestry of the said Parish, by a Majority of Two Thirds at least of the Votes of the Persons present at a Meeting duly called for that Purpose pursuant to Notice, as herein-after mentioned, and competent to vote thereat, at any Time after the Expiration of Two Years from the Time when any such Order shall have been so made, to order that from and after a Day to be fixed by such Vestry, not being less than Three Years from the Date of such original Order, such Order shall cease and be rescinded, in which Case, from and after such last-mentioned Day, the said Order shall be rescinded and no longer in force: Provided nevertheless, that the Provisions in this Act contained shall remain and continue in force for the Purpose of collecting and recovering any Rate which may have been previously made in pursuance of such Order: Provided also, that Notice for calling every such Meeting as aforesaid shall be by Writing, signed by Four Rate-payers of the Parish, affixed on the principal outer Door of the Parish Church or Chapel of the Parish, or on the usual Place of affixing Notices relating to the Affairs of the Parish, at some Time not less than Thirty or more than Forty Days previous to such Meeting.

Order may be rescinded by a Majority of Two Thirds of Persons present at Vestry.

III. And be it enacted, That whilst any such Order as firstly herein-before mentioned is in force the respective Owners of such Tenements shall be rated and assessed (instead of the Occupiers thereof) to the Rates for the Relief of the Poor and to the Rates for the Repairs of the Highways which otherwise such Occupiers might by Law be rated to.

Whilst Order in force, the Owners to be rated.

IV. And be it enacted, That whilst such Order as firstly herein-before mentioned is in force the Owner of every Tenement in every Parish the yearly rateable Value whereof shall not exceed Six Pounds shall be assessed to the Rates for the Relief of the Poor, and to the Rates for the Repairs of the Highways, in respect of such Tenement, at Three Fourths of the Amount at which such Tenement would be liable to be rated in case this Act had not passed; and further, that whilst such Order as firstly herein-before mentioned is in force, if any Owner of One or more such Tenements shall be desirous of paying a Rate for One Year in respect of all such Tenements in any Parish, whether such Tenements be occupied or unoccupied, and shall give Notice in Writing of such his Desire to the Overseers of the Poor and the Surveyors of the Highways within One Calendar Month after the passing of this Act, or in any subsequent Year within Fourteen Days next after the Twenty-fifth Day of *March* in that Year, then and in such Case such Owner shall be assessed to the Rates for the Relief of the Poor, and to the Rates for the Repair of the Highways, in respect of such Tenement or Tenements respectively, whether the same be occupied or unoccupied, from thenceforth till the Twenty-fifth Day of *March* following, at a Sum not being less than One Half of the Amount at which such Tenement or Tenements respectively would be liable to be rated if occupied in case this Act had not passed.

Owner to be rated on a reduced Scale.

V. And be it enacted, That the Rates to be assessed as aforesaid, together with the Costs and Charges of levying and recovering the same, may be levied on the Goods of and recovered from the respective Owners of such Tenements as aforesaid, by Distress, Action, Suit, or other Proceeding, in the same Way as such Rates, if lawfully assessed on the Occupiers of such Tenements, might by Law be levied on the Goods of or recovered from such Occupiers; and, further, the Goods and Chattels of the Occupiers of such Tenements shall be liable to be distrained and sold for Payment of such of the said Rates as shall accrue due during their respective Occupations, in the same Way as if such Rates were assessed on such Occupiers.

Remedies for recovering of Rates.

VI. And be it enacted, That every such Owner so rated as aforesaid shall have the same Right of Appeal (subject to the same Conditions) against Rates, and the same Right to vote in Vestry, as if he were an Occupier duly rated in respect of the same Tenement.

Owners possessed to have the Privileges of Occupiers.

VII. And be it enacted, That where the Owner of any such Tenement shall be rated to the Relief of the Poor by virtue of this Act instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such Tenement, such Occupier shall be entitled to all Municipal Privileges and Franchises to which by virtue of an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, he would have been entitled if he himself had been rated, and had paid such Rate or Rates; and if such Owner so rated as aforesaid shall not have paid such Rate or Rates, it shall be lawful for such Occupier to tender to the Overseers of the Poor, or other Person authorized by Law to receive the same, the Amount of any

When Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 W. 4. c. 76. as if he was rated instead of the Owner.

any Rate or Rates then due from such Owner in respect of such Tenement, and such Overseer or other Person so authorized as aforesaid shall be bound to receive the same; and such Occupier shall, on the Payment or Tender of such Amount, be entitled to exercise all such Privileges and Franchises as hereinbefore mentioned: Provided always, that any Occupier so paying any Rate or Rates in respect of any Tenement where the Owner is rated to the same shall be entitled to deduct and retain the Amount so paid by him from the next Payment of Rent to be made by him to such Owner, or to recover the same from such Owner as Money paid to and for the Use of such Owner.

Owners of Tenements held for longer Periods than from Year to Year entitled to add to Rent the Amount paid for Rates.

VIII. And be it enacted, That such Owners paying such Rates in respect of Tenements continuing to be held by Occupiers under now existing Tenancies for a greater Term than from Year to Year shall be entitled to add what they shall so pay to the Rent payable in respect of such Tenements, and have the same Remedies for recovering the same as for Rent in arrear; and that Occupiers other than such as shall continue to hold under now existing Tenancies for a greater Term than from Year to Year may (whether paying such Rates voluntarily or by Compulsion) deduct the respective Amount so to be answered by them as aforesaid, together with all Costs and Charges they may have incurred on account thereof, from the Rent payable in respect of such Tenements, and such Amounts shall be deemed Debts due from such Owners to such Occupiers, and be recoverable by Action.

Interpretation of Terms.

IX. And be it enacted, That the Word "Tenement" in this Act shall be construed to include any Land, House, Cottage, Apartment, or corporeal Hereditament; the Word "Owner" shall be construed to mean any Person receiving or claiming the Rent of any such Tenement for his own Use, or receiving the same for the Use of any Corporation aggregate, or of any public Company, or of any Landlord or Lessor who shall be a Minor, under Coverture, or insane, or for the Use of any Person who shall not be usually resident within Twenty Miles from the Parish in which such Tenement shall be situated; the Word "Person" shall be construed to include any Corporation or public Company as well as any Individual; the Word "Parish" shall be construed to include any Parish, Township, Vill, or Place maintaining its own Poor separately; the Word "Vestry" shall be construed to include any Meeting of the Inhabitants of any such Parish, Township, Vill, or Place, to be held after due Notice for carrying into execution the Laws for the Relief of the Poor; and wherever in this Act, in describing any Person, Matter, or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and be applied to several Persons as well as one Person, and Females as well as Males, and several Matters or Things as well as one Matter or Thing respectively; unless there be something in the Subject or Context repugnant to such Construction.

Extension of Act.

X. And be it enacted, That this Act shall extend only to *England* and *Wales*, and shall not apply to any Place where Owners are made liable to be rated to the Relief of the Poor under the Provisions of any local Act.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. C.

An Act for Inspection of Coal Mines in *Great Britain*. [14th *August* 1850.]

'WHEREAS it is expedient that Provision should be made for the Inspection of Coal Mines in *Great Britain*:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the *London Gazette*.

Secretary of State may appoint Inspectors of Mines.

Powers and Duties of Inspectors.

II. And be it enacted, That it shall be lawful for any such Inspector as aforesaid to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Coal Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry; and if such Inspector find any Part of such Coal Mine or Colliery, Works or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon summon before him the Manager or principal Colliery Viewer or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent shall not attend after reasonable Notice, or having attended shall fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he shall be of opinion that the said Colliery or Coal Mine is dangerous or defective, on the Owner or Agent of such Mine, and shall also report the same to One of Her Majesty's Principal Secretaries of State.

III. And

Owner to produce Map or Plan of Mine to Inspector.

III. And be it enacted, That the Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterways, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery, and the Works thereto belonging, clearly delineating such Matters and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, such other Scale as the Plan then used in the Colliery is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided that nothing herein contained shall be construed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Inspector may require Map, &c. to be made.

No Land Agent or Manager, &c. of Coal Mine to act as Inspector.

IV. And be it enacted, That no Person who shall act or practise as a Land Agent, or as a Manager, Viewer, or Agent of, or be otherwise employed in, any Coal Mine or Colliery, shall act as an Inspector under this Act.

Notice of Accidents in Mines to be given to Secretary of State.

V. And be it enacted, That if and when Loss of Life to any Person employed in or about any Coal Mine or Colliery shall occur by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Coal Mine or Colliery shall, within Twenty-four Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in *Scotland* to the Lord Advocate, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office, by Letter addressed to such Secretary of State or Lord Advocate; and such Owner or Agent shall furnish such Information to such Secretary of State or to the Lord Advocate in relation to such Accident as such Secretary of State or Lord Advocate may require; and every Owner or Agent who shall neglect to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than Ten Pounds and not exceeding Twenty Pounds.

Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines.

VI. And be it enacted, That every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, Two Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent Two Days at the least before holding such adjourned Inquest, through the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same.

Penalty for obstructing Inspectors.

VII. And be it enacted, That every Owner or Agent of any Coal Mine or Colliery who shall refuse or neglect to furnish to any Inspector appointed under this Act the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, and every Person who shall wilfully obstruct any such Inspector in the Execution of this Act, shall for every such Offence be liable to a Penalty of not less than Five Pounds and not exceeding Ten Pounds.

Penalties how recoverable.

VIII. And be it enacted, That all Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in *Scotland* before the Sheriff, having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident as required by this Act shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered in *England*, be paid to the Treasurer of the County, Riding, Division, or Place for which the Justices before whom the Penalty is recovered shall have acted, and where recovered in *Scotland* be paid to the Treasurer or Collector of the Funds for the Poor of the Parish in which the Offence has been committed, for the Benefit of the Poor of such Parish.

Interpretation of Terms.

IX. And be it enacted, That in the Construction of this Act, unless such Construction be repugnant to or inconsistent with the Context, Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females; and the Term "Owner" of a Coal Mine or Colliery shall mean the immediate Proprietor, Lessee, or Occupier thereof; and the Term "Agent" of a Mine shall mean any Person having on behalf of the Owner of any Mine the Care or Direction thereof.

Act not to extend to Ireland.

X. And be it enacted, That this Act shall not extend to *Ireland*.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

XII. And

Continuance of this Act.

XII. And be it enacted, That this Act shall continue until the Expiration of Five Years after the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

CAP. CI.

An Act to continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor. [14th *August* 1850.]

11 & 12 Vict. c. 110. 12 & 13 Vict. c. 103.

'WHEREAS by an Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled '*An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions*,' certain Provisions were made whereby the Costs of the Relief and the Expenses of the Burial of certain 'poor Persons therein described were made chargeable upon the Common Fund of the Union until the 'Thirtieth Day of *September* in the Year One thousand eight hundred and forty-nine: And whereas by 'an Act passed in the last Session of Parliament such Provisions were continued in full Force until the 'Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, and to the End of the 'then next Session of Parliament; and by the said last-mentioned Act other Provisions for charging 'upon the Common Fund of the Union the Cost of removing and maintaining certain lunatic Paupers 'were made to continue in force for the like Period; and it is expedient that all the several Provisions 'aforesaid should be continued for a limited Time:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said several temporary Provisions in the said recited Acts above referred to shall continue in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and shall apply, and shall be held to have applied, to the Incorporated Hundred of *Forehoe*, to the Incorporated Hundreds of *East* and *West Flegg* and of *Tunstead* and *Happing*, in the County of *Norfolk*, and to the Incorporated Hundred of *Mutford* and *Lothingland* in the County of *Suffolk*, in like Manner and to the same Extent as to the Unions in the said Acts referred to.

Certain Provisions of 11 & 12 Vict. c. 110. and of 12 & 13 Vict. c. 103. continued for a limited Time.

Burials of poor Persons dying in Workhouses.

II. And be it enacted, That it shall be lawful for the Guardians of any Union to contribute out of the Common Fund, or for the Guardians of any Parish to contribute out of the Poor Rates of such Parish, such Sum of Money as the Poor Law Board shall approve, towards the Enlargement of any Churchyard or consecrated public Burial Ground in the Parish wherein the Workhouse shall be situated, or in any other Parish of the Union, or towards the obtaining of any such consecrated public Burial Ground, and where any such Burial Ground shall be enlarged or obtained with the Aid of such Contribution, it shall be lawful for them to bury therein the dead Body of any poor Person dying in such Workhouse: Provided always, that nothing in this Act contained shall discharge or vary the Obligation now imposed by Law upon the Guardians to bury the dead Body of such poor Person elsewhere, in case the deceased Person, or the Husband, or Wife, or next of Kin of such deceased Person, shall have so requested: Provided also, that in all Cases of Burial under the Direction of the Guardians as aforesaid the Fee or Fees payable by the Custom of the Place where the Burial may be, or under the Provisions of any Act of Parliament, shall be paid by the said Guardians for the Burial of each such Body to the Person or Persons who by such Custom or under such Act shall be entitled to receive such Fee or Fees, and charged by them in like Manner as the Relief to the Deceased when living was last chargeable.

Contribution to enlarge or obtain Burial Grounds.

Purchase of Site for District Schools. 7 & 8 Vict. c. 101.

III. And be it enacted, That, in addition to the Principal Sum or Sums of Money which the Board of Management of a School District formed under the Authority of the Act of the Eighth Year of the Reign of Her Majesty, intituled *An Act for the further Amendment of the Laws relating to the Poor in* England, are empowered to raise or borrow for the Purpose of providing a Building for the School of such District, such Board may, whenever any Part of such District is situated within the Metropolitan Police District, with the Consent and Order of the Poor Law Board, also raise or borrow and charge the future Poor Rates of the Unions and Parishes respectively combined in such District with such further or other Sum or Sums of Money as may be or may have been necessary for the Purchase of any Land, or Interest in Land, required for the Site of such School, or required for the training of the Children maintained thereat, or for the Site of any Addition to such School.

4 & 5 W. 4. c. 76. s. 62. 12 & 13 Vict. c. 103. s. 20.

IV. 'And whereas Authority is given by the Act of the Fifth Year of King *William* the Fourth, 'intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* 'England *and* Wales, for defraying, out of the Poor Rates of any Parish, the Expenses of the Emi- 'gration of poor Persons having Settlements in such Parish, and by the before-mentioned Act of the last 'Session the Guardians of any Union or separate Parish for which a Board of Guardians is or shall be 'established may, to a limited Extent, exercise the same Authority in and about the Emigration of poor 'Persons having Settlements in such Parish, or in any Parish of such Union respectively: And whereas 'poor Orphans and deserted Children having no Settlements, or whose Settlements are unknown, are 'frequently chargeable to Parishes, and it is expedient to furnish Means for the Purpose of facilitating 'the Emigration of such poor Orphans and deserted Children so being chargeable:' Be it therefore enacted, That it shall be lawful for the Guardians of any Union or Parish, in like Manner and subject to the same Regulations, Limitations, and Restrictions as are contained in the said last-mentioned Act, but with the Consent in Writing of the Guardian or the Majority of the Guardians of the Parish of the Chargeability in place of the Parish of the Settlement, transmitted as therein specified, to expend Money

Emigration of Orphans and deserted Children.

in

in and about the Emigration of any poor Orphan or deserted Child under the Age of Sixteen Years having no Settlement, or the Place of whose Settlement shall not be known, who may be chargeable to some Parish in their Union or to their Parish respectively, and such Guardians shall charge the Expense so incurred to the same Parish to which such Orphan or deserted Child was chargeable at the Time of the Emigration; and where any such Orphan or deserted Child shall be chargeable to the Common Fund of any Union, the Guardians of such Union shall have the same Powers (subject to the same Conditions) to procure or assist in procuring the Emigration of any such last-mentioned Orphan or deserted Child as they have with regard to poor Persons rendered irremovable by virtue of an Act of the Tenth Year of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor:* Provided always, that no Emigration of any such Orphan or deserted Child, under any of the above-mentioned Powers, shall take place until such Orphan or deserted Child shall have consented thereto before the Justices assembled in Petty Sessions holden in or near to the Union or Parish the Guardians whereof propose to procure such Emigration, and a Certificate of such Consent under the Hands of Two of the Justices present thereat shall have been transmitted to the Poor Law Board.

11 & 12 Vict. c. 110. s. 5. 9 & 10 Vict. c. 66.

V. And be it enacted, That where any married Woman being lunatic shall be duly removed to any Asylum, licensed House, or registered Hospital under any of the Statutes in such Behalf, any Two Justices having Jurisdiction in the Place wherein the Husband of such Lunatic shall dwell, upon Application by or on behalf of the Guardians of the Union or of the Parish having a separate Board of Guardians, or the Overseers of the Parish to which Union or Parish respectively such Lunatic shall be or become chargeable, may summon such Husband to appear before them to show Cause why an Order should not be made upon him to maintain or contribute towards the Maintenance of his Wife in such Asylum, licensed House, or registered Hospital; and upon his Appearance, or in the event of his not appearing upon Proof of due Service of such Summons upon him, such Justices may (if they think fit) make an Order upon him to pay such Sum, weekly or otherwise, for or towards the Cost of the Maintenance of such Lunatic, as after Consideration of all the Circumstances of the Case shall appear to them to be proper, and determine in such Order how and to whom the Payments shall from Time to Time be made, which Order shall, if the Payments required by it to be made be in arrear, be enforced in the Manner prescribed by the Statute passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace within* England *and* Wales *with respect to summary Convictions and Orders*, for the enforcing of Orders of Justices requiring the Payment of a Sum of Money.

An Order for paying the whole or Part of the Cost of Maintenance of a lunatic married Woman maintained in any Lunatic Asylum, licensed House, or registered Hospital, and chargeable to any Union or Parish, may be made upon her Husband. 11 & 12 Vict. c. 43.

VI. And be it enacted, That no Master of a Workhouse nor any Relieving Officer shall be henceforth qualified to be appointed to the Office of Overseer of the Poor, Constable, or any other Parochial or Township Office, so long as he shall continue to be such Master of a Workhouse or Relieving Officer, except where the Poor Law Board shall authorize any Relieving Officer to hold a paid Office in a Parish: Provided always, that no Rate or Assessment made, nor any other Act or Thing done, by any such Person as such Parochial or Township Officer, nor the Service of any Notice, Demand, Order, or Process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such Disqualification as aforesaid.

Master of a Workhouse and Relieving Officer not to be appointed to any Parochial Office.

VII. 'And whereas by the Act of the Seventh Year of His late Majesty King *William* the Fourth, 'intituled *An Act to regulate Parochial Assessments*, it is provided, that the Justices acting in and for 'every Petty Sessions Division shall hold Special Sessions for hearing Appeals against the Rates of the 'several Parishes within their respective Divisions, and shall cause public Notice of the Time and 'Place of the holding of such Special Sessions to be given in each Parish, but no Provision is made for 'the Payment of the Costs incurred in preparing and giving of such Notice:' Be it therefore enacted, That such Fee or Remuneration as shall have been or shall hereafter be settled by the Justices of the Peace at their respective General Quarter Sessions, according to the Statute in that Behalf, to be paid to the Clerks to Justices of the Peace for the preparing and giving of a Notice of a Special Sessions for this Purpose, or in default thereof of a Notice of any Special Sessions, shall be paid by the Overseers of each Parish comprised within the Division for which the Special Sessions are to be held, and be charged by them upon the Poor Rate.

The Fee for giving Notices of Special Sessions under the Act 6 & 7 W. 4. c. 96. s. 6. to be paid by the Overseers out of the Poor Rate.

VIII. 'And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, 'intituled *An Act to prevent poor Persons in Workhouses from embezzling certain Property provided 'for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as 'restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer 'Period than One Month at a Time, and for other Purposes herein mentioned relating to the Poor*, and 'by an Act passed in the Eighth Year of Her present Majesty, intituled *An Act for the further Amend-'ment of the Laws relating to the Poor in* England, Power is given to punish by Imprisonment any 'Person or Persons deserting, absconding, or running away from any Workhouse or Workhouses, and 'carrying away with him, her, or them any Clothes, Linen, or other Goods in the said Act of the 'Fifty-fifth Year of the Reign of King *George* the Third enumerated and described:' Be it enacted, That in the Case of every such Offence it shall be lawful for the convicting Justice or Justices, if he or they shall so think fit, to order and adjudge that the Person or Persons convicted shall, during the Period of Imprisonment by Law authorized, be kept to hard Labour.

Persons committed to Prison for Offences against 55 G. 3. c. 137. s. 2. and 7 & 8 Vict. c. 101. ss. 57, 58. may be kept to hard Labour.

IX. And be it enacted, That where any Person shall be charged with and convicted of any Assault upon any Officer of a Workhouse or Relieving Officer in the due Execution of his Duty, or upon any Person acting in aid of such Officer, the Court may sentence the Offender to the same Punishment as is provided

Assaults upon Workhouse Officers or Relieving Officers

in the Discharge of their Duty.

provided by Law for an Assault upon a Peace Officer or Revenue Officer in the due Execution of his Duty, and shall have the same Power as in case of such last-mentioned Assault to order Payment of the Costs and Expenses of the Prosecution.

Providing for Expense of collecting Rates. 12 & 13 Vict. c. 65.

X. 'And whereas by an Act passed in the last Session of Parliament, intituled *An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates,* Provision is made to enable the Overseers or other Persons charged with the Collection of the Poor Rate, in Cases where any Parish or Place shall be partly within and partly without a Borough, to assess and levy upon the Inhabitants and Occupiers of all Messuages, Lands, and Tenements liable to the Poor Rates in that Part of the Parish or Place which is within the Borough the Amount of Money which they shall be required to raise as a Contribution towards a District, Borough, or other Rate upon a Warrant from the Mayor, Justice, Constable, or other Officer, as therein mentioned: And whereas some Difficulty has arisen in certain Parishes as to the Payment of the Expenses of collecting the Rates upon such Assessments, and enforcing of the Payment thereof:' Be it therefore enacted, That the Overseers of any such Parish may employ for the Collection of such Rate as aforesaid, or of any Gaol Rate assessed upon any such Part thereof, the Collector of the Poor Rates in the said Parish, or some other Person to be appointed with the like Authority, and subject to the same Regulations as regards his Term of Office, his Remuneration, the Security to be given for the Discharge of his Duties, and his Liability to account to the Auditor and other Persons, as such Collector of Poor Rates is or shall be subject to, and to pay such Remuneration out of the Sum raised by the Rate assessed upon such Part as aforesaid; and that the Collector of Poor Rates, or other Person as aforesaid, shall, for the Purpose of collecting the Rate so assessed upon such Part, have all the Powers, Privileges, Protections, and Incidents which belong to the Overseers in the Collection of the Poor Rate, and the like Remedy for the Recovery of the Costs of Proceedings to enforce the Payment of the Rate aforesaid, as in the Case of a Poor Rate; and the said Overseers, in estimating the Amount of their Assessment for such Rate upon any Part of a Parish divided as aforesaid, may include such a Sum as will provide for the Payment of the Costs of the Assessment and Collection and a reasonable Sum in respect of the Rates which may be excused or become irrecoverable.

Construction of Act.

XI. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth, and the Statutes explaining and extending it; and that all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Extent of Act.

XII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CII.

An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise a summary Jurisdiction in *Ireland*. [14th *August* 1850.]

'WHEREAS it is expedient to consolidate and amend the Acts by which Justices of the Peace are empowered to adjudicate in a summary Way as to certain Offences and other Matters in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall be lawful for

Justices may decide all Cases under this Act on Evidence of Witnesses or Confession.

any Justice or Justices sitting in Petty Sessions, (or for any Two Justices acting out of Petty Sessions, in any Cases of Offences where the Defendant shall be unable to procure Bail for his Appearance at Petty Sessions,) within his or their Jurisdiction, to hear and determine, either on the Oath of One or more credible Witnesses, or on the Confession of the Defendant, all Complaints relating to the Offences or other Matters herein-after mentioned, and to award such Fine, Imprisonment, Compensation, Expenses, and Sums, or to make such other Order relating to each Offence or other Matter as the Defendant shall be liable to under the Provisions of this Act.

Justices may fix Time for and Manner of Payment of Fine, &c. awarded.

II. And be it enacted, That it shall be lawful for the Justice or Justices, if he or they shall think fit, to order that any Fine, Compensation, or other Sum awarded under the Provisions of this Act shall be paid either forthwith or at such Time or Times as he or they shall direct, and where such Sum shall not be a Fine for an Offence, that same shall be paid either in One Sum or by Instalments; and it shall also be lawful for the Justice or Justices, if he or they shall think fit, in every Case where any Person shall be convicted before him or them of any of the Offences herein-after mentioned, as to which it is not herein-after provided that Imprisonment shall only be in default of Payment of the Sum ordered or of Distress for the same, to award, in addition to any Compensation which may be ordered, either the Fine or the Imprisonment specified in each Case; and it shall also be lawful for the Justice or Justices, if he or they shall think fit, in any such Cases of Offences, where any such Fine or Compensation, or both Fine and Compensation, shall be awarded, either to order in the first instance, or afterwards to direct by the Warrant of Distress, that in default of Distress for the same the Person against whom such Order shall be made shall be imprisoned for any Term not exceeding One Week where the Sum to be paid shall not exceed Five Shillings, and not exceeding Two Weeks where such Sum shall exceed Five Shillings and shall not exceed Ten Shillings, and not exceeding One Month where such Sum shall exceed Ten Shillings and

In Offences Justices may order Fine or Imprisonment; or Imprisonment in default of Distress, according to Scale.

Scale of Imprisonment.

shall

shall not exceed Forty Shillings, and not exceeding Two Months where such Sum shall exceed Forty Shillings and shall not exceed Five Pounds, and not exceeding Four Months where the Sum to be paid shall exceed Five Pounds and shall not exceed Ten Pounds, and not exceeding Six Months in any other Case, such Imprisonment to be determinable in each of such Cases upon Payment of the Sum ordered, and any Costs of the Distress when a Distress shall be made; and it shall also be lawful for the Justice or Justices, in every Case where Imprisonment for an Offence shall be ordered, to direct that it shall be either with or without hard Labour according as he or they shall think fit.

Imprisonment may be with or without hard Labour.

III. And be it enacted, That any Person who shall commit any of the next following Offences shall on Conviction thereof be liable to the Punishment herein-after specified in each Case; that is to say,

CRIMINAL JURISDICTION.

Malicious Injury to Persons.

Any Person who shall unlawfully assault or beat any other Person shall be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Two Months:

Assaults.

Any Person who shall assault or beat or use any other Violence to any other Person with Intent to deter him from buying or selling any Corn or other agricultural or Garden Produce in any Market or other Place, or to stop the Conveyance of same, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Three Months:

Assaults with Intent to prevent Sale of Corn, &c.

Provided always, that in case the Justice or Justices shall find any such Assaults as aforesaid to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, he shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects as one to be prosecuted at the Assizes or Quarter Sessions; and nothing herein contained shall authorize any Justice or Justices to hear and determine in a summary Way any Case of Assault in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Superior Court of Justice.

Provisions not to apply to aggravated Assaults; nor where a Title to Lands, &c. is in question.

Malicious Injury to Property.

IV. And be it enacted, That any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case; that is to say,

Punishments:

Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer who shall wilfully and unlawfully damage, spoil, or destroy any Goods, Wares, Work, or Materials committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, the Injury done being under the Value of Five Pounds, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justice or Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Journeyman, &c. for spoiling Goods or Work.

Any Person who shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or vegetable Production growing in any Garden, Orchard, Nursery Ground, Shrubbery, Pleasure Ground, Hot-house, Greenhouse, or Conservatory, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justice or Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Twenty Pounds, or to be imprisoned for any Term not exceeding Six Months:

Destroying, &c. any Fruit or vegetable Production in a Garden, &c.

Any Person who shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or cultivated vegetable Production growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justice or Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month; and for any Second or subsequent like Offence shall, in addition to any like Compensation, be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying, &c. vegetable Productions not growing in Gardens, &c.

First Offence.

Second Offence.

Any Person who shall, between Sunrise and Sunset, unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, the Injury done being under the Value of Five Pounds, shall pay to the Party aggrieved such reasonable Amount of Compensation as the Justice or Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying or damaging Trees, Shrubs, &c. of any Value under 5*l.*

Any Person who shall unlawfully and maliciously damage or destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justice or Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months; and for any Second or subsequent Offence he shall, in addition to any Compensation ordered, be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Twelve Months:

Destroying, &c. any Fence, Wall, Stile, or Gate.

First Offence.

Second Offence.

Any Person who shall unlawfully stop or seize upon any Waggon, Cart, or other Carriage, or Horse, loaded with Corn, Potatoes, or other Provisions, in or on the Way to or from any Market or Place of shipping the same, or shall maliciously damage or destroy the same or any Part thereof, or the Harness of the Horses drawing the same, or shall unlawfully take off, drive away, kill, or wound any of such Horses in order to stop the same, or shall, by cutting the Sacks or otherwise, scatter or throw abroad such Corn, Potatoes, or other Provisions, or shall take and carry away or damage the same or any Part thereof, or shall distribute the same, or compel the Owner or his Servant, or the Carrier of the same, to distribute or otherwise depart from the Possession thereof or of any Part thereof,

Obstructing Export of agricultural Produce.

Malicious Injury to Property.

contrary to his Consent, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Breaking Windows or injuring other Property of a Workhouse.

Any Person who shall unlawfully and maliciously break any Pane of Glass in the Windows of any Workhouse of a Poor Law Union, or damage or destroy any of the Furniture, Clothes, or other Property of the Guardians of the Poor of any Poor Law Union, the Injury done being under the Value of Forty Shillings, shall be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Damage to Property in any Case not previously provided for.

Any Person who shall unlawfully and maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which no Punishment is already otherwise herein provided, the Injury done being under the Value of Five Pounds, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justice or Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Malice against the Owner not essential;

but not to apply to unintentional Trespasses.

And every Punishment and Forfeiture so imposed on any Person maliciously committing any of such Offences against Property shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise: Provided always, that nothing herein contained shall extend to any Case where the Party offending acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not being wilful and malicious, committed in Hunting, Fishing, or the Pursuit of Game; but every such Trespass shall be punishable in the same Manner as before the passing of this Act.

Persons in the Act of offending may be apprehended without Warrant.

V. And be it enacted That any Person found committing any of the said Offences in respect to the malicious Injury of Property may be immediately apprehended, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property in respect of which the Offence shall have been committed, or by the Servant of such Owner, or by any other Person authorized by such Owner, or by any other Person in care or charge of such Property, and may be forthwith taken before some neighbouring Justice, to be dealt with according to Law.

Stealing Property.

VI. And be it enacted, That if any Person in whose Possession or on whose Premises with his Knowledge any of the Articles of Property herein-after mentioned shall be found in the Manner herein-after mentioned shall not satisfy the Justice or Justices before whom he shall be brought that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, it shall be lawful for such Justice or Justices to commit such Person to Gaol, in order that he may be brought forward for Trial for such Offence at the next Court of Petty Sessions of the District, unless he shall enter into Recognizance, with One or more Sureties, to appear before such Court; and if afterwards such Person shall be convicted at such Court of any of the next following Offences he shall be liable to the Punishment herein-after specified in each Case; that is to say,

Justice may require Person to account for Possession of certain Articles, and on Failure order Punishment in following Cases:

Persons in possession of shipwrecked Goods.

Any Person in whose Possession or on whose Premises with his Knowledge any Goods, Merchandize, or Articles of any Kind belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore, shall be found by virtue of a Search Warrant, and who shall not satisfy the Justice or Justices that he came lawfully by the same, shall be liable to a Fine not exceeding Fifty Pounds, or to be imprisoned for a Term not exceeding Twelve Months:

Shipwrecked Goods offered for Sale.

Any Person who shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever which shall have been unlawfully taken, or reasonably suspected to have been taken, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, and who shall not satisfy the Justice or Justices that he came lawfully by the same, shall pay such Sum as the said Justice or Justices shall fix as a reasonable Reward to the Person who shall have seized the same, and shall also be liable to a Fine not exceeding Thirty Pounds, or to be imprisoned for a Term not exceeding Six Months; and in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise or Constabulary Force, or other Peace Officer, may lawfully seize the same, and with all convenient Speed carry the same or give Notice of such Seizure to some neighbouring Justice:

Officers of Customs, &c. may seize the Goods.

Persons in possession of stolen Mutton, &c.

Any Person in whose Possession or on whose Premises with his Knowledge the Carcass of any Sheep, Lamb, or Deer, or the Head, Skin, or other Part thereof, or any Venison, Mutton, Fat, Skin, or Fleece of such Deer, Sheep, or Lamb, shall be found by virtue of any Search Warrant, and who shall not satisfy the Justice or Justices that he came lawfully by the same, shall pay to the Party aggrieved the Charges previous to and attending his Conviction, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Persons in possession of stolen Wood.

Any Person in whose Possession or on whose Premises with his Knowledge the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, being of the Value of Two Shillings at the least, shall be found by virtue of any Search Warrant, and who shall not satisfy the Justice or Justices that he came lawfully by the same, shall pay to the Party aggrieved the Value of the Article or Articles so found, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Justices may order Restitution of stolen Property.

And in every Case where any such Articles of Property shall be of a perishable Nature it shall be lawful for the Justice or Justices by whom such Person shall be so bound to appear at Petty Sessions, to direct that the same shall be delivered over to such Person as he or they shall be clearly satisfied to be the rightful Owner thereof; and in every Case where any such Articles of Property shall not be so delivered over

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in the first instance, it shall be lawful for the Justice or Justices by whom the Case shall be heard at Petty Sessions to direct that the same shall be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, that the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties imposed by any Justice shall be by Law applicable: Provided always, that if any Person shall not under the Provisions last aforesaid be liable to Conviction, then, for the Discovery of the Person who actually stole or killed such Articles of Property, it shall be lawful for the Justice or Justices, at his or their Discretion, as the Evidence given and the Circumstances of the Case shall require, to summon before him or them any and every Person through whose Hands such Articles of Property or any Part thereof shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy the Justice or Justices that he came lawfully by the same, he shall be liable to the like Punishment as is herein-before provided in each Case.

Stealing Property.

In case they are not convicted, Justice may summon other Persons.

VII. And be it enacted, That any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Punishment for Offences:

Any Person who shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, shall be liable to a Fine not exceeding Thirty Pounds, or to be imprisoned for a Term not exceeding Six Months:

Stealing, &c. Deer in any inclosed Ground.

Any Person who shall steal any Dog, or any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, or in whose Possession or on whose Premises the same, or the Skin or Plumage thereof, shall be found by virtue of a Search Warrant, such Person knowing that the said Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird, shall for the First Offence pay the Value of the Dog, Beast, or Bird to the Party aggrieved, and shall also be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months; and for a Second or subsequent Offence shall, in addition to any such Compensation, be liable to a Fine not exceeding Twenty Pounds, or to be imprisoned for a Term not exceeding Twelve Months:

Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny.

Any Person who shall steal or damage with Intent to steal any Part of any live or dead Fence, or any Wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall for the First Offence pay to the Party aggrieved the Value of the Article or Articles so stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months; and for any subsequent Offence shall, in addition to any such Compensation, be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Stealing, &c. any live or dead Fence, Wooden Stile or Gate.

First Offence.

Subsequent Offence.

Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, or any growing Fruit or vegetable Production, or any growing cultivated Root or Plant, shall, in case the Value of the Article or Articles stolen or the Amount of the Injury done shall not exceed Five Pounds, for the First Offence pay to the Party aggrieved the Value of the Article or Articles stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months; and for any Second or subsequent Offence of the same Kind shall, in addition to any such Compensation, be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Stealing Trees, Shrubs, &c. under the Value of 5*l.* growing anywhere.

First Offence.

Second Offence.

Any Person who shall steal or damage with Intent to steal the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or vegetable Production, severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel, in case the Value of such Article or Articles stolen or the Amount of the Injury done shall not exceed Forty Shillings, shall for the First Offence pay to the Party aggrieved the Value of the Article or Articles so stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months; and for a Second or subsequent Offence of the same Kind shall, in addition to any such Compensation, be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

If Trees, &c. severed from the Soil, or Turf Fuel, not exceeding 40*s.* in Value.

First Offence.

Second Offence.

Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer who shall unlawfully dispose of or retain in his Possession, without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge, the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds, shall pay to the Party aggrieved such Compensation as the Justice or Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Workman making away with Goods committed to his Care.

And in every such Case any such Articles of stolen Property shall, by Order of the Justice or Justices by whom the Case shall be heard and determined, be delivered over to the rightful Owner, if known, or if the right Owner shall not be known, the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties imposed by a Justice or Justices shall be by Law applicable.

Justices may order Restitution of stolen Property.

VIII. And be it enacted, That if the Justice or Justices before whom any Person charged with any of such last-mentioned Offences relating to the stealing or damaging with Intent to steal any such Property shall be brought shall be of opinion that the Case is a fit Subject for Prosecution by Indictment for Larceny,

If any such last-mentioned Offence be deemed fit for Indictment,

Case to be dealt with as such.

Larceny, such Justice or Justices shall, instead of summarily adjudicating thereupon, deal with the Case as one to be prosecuted by Indictment at the Assizes or Quarter Sessions.

Persons in the Act of committing such Offences may be apprehended without Warrant.

IX. And be it enacted, That any Person found committing any of the said Offences in respect to the stealing or damaging with Intent to steal Property may be immediately apprehended, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property with respect to which the Offence shall be committed, or by the Servant of such Owner or any Person authorized by such Owner, and such Offender may be forthwith taken before some neighbouring Justice, to be dealt with according to Law.

A Justice, upon good Grounds of Suspicion, proved on Oath, may grant a Search Warrant.

X. And be it enacted, That if any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any such Property with respect to which any such Offences as aforesaid, as to any Person having shipwrecked or stolen Goods in his Possession, or stealing or damaging with Intent to steal the Articles of Property aforesaid, shall have been committed, is in any Dwelling House, Outhouse, or other Place or Places, the Justice may grant a Warrant to search such Dwelling House, Outhouse, or other Place or Places for such Property, as in the Case of other stolen Goods; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend, without a Warrant, and forthwith to carry before a neighbouring Justice, the Party offering the same, together with such Property, to be dealt with according to Law.

Any Person to whom stolen Property is offered to seize the Party.

Receivers, where original Offence is punishable summarily, shall be punished as original Offenders.

XI. And be it enacted, That where the stealing or taking of any Property whatsoever is punishable by this Act, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice or Justices, be liable, for every First, Second, or subsequent Offence of receiving the same, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Juvenile Offenders.

Persons not exceeding the Age of 14 Years may for certain Offences be summarily convicted.

XII. And be it enacted, That every Person who shall be charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence shall not, in the Opinion of the Justice or Justices before whom he shall be brought or appear, exceed the Age of Fourteen Years, shall, upon Conviction thereof before a Justice or Justices sitting in Petty Sessions and in open Court, be committed to Gaol for any Term not exceeding Three Months, or in the Discretion of the Justice or Justices shall pay such Fine not exceeding Three Pounds as the said Justice or Justices shall adjudge, or, if a Male, shall be once privately whipped, either instead of or in addition to such Imprisonment; and the said Justice or Justices shall from Time to Time appoint some fit and proper Person to inflict said Punishment of Whipping when ordered to be inflicted out of Prison: Provided always, that if such Justice or Justices, upon the Hearing of any such Case, shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, he or they shall dismiss the Party charged, on finding Surety or Sureties for his future good Behaviour, or without such Sureties, if the said Justice or Justices shall so think fit: Provided also, that if such Justice or Justices shall be of opinion, before the Person charged shall have made his Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, or if the Parent or next Friend of the Person charged shall, upon his being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act, such Justice or Justices shall, instead of summarily adjudicating thereupon, deal with the Case as one to be prosecuted by Indictment at Assizes or Quarter Sessions.

Justices may dismiss Parties, with or without Sureties.

If the Charge is thought fit for Indictment, &c. Case to be dealt with as if this Act had not passed.

No Forfeiture upon such Convictions, but presiding Justices may order Restitution of Property; and if not forthcoming may order Compensation.

XIII. And be it enacted, That no Conviction of any such Juvenile Offender for any such Offence shall be attended with any Forfeiture save as herein-before mentioned, but whenever any such Person shall be deemed guilty of such Offence it shall be lawful for the Justice or Justices to order Restitution of the Property in respect to which such Offence shall have been committed to the Owner thereof or his Representatives; but if such Property shall not then be forthcoming, the Justice or Justices, whether he or they shall award Punishment or dismiss the Complaint, may inquire into and ascertain the Value thereof in Money, and if he or they shall think proper order Payment of such Sum of Money to the true Owner by the Person convicted, either at One Time or by Instalments at such Periods as he or they may deem reasonable.

Frauds as to Property.

XIV. And be it enacted, That any Person who shall commit any of the next following Offences shall on Conviction thereof be liable to such Punishment as is herein-after specified in each Case:

Punishments: Corn, &c. adulterated offered for Sale.

Any Person who shall sell or offer for Sale any Wheat, Rye, Meslin, Peas, Beans, Barley, Bere, Oats, Shillin, Cutlings, Meal, Flour, Malt, or other Corn which shall in the whole or in part be spoiled or adulterated by wetting or mixing therewith any Sand, Gravel, Dirt, or rotten or damaged Corn, Grain, Malt, Meal, or Flour, or grown or blighted Corn, or other Kind of Stuff, or which shall not be in Quality of equal Goodness to that produced to the View of the intended Buyer or Buyers thereof, or shall use any other Fraud or Deceit therein, in order to make such Corn, Grain, Malt, Meal, or Flour appear heavier than it would have been without such Mixture, Fraud, or Deceit, shall forfeit all such Corn, Grain, Malt, Meal, or Flour, to be disposed of as the Justice or Justices shall direct, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month:

Any

Frauds as to Property.

Frauds in the Sale of Meat, &c. in Markets.

Any Person who shall in any Fair, Market, or other Place exhibit for Sale any unwholesome or fraudulently prepared Meat, Fish, or other Provisions or Food of any Kind for Man or Beast, or shall practise any Deceit or Fraud in respect to the Weight or Quality of any such Meat, Fish, or other Provisions, shall forfeit all such Meat, Fish, or other Provisions, to be disposed of as the Justice or Justices shall direct, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month:

And it shall be lawful for any Justice or Justices to seize or cause to be seized any of the Articles herein-before last mentioned as to which any such Offence shall be committed; and the said Justice or Justices may, if he or they shall deem it expedient, either proceed at once to hear and determine the Case, or may adjourn the Hearing thereof to the next Petty Sessions of the District.

Trespass of Persons.

Trespass on Fields, &c. after Warning;

but not to extend to certain Cases;

and not to prevent Right of Civil Action.

XV. And be it enacted, That any Person who shall wilfully trespass in any Field, Garden, Pleasure Ground, Wood, or Plantation, or other Inclosure, and shall neglect or refuse to leave any such Place after he shall have been warned to do so by the Owner, or by the Caretaker or Servant of the Owner, or by any Person authorized in that Behalf by the Owner, or who shall repeat any such Trespass within One Month from the Time when such Warning shall have been so given to him, shall, on Conviction thereof, be liable to a Fine not exceeding Ten Shillings, and in default of Payment thereof at such Time as the Justice or Justices shall direct shall be liable to be imprisoned for a Term not exceeding One Week: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to go into or upon any such Place, nor to any Trespass, not being wilful or malicious, committed in Hunting, Fishing, or the Pursuit of Game, but every such Trespass shall be punishable in the same Manner as before the passing of this Act: Provided also, that nothing herein contained shall prevent any Person from maintaining any Civil Action or Suit for any such Trespass, instead of proceeding under this Act.

Offences and Obstructions on public Roads.

Injuries to Road.

Punishment:

Deepening Ditches:

Omitting to scour Ditches, or to have Drains from Roads:

Building Houses:

Altering Fences without Consent of County Surveyor, &c.:

Scraping Roads without Consent:

Drawing Timber, &c. so as to injure Road:

Riding on Footpaths.

Centre of Road.

Surveyors may fill Drains and remove Nuisances, at Expense of Party offending.

XVI. And be it enacted, That any Person who shall on or relating to any public Road commit any of the following Offences shall be liable to a Fine not exceeding Twenty Shillings; that is to say,

Any Person who shall scour, deepen, widen, or fill up any Ditch or Drain on the Side of any public Road, unless with the Consent of the County Surveyor or by the Authority of any Presentment:

Any Owner or Occupier of any Lands contiguous to any public Road who shall omit to scour any Ditch or Drain leading from such Road, so as to allow the Water to pass away, within Ten Days after Notice shall be given to him so to do by the County Surveyor or by the Contractor for the Repair of such Road, or who shall suffer the Passage of the Water to be obstructed by making or leaving any Way or Passage from any Road into the adjoining Lands, or into his House, without a sufficient Pipe, Sewer, or Gullet underneath it:

Any Person who shall build or cause to be built any House or Part of a House within Thirty Feet of the Centre of any public Road, except in the Streets of Corporate or Market Towns, or where a House now stands, shall be liable to a Fine not exceeding Ten Pounds, and to a further Sum of Ten Shillings a Week from the Time of his Conviction until the same shall be pulled down or removed:

Any Person who shall alter the Fences of any public Road, or who shall build any Wall, or make any Ditch, Drain, or Watercourse, or dig any Pit or Hollow, on any public Road, or within Thirty Feet of the Centre thereof (save upon or within any ancient Fence adjoining such Road), or who shall otherwise break up the Surface of any Road or Footpath, unless with the Consent of the County Surveyor or by the Authority of any Presentment:

Any Person who shall, without the Consent of such Surveyor or Contractor, scrape any public Road, or cut any Sods or Turf on the Side of any such Road, or take any Earth, Clay, Stone, or Gravel therefrom:

Any Person who shall draw any Timber or Stones along any Part of a public Road, without being supported by Wheels from touching the same:

Any Person who shall ride or drive any Horse or other Animal, willingly and unnecessarily, on any Footpath:

Provided always, that the Centre of the Road, for the Purposes of this Act, shall be deemed to be the Centre of the Part thereof made with Gravel or Stones; and it shall be lawful for the County Surveyor or such Contractor, if duly authorized by the Justices at any Petty Sessions of such County, to fill up any Ditch or Drain which shall be scoured, deepened, or widened, or to scour any Drains which have been filled on the Side of any public Road, without such Consent as aforesaid, or to scour or deepen any Drain or Ditch leading from any Road which shall be omitted to be scoured or deepened after such due Notice as may be required by Law, or to remove any Way or Passage from any Road into any adjoining Land or to any House which may obstruct the free Passage of the Water, and to re-make the same by building a Gutter, Sewer, or Arch therein, or to pull down any Wall or fill up any Ditch or Drain which shall be so built or made contrary to the Provisions of this Act, at the Expense of the Offender or Occupier of the Lands where such Offence shall be committed; and it shall be lawful for the Justices at any Petty Sessions of the County, upon Complaint of such Surveyor or Contractor, and upon Proof of the Expenses incurred, to issue a Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of such Offender or Occupier.

Surveyor or Contractor may require Owners of Land to

XVII. And be it enacted, That if the County Surveyor or the Contractor for the repairing of any public Road in any County shall think that such Road is prejudiced by the Shade of any Hedges or Trees (except those planted for Ornament or Shelter of any Dwelling House, Court-yard, or Garden),

or

prune Hedges or Trees injuring Roads.

or if any Obstruction is caused in any public Road by any Hedge or Tree, it shall be lawful for such Surveyor or Contractor, and they or either of them, or any Head or other Constable directed in Writing by Two Justices, are hereby authorized to require the Owner of the Land on which such Hedges or Trees are growing to cause such Hedges to be cut or plashed, or such Trees to be pruned or lopped, so as that such Road may not be prejudiced or obstructed by the same; and if such Owner shall not comply with such Request within Ten Days it shall and may be lawful for such Surveyor or Contractor or Constable as aforesaid, and they are hereby respectively authorized and required, to summon such Owner before the Justices assembled at any Petty Sessions of such County, to show Cause why he has not complied with such Request; and if such Justices shall order and direct that such Hedges shall be cut or plashed, or such Trees pruned or lopped, and if the said Owner shall not obey such Order within Ten Days after the making of the same, it shall and may be lawful such Surveyor or Contractor or Constable as aforesaid to cut or plash such Hedges, or to prune or lop such Trees, for the Benefit and Improvement of such Road, and to remove such Obstruction as aforesaid, to the best of his Skill and Judgment; and the said Surveyor or Contractor or Constable as aforesaid shall be reimbursed by the said Owner the Expenses he shall be at in cutting or plashing such Hedges, or pruning or lopping such Trees; and it shall be lawful for such Justices at Petty Sessions aforesaid, upon Complaint of such Surveyor or Contractor or Constable as aforesaid, and upon Proof of the Expenses incurred, to issue their Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of such Owner or Occupier, in such Manner as any Forfeitures may be levied by virtue of this Act: Provided always, that no Person shall be compelled, nor any such Surveyor or Contractor or Constable as aforesaid permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Owners not complying to be summoned before Justices; who may order such pruning by Owner; and on his Refusal Surveyor or Contractor may do it.

Owner to pay Expenses, which may be levied by Distress and Sale.

Hedges, &c. not to be cut or pruned at certain Seasons.

Penalty on taking Materials to the Injury of any Road or Building.

XVIII. And be it enacted, That if any County Surveyor or Road Contractor, or any other Person, shall dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea-shore, whereby a public Road, or Bulwark or Defence to any Bridge or like Building, or any Land within the Fences of any such Road, may be injured, he shall be liable to a Fine not exceeding Five Shillings for every Cartload of such Gravel, Stones, Sand, or other Materials so dug, raised, or carried away.

Penalty for destroying any Pay Gate, &c.; or rescuing any Person in Custody for such Offences.

XIX. And be it enacted, That if any Person shall, by Day or by Night, wilfully damage or destroy any Pay Gate or Turnpike Gate, or any Post, Rail, Wall, Chain, Bar, or other Fence of any Kind whatsoever, which shall be used to prevent Passengers from passing by without paying the Toll payable by virtue of any Act of Parliament, or any Toll House for the Use of any such Pay Gate or Turnpike Gate, or shall forcibly rescue any Person or Persons, being lawfully in Custody of any Constable or other Person for any of the Offences last mentioned, he shall be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding Two Months.

Penalty for assaulting Engineers, Surveyors, or Contractors on public Roads.

XX. And be it enacted, That if any Person shall wilfully prevent, assault, or threaten to assault any County Surveyor or Road Contractor in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Line intended for a new Road, or shall wilfully destroy, pull up, deface, or injure any Surveyors Instruments or Implements used in making or laying out any public Road, or any Milestone, Milepost, or Direction Post, or any Bridge, Battlement, Wall, Railing, Mound, or Fence belonging to any public Road, or shall wilfully break, deface, pull down, or take away Stones out of any such Battlement, Wall, Mound, or Fence, or out of any Bridge, Pipe, Arch, or Gullet belonging to any public Road, he shall be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Three Months.

Penalty for using new Road for certain Time after making.

XXI. And be it enacted, That it shall and may be lawful for any Two Justices of the County, upon Application of the County Surveyor, to forbid any Person or Persons from riding or driving any Kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding Six Months after such new Road shall have been made, and the Expenditure thereon duly accounted for at Special Sessions; and any Person who shall wilfully disobey such Order, the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road, shall be liable to a Fine not exceeding Twenty Shillings.

Road Nuisances.

Punishment: Turning Horse, &c. loose: Injury from driving Cattle. Flying Kites, &c.: Fireworks, &c.: Leaving Ploughs, Harrows, &c. on the Road:

XXII. And be it enacted, That any Person who shall commit any of the next following Offences shall be liable to a Fine not exceeding Ten Shillings; that is to say,

Any Person who shall in any public Road or Street of a Town turn loose any Horse or Cattle, or set on or urge any Dog or other Animal to attack or worry any Person, Horse or other Animal:

Any Person who by Negligence or Ill-usage in driving Cattle shall in any public Road or any Street of a Town cause any Mischief to be done by such Cattle:

Every Person who shall fly any Kite, or play at any Game, or make or use any Slide upon Ice or Snow, on any public Road or in any Street of a Town, to the common Danger of the Passengers:

Any Person who shall cast or throw any Fireworks or discharge any Fire-arms on any public Road, or within Sixty Feet of the Centre thereof, or in any Street or Passage of a Town, or who shall cast, throw, or discharge the same, or suffer the same to be cast, thrown, or discharged, from out of his House, Shop, Dwelling, Lodging, or Habitation, or from out of any Place thereto belonging, into any public Road, Street, or Passage:

Any Person who shall leave or permit to be left on any public Road, opposite to or near his House or Office, any Plough, Harrow, Cart, or other Carriage, without the Horse or other Animal being harnessed thereto, unless such Carriage shall have been accidentally broken down there:

Any

Any Person who shall slaughter any Beast, or leave any dead Beast, or skin or permit to be skinned any Beast, on any public Road or within Thirty Feet of the Centre thereof, save within any House or Yard: Slaughtering Beasts on a Road:

Any Person who shall lay any Stones, Timber, Dirt, Dung, Turf, Straw, Rubbish, or Scourings of any Ditches or Drains, or other Object, on any public Road or within Thirty Feet of the Centre thereof, or in any Street of a Town, so as to cause Danger or Mischief to any Passengers, and shall allow the same to remain there longer than shall be absolutely necessary: Laying Stones, Timber, &c.:

Any Person who shall hoop, scald, or fire any Cask, or bind any Car or Cart Wheels, or beat any Flax, or thresh or winnow any Corn, on any public Road or Street of a Town, or within Thirty Feet of the Centre thereof, save within any House or Yard: Scalding Casks, beating Flax, or winnowing Corn, &c.:

Any Person who shall keep or suffer to be at large within Fifty Yards of any public Road any Cur Dog, Mastiff, or Bull Dog, without having such Dog muzzled, or without having a Block of Wood fastened to the Neck of such Dog, of sufficient Weight to prevent such Dog from being dangerous: Keeping unlogged Dogs:

Any Person who shall steep any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes, upon any public Road, or within Sixty Feet of the Centre thereof, or shall make or assist in making any Fires commonly called Bonfires, or any other Kind of Fire, upon any public Road or within Sixty Feet of the Centre thereof, save within any House or Yard: Drying Flax or burning Weeds, &c.:

Any Person who shall lead or drive on any public Road or Street of a Town any Car or Carriage with Timber, Boards, or Iron laid across, so that either End shall project more than Two Feet beyond the Wheels or Sides thereof: Carrying Timber crosswise.

Provided always, that nothing herein contained shall render any County Surveyor or Road Contractor liable to any Fine for any Act done by such Surveyor in the Discharge of the Duties of his Office, or by such Contractor in the necessary Execution or Performance of his Contract; but if any such Surveyor or Contractor shall lay or cause to be laid any Heap of Stones, Gravel, Rubbish, or other Matter whatever, upon any public Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, all due and reasonable Precautions not having been taken by him to prevent any such Danger or Damage, such Surveyor or Contractor shall be liable to a Fine not exceeding Forty Shillings. Surveyor or Contractor not liable to Fine, except in certain Cases.

XXIII. And be it enacted, That it shall be lawful for any Person whatsoever to seize and impound, or cause to be seized or impounded, any Swine or other Beast which shall be found wandering upon any public Road, or about the Streets or Passages of any Town, in case the Owner shall not claim such Animal, or shall not be known; and it shall be lawful for any Justice to impose upon the Owner of such Animal, if known, a Fine not exceeding Two Shillings; and in case such Fine, and the Expenses of impounding and detaining such Animal when it shall be so impounded, shall not be paid within Four Days after imposing such Fine, or after such impounding, as the Case may be, it shall be lawful for any Justice to cause such Animal to be sold, and out of the Money arising from the Sale thereof to cause such Fine and Expenses of impounding, keeping, and selling the same to be paid, rendering the Overplus (if any) to the Owner, due Notice having been previously given of such Sale, in which shall be inserted the Name of the Parish and Townland where such Animal was seized; which Notice shall be posted up in some conspicuous Place in the Parish where such Animal was seized, and at the Place where impounded, Forty-eight Hours at the least before the Time of Sale. Swine, &c. wandering on Roads may be seized and impounded, and Owner fined, &c. Notice of Seizure to be posted.

XXIV. And be it enacted, That it shall be lawful for the County Surveyor or Road Contractor, or any Head or other Constable duly authorized in Writing by any Justice of the County, to remove any of the herein-before mentioned Objects which may be so left on any public Road or Street contrary to the Provisions of this Act, at the Expense of the Offender; and it shall be lawful for the Justices at any Petty Sessions of the County, upon Complaint of such Surveyor, Contractor, or Constable, and upon Proof of the Expense incurred, to issue a Warrant for the Levy of the same by Distress and Sale of the Goods and Chattels of the Offender; and for every Cartload of Dung, Rubbish, Scourings, Clay, Stones, Bricks, Sand, or Lime, or other like Materials, which shall have been laid on any public Road or Street contrary to the Provisions of this Act, and which shall be allowed to remain there for more than Twenty-four Hours after the Owner thereof shall have been required by any Justice or by the County Surveyor, by Notice in Writing, to remove the same, such Owner shall, in addition to any Fine for so leaving the same there in the first instance, be also liable to a further Fine not exceeding Two Shillings and Sixpence for every Day that the same shall be allowed to remain there after the Expiration of the said Period of Twenty-four Hours; and it shall also be lawful for any Justice or Justices, within his or their Jurisdiction, to issue a Warrant to any Head or other Constable, directing him to seize or kill any dangerous Dog which shall be kept near any public Road contrary to the Provisions of this Act, and such Head or other Constable may accordingly seize or kill any such Dog. Justice may order Removal of Nuisances. Fine for every Day that Materials are left on Road after Notice to remove the same. Justices may order dangerous Dogs to be killed.

XXV. And be it enacted, That any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road or in any Street of a Town shall, in addition to any Civil Action to which he may subject himself, be liable for each of such Offences to a Fine not exceeding Forty Shillings; that is to say, *Stage Carriages.* Punishment for Offences:

Any Driver, Owner, or Guard of any Coach, Omnibus, Car, Caravan, or other Carriage, by what Name soever the same is or shall hereafter be called or known, which shall be employed as a public Stage Carriage for the Purpose of conveying Passengers for Hire, who shall permit more Passengers to be carried by the same than the Number for whom Seats shall be respectively provided, inside or outside Carrying more than a certain Number:

Offences and Obstructions on public Roads.

Stage Carriages.

outside of the same, allowing a Space of at least Sixteen Inches for each Passenger, over and above the Space allotted to the Driver and Guard when there is a Guard: Provided always, that no Child under Seven Years of Age shall be included in or counted as One of such Number; and it shall be lawful for any Justice, Sub-Inspector, Head or other Constable, to stop any such Carriage which shall appear to carry a greater Number of Passengers than it can legally carry under the Provisions of this Act, and to measure the Seats of same, in order to ascertain whether sufficient Space has been allotted to the Passengers:

Carrying Luggage on the Top of any Carriage with Inside Passengers exceeding a certain Height:

Any Driver, Owner, or Guard of any such Carriage who shall carry a greater Number of Persons than such Carriage can carry on the Seats of same according to the Provision herein-before contained, or who shall allow any Passenger to sit upon the Top of any Luggage, or upon any Part of such Carriage not intended to carry Passengers, or who shall carry or permit or suffer any Parcel or Parcels of Luggage whatever exceeding Two Feet in Height above the Roof to be conveyed on any such Carriage carrying Inside Passengers:

Omitting to paint Number of Passengers to be conveyed, on the Doors, &c. of public Carriages:

Any Person who shall keep any such Carriage for the Purpose of conveying Passengers for Hire, and who shall not paint or cause to be painted on the Outside of the Door, or of each Door when there shall be more than One, of such Carriage, or on some other conspicuous Part of such Carriage, in legible Letters of at least One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, the Number of Passengers which such Carriage shall be intended to carry, together with the Name or Names of the Person or Persons or Firm of the Company of Proprietors to whom such Carriage shall belong, or who shall cause any such Carriage as aforesaid to be employed or used for carrying any Passengers for Hire without having the said Words painted in such Manner as is herein-before directed:

Misconduct of Drivers, &c. to Passengers, &c.:

Any Driver or Guard of any such Carriage who shall, by reason of Intoxication, Negligence, or other Misconduct, endanger the Passengers in their Lives or their Property, or the Property of any other Person with which they may be intrusted, or who shall wilfully mis-spend or lose Time on the Road, or who shall use abusive or insulting Language to any Passengers, or who shall demand or exact more than the proper Fare due from any Passenger: Provided always, that in any such Case the Justice or Justices may, in addition to the Fine, order such Offender to repay to the Party aggrieved any Sum so exacted, and also to make reasonable Compensation for any Damage or Loss caused by such Mischief:

Drivers leaving their Horses until a proper Person shall stand at their Head:

Any Driver of any such Carriage who shall (at any Place or Places where Assistance can be procured) quit his Horse or Horses, or the Box of such Carriage, until a proper Person or Persons shall stand at the Head of the Horse or Horses or Fore-horse or Fore-horses, or shall hold the Reins so as to prevent them from running away, or any such last-mentioned Person or Persons who shall not remain at their Head or hold the Reins until the Driver has returned to his Box, or any Driver of any such Carriage who shall intrust the Reins to any other Person to drive such Carriage, or any Person who shall so take such Reins and drive such Carriage:

Summons for the Driver left with the Book-keeper to be good Service.

And any Summons issued by any Justice requiring any Owner, Driver, or Guard of any such Carriage to appear before him to answer to any Complaint for any such Offence, shall be deemed good and sufficient Service in case the same be left with the known or acting Book-keeper, or with any other Person having the Care of any Office where Places are usually taken or Parcels received for such Carriage.

Carts and Cars.

XXVI. And be it enacted, That any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road, or in any Street of a Town, shall, in addition to any Civil Action to which he may subject himself, be liable for every such Offence to a Fine not exceeding Ten Shillings; that is to say,

Punishment for Offences:

Where Names of Owners are not painted on Carts, &c.:

Any Owner of any Cart, Dray, Waggon, or other such Carriage for the Conveyance of Goods, who shall not paint or cause to be painted upon some conspicuous Part of the Right or Off Side of such Carriage, before the same shall be used on any public Road or Street of a Town, in legible Letters not less than One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, his Name or Residence, or the Name and Residence of a Partner or Owner thereof, and who shall not continue the same thereupon so long as such Carriage shall be used upon any such public Road or Street, or who shall use or allow the same to be used on any such public Road or Street without the said Name and Residence being painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious Name or Residence on such Carriage:

One Driver taking charge of more than One Cart, &c., except in certain Cases:

Any Person who shall act as the Driver or have the sole Charge of more than One such Carriage as last aforesaid on any public Road or Street, unless in the Cases where Two of such Carriages and no more shall be drawn each by One Horse only, and the Horse of the hinder of such Carriages shall be attached by a sufficient Rein to the Back of the foremost of such Carriages:

Drivers of Carts riding thereon without some other Person to guide them:

Any Person having the Care and Charge of any such Carriage as last aforesaid who shall ride upon the same, or upon any Horse drawing the same, on any public Road or Street, not being accompanied by some other Person on Foot or on Horseback to guide the same, except where such Carriage shall be driven with Reins, and be conducted by some Person holding the Reins of all the Horses drawing the same:

Drivers leaving their Carts:

Any Driver of any such Carriage as last aforesaid who shall negligently or wilfully be at such Distance from such Carriage, or in such a Situation whilst it shall be passing upon any such Road or Street,

that

that he cannot have the Direction of the Horse or Horses drawing the same, or shall leave any such Carriage on such Road or Street so as to obstruct the Passage thereof:

Drivers refusing to tell Owner's Name.

Any Driver of any such Carriage as last aforesaid, not having the Owner's Name thereon as hereby required, and remaining legible thereon, who shall refuse to tell or to discover the true Christian and Surname and Residence of the Owner of such Carriage:

One-horse Cars without double Reins.

Any Person having the Care of any such Carriage drawn by One Horse, Mule, or Ass who shall not have a double Rein extending back to such Carriage.

Rules of the Road.

XXVII. And be it enacted, That any Person who shall on any public Road or Street commit any of the next following Offences shall, in addition to any Civil Action to which he may make himself liable, be also liable for every such Offence to the Punishment herein-after specified in each Case; that is to say,

Punishment for Offences:

Keeping on wrong Side of the Road:

Any Person driving any Carriage whatsoever, or riding any Horse or other Animal, who, meeting any other Carriage or Horse or other Animal, shall not keep his Carriage or Horse or other Animal on the Left or Near Side of the Road or Street, or, if passing any other Carriage or Horse or other Animal going in the same Direction, shall not in all Cases where it is practicable go and pass to the Right Side of such other Carriage or Horse or other Animal, shall be liable to a Fine not exceeding Ten Shillings:

Passing with a led Horse:

Any Person riding any Horse and leading any other Horse, who shall not keep such led Horse on the Side away from any Carriage or Person passing him on any public Road or in any Street of a Town, shall be liable to a Fine not exceeding Ten Shillings:

Obstructing free Passage:

Any Person who shall in any Manner wilfully prevent any other Person, or any Carriage or Horse or other Animal under his Care, from passing him upon any public Road or Street, or who shall by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Person or Carriage on any public Road or Street, shall be liable to a Fine not exceeding Twenty Shillings:

Furious Driving:

Negligent Driving:

Any Person riding any Horse or Animal, or driving any Sort of Carriage, who shall ride or drive the same furiously on any public Road or Street so as to endanger the Life or Limb of any Passenger or Person, or to the common Danger of the Passengers, or who shall by Carelessness or wilful Misbehaviour cause any Hurt or Damage to any Person or Property being on any public Road or Street, shall be liable to a Fine not exceeding Twenty Shillings:

Children under Thirteen Years not to drive.

And no Cart, Dray, Waggon, or other such Carriage, and no Hackney Car or Carriage, or Car or Carriage let on Hire, travelling on any public Road or Street, shall be driven by any Person who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Ten Shillings, to be paid by the Owner of such Carriage.

Compensation for Damage not exceeding 40s. recoverable before Justices in such Cases.

XXVIII. And be it enacted, That in every Case where any Hurt or Damage shall have been caused by the Commission of any of the said Offences upon Roads or in Streets of Towns, the Justice or Justices, upon the Hearing of the Complaint, may, in addition to any Penalty herein provided, adjudge as and for Compensation to be paid to any Party aggrieved thereby a Sum not exceeding Forty Shillings, provided such Amount of Damage shall have been proved, and may order the Party offending, or, in case of an Offence by the Driver of any Carriage, the Owner of such Carriage, forthwith to pay such Sum, and also such Costs as shall have been incurred, and the Payment thereof may be enforced in like Manner as any Fine may be enforced under and by virtue of this Act, and subject to the like Provisions as to Imprisonment in default of Distress for the same: Provided always, that any Sum which shall be so paid by the Owner shall and may in like Manner be recovered by him in a summary Way before a Justice or Justices from the Driver through whose Default such Sum shall have been so paid, upon Proof of the Payment thereof pursuant to the Order of the Justice or Justices.

Owners may recover over against Drivers.

Constabulary to take cognizance.

Offenders, if known, to be summoned; or if not known, may be arrested.

XXIX. And be it enacted, That the County and Sub-Inspectors, Head and other Constables of the Constabulary Force, shall take cognizance of all such Offences upon any public Road or in any Street of a Town as aforesaid, and shall, in every Case where the Name and Residence of any such Offender is known or can be ascertained, summon him before the Justices at Petty Sessions; and where the Name and Residence of such Offender shall be unknown and cannot be ascertained, he may, with or without any Warrant, be apprehended by any County or Sub-Inspector, Head or other Constable, or any Persons whom he may call to his Assistance, and shall be forthwith conveyed before any Justice or Justices, to be dealt with according to Law; and if any such Person in any of the Cases aforesaid shall refuse to discover his Name, it shall be lawful for the said Justice or Justices before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to Gaol, there to be kept to hard Labour for any Time not exceeding One Month, or to entertain any Proceeding against him for the Penalty aforesaid by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name; and in all Cases of Proceedings for any such Offences by the Owner or Driver of any Carriage or Animal on any public Road or Street of a Town, it shall be lawful to summon the Offender either before the Justices of the Petty Sessions District in which the Offence shall be committed, or before the Justices of any other Petty Sessions District in which such Offender may reside or be at the Time of taking such Proceeding, and such Justices are hereby authorized to hear and determine such Case, either upon the Complaint of such County or Sub-Inspector, Head or other Constable, or of any other Person.

Proceeding if Driver will not discover his Name.

Offenders as to Carriages, &c. on Roads may be proceeded against wherever they may be.

Horses, Carriages, &c. of Offenders may be detained.

XXX. And be it enacted, That whenever any Person having charge of any Horse, Cart, Carriage, or any other Animal or Thing, shall be taken into the Custody of any Head or other Constable under the Provision herein-before last contained, it shall be lawful for such Head or other Constable to take charge of

of such Horse, Cart, Carriage, or such other Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had Charge thereof may become liable, and for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and it shall be lawful for the Justice or Justices by whom the Case shall be heard to order that, in default of such Penalty and Expenses being paid, such Horse, Cart, Carriage, or such other Animal or Thing, shall be sold, for the Purpose of satisfying such Penalty and Expenses, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of the same.

CIVIL JURISDICTION.

Order for Possession of Small Tenements.

Possession of small Tenements may be recovered by Summons before Justices of the Peace

XXXI. And be it enacted, That from and after the passing of this Act, when the Term or Interest of the Tenant of any House or any Part of a House, situate in any City, Town, or Village in which any Fair or Market is usually held, and which shall be held by him for any Term not exceeding One Calendar Month at a Rent not exceeding the Rate of One Pound Sterling by the Month, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or (if such Tenant do not actually occupy the Premises, or only a Part thereof,) any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to deliver up Possession of the same, it shall be lawful for the Landlord of the said Premises, or his known Agent, or for the Receiver of the Rents of his Estate, to cause the Person so neglecting or refusing to quit and deliver up Possession to be served with a Summons in Writing, to be signed by a Justice or Justices having Jurisdiction in the Place in which the said Premises shall be situated, to appear before a Justice or Justices at the Petty Sessions of the District in which the said Premises shall be situated, to show Cause why Possession of the said Premises should not be delivered up to such Landlord or such Agent or Receiver as aforesaid; and if the Tenant or Occupier shall not appear at the Time and Place appointed, or if such Tenant or Occupier shall appear, and shall not show to the Satisfaction of such Justice or Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises, or such Part thereof as he was in possession or occupation of at the Time of the Service of such Summons, to the said Landlord or the said Agent or Receiver, it shall be lawful for the said Landlord or the said Agent or Receiver to give such Justice or Justices Proof of the Holding and of the End or Determination of the Tenancy, with the Time and Manner thereof, and, where the Title of the Landlord hath accrued since the letting of the Premises, the Right by which he claims the Possession; and thereupon it shall be lawful for such Justice or Justices to issue a Warrant under their Hands to any Head or other Constable of or acting in the District within which such Premises shall be situate, or to any other Person as a special Bailiff in that Behalf, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord, Agent, or Receiver; and such Warrant shall be a sufficient Warrant to the said Constable or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday, Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon.

If Party summoned give Undertaking to deliver up Possession and pay Arrears in 14 Days, no Warrant shall issue; but if Party continue in possession at the End of such 14 Days, Justices may issue Warrant forthwith.

XXXII. And be it enacted, That if the Party so summoned to give up Possession shall, in obedience to such Summons, appear before the Justices, and shall give an Undertaking (to be entered in Writing by the Clerk of Petty Sessions) quietly and peaceably to deliver up, within Fourteen Days from the Date thereof, Possession of the Premises of which he is such Tenant or Occupier, in good Order and Repair, to the Landlord, or such Agent or Receiver, and in the meantime to pay all Rent and Arrears of Rent claimed by such Landlord in respect to such Tenement, in such Case the Justices shall not issue their Warrant for giving Possession till the Expiration of such Period of Fourteen Days: Provided always, that if the Tenant or Occupier shall at the Expiration of such Period continue in possession or occupation of the said Tenement, save by the Permission of such Landlord, Agent, or Receiver, it shall be lawful for the Justices, at the Instance of the Landlord or of such Agent or Receiver, to issue their Warrant for giving Possession of the same as aforesaid, and such Warrant shall be executed forthwith, without further Notice to such Tenant or Occupier.

Manner in which such Summons shall be served.

Substitution of Service in certain Cases.

XXXIII. And be it enacted, That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein, by serving the same personally or by leaving the same at the Place of Abode of the Tenant so holding over as aforesaid Four clear Days before the Day appointed for the Hearing of the Matter of the said Summons: Provided always, that if the Person so holding over cannot be found, and Admission into the Premises so overheld for serving such Summons cannot be obtained, and the Place of Abode of such Person not residing as aforesaid shall either not be known or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person.

But Act not to protect Persons who have no legal Right.

XXXIV. And be it enacted, That nothing herein contained shall be deemed to protect any Person by whom any such Warrant for the Delivery of Possession of Tenements shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

Master and Servant.

Justice may punish Servant,

XXXV. And be it enacted, That if any Servant, Artificer, or Labourer or other Person shall engage, by a Contract in Writing signed by both Parties, with any Person, to serve him at any Time and in any Manner,

Manner, and shall not enter into or commence his Service according to such Contract, or having entered into any Service under any Contract, whether in Writing or not, shall absent himself from the same before the Term specified in such Contract shall be completed, or shall neglect to fulfil the same, or shall be guilty of any Misconduct or Misdemeanor in the Execution of the same or in any way respecting the same, it shall be lawful for any Justice or Justices, upon Complaint thereof on Oath, either to summon such Servant to Petty Sessions, or to issue his or their Warrant to apprehend such Servant, Artificer, or Labourer, and to hear and determine at Petty Sessions such Complaint made against him by his Employer, or by the Steward, Manager, or Agent of his Employer, and if it shall appear that he has not fulfilled his Contract, or has been guilty of any Misconduct in respect to the same, to impose upon him a Fine not exceeding the Sum of Five Pounds, and in default of Payment of such Fine at such Time as the Justice or Justices shall fix, to commit him to Gaol for any Term not exceeding Three Months, and to abate the whole or a Part of his Wages, and, if he shall see fit, to discharge him from his Contract or Service, by Writing under the Hand of such Justice.

&c. for not observing Contract.

XXXVI. And be it enacted, That it shall be lawful for any Justice or Justices to hear and determine any Disputes and Differences which shall arise between any Master and his Apprentice, or any Employer and his Labourers or Servants, concerning any Wages, where the Demand, whether originally greater or not, shall not exceed Ten Pounds, and whether such Wages shall be due in respect to any Day's Work or to any Labour done or performed by Task, Job, or Contract, and to make such Order for Payment of so much Wages to any such Apprentice, Labourer, or Servant as, according to the Terms of his Apprenticeship or other Agreement, as the Case may be, shall appear, under all the Circumstances of the Case, to be justly due, and also of so much Compensation as is herein-after provided; and if such Sum, and such Costs and Compensation as may be awarded, shall not be paid by the Person ordered to pay the same, either immediately or within such Time as shall be directed by the Justice or Justices, it shall be lawful for him or them, and he or they are hereby required, to issue his or their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Person refusing or omitting to pay the same, rendering the Overplus, if any, to such Person.

Justice may order Wages to be paid.

XXXVII. And be it enacted, That in every Case where the Master or Employer shall entrust his Business to the Management and Superintendence of any Steward, Agent, Bailiff, Foreman, or Manager, it shall be lawful for any Justice or Justices, upon the Complaint of any such Servant, Artificer, Labourer, or Apprentice concerning the Nonpayment of his Wages, to summon such Steward, Agent, Bailiff, Foreman, or Manager to appear at Petty Sessions, and to hear and determine the Matter of the Complaint in such and the like Manner as Complaints of the like Nature against any Master or Employer are herein-before directed to be heard and determined, and thereupon to make an Order for the Payment by such Steward, Agent, Bailiff, Foreman, or Manager to such Servant, Artificer, Labourer, or Apprentice of so much Wages as to such Justice or Justices shall appear to be justly due, provided that the Sum claimed shall not exceed the Sum of Ten Pounds; and in case of Refusal or Nonpayment of any such Sum and Costs at such Time as shall be directed by such Justice or Justices such Justice or Justices shall and may issue his or their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Master or Employer, rendering the Overplus to such Master or Employer, or to such Steward, Agent, Bailiff, Foreman, or Manager, for the Use of such Master or Employer, after Payment of the Charges of such Distress and Sale.

How Servants, &c. shall recover their Wages in Cases of Absence of Masters, &c.

XXXVIII. And be it enacted, That whenever it shall appear to the Satisfaction of the Justice or Justices that any Servant, Artificer, or Labourer has been or is likely to be detained from his Home or usual Place of Residence, or has suffered or is likely to suffer any additional Loss by reason of the Nonpayment of any Wages which such Justice shall so adjudge to be due, it shall be lawful for such Justice or Justices to order that there shall be paid to such Servant, Artificer, or Labourer, not only the Sum so due for Wages as aforesaid, but also such further Sum for the Time during which such Servant, Artificer, or Labourer shall have been so detained from his usual Place of Residence, or for the Loss suffered or likely to be suffered, as such Justice or Justices shall think and adjudge to be reasonable, having regard to the Length of such Detention, the Diligence or Remissness of either Party, the usual Wages of such Servant, Artificer, or Labourer, and the Wages which within the Time of such Detention such Servant, Artificer, or Labourer did earn, or under all the Circumstances of the Case might have earned: Provided always, that such additional Sums or Sum so ordered shall not exceed the Sum of Two Pounds.

Justices may award further Sum to Servants, &c. as Compensation for Loss of Time in recovering Wages.

XXXIX. And be it enacted, That all Persons, whether Artificers or Servants, or otherwise, who shall be employed to do any Species of Work or Labour whatsoever for Hire, and whether they shall find Materials for the Performance of the Contract or not, shall be deemed and taken to be Labourers within the true Intent and Meaning of the Provisions of this Act, and shall be entitled to recover Wages as such, under and according to the Regulations aforesaid:

Labourers defined.

XL. And be it enacted, That all Sums which shall be due or payable for the Hire of any Horse, Ass, Mule, Bullock, or other Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle, drawn by any such Animal for the Purpose of any labouring Work, (not being for the Carriage of any Passenger or Passengers,) or for the Hire of any Boat for the Purpose of any labouring Work (not being for the Carriage of any Passenger or Passengers), where the Demand, whether originally of greater Amount or not, and whether such Hire shall be by the Day or by Contract or otherwise, shall not exceed Ten Pounds, shall be recoverable in the same Manner and subject to the same Conditions and Limitations as are herein-before contained in respect to Wages.

The Hire of Horses, Carts, &c. to be recoverable in like Manner.

XLI. And

Master and Servant.

Remuneration for Tuition to be recoverable in like Manner.

XLI. And be it enacted, That all Sums which shall be due or payable to any Schoolmaster or Teacher for the teaching of any Child in any School or otherwise, when the Demand, whether originally greater or not, shall not exceed Ten Pounds, and whether the Engagement shall be for a Payment by the Day or other Period, or in any other Manner, shall be recoverable from the Parent or Parents or from such other Person as shall have engaged such Teacher or Schoolmaster to teach such Child, in the same Manner and subject to the same Limitations and Conditions as are herein-before contained in respect to Wages.

Fairs and Markets.

Justices may make Awards as to Disputes at Sales in Fairs and Markets, where Value does not exceed 5*l.*

XLII. And be it enacted, That whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market, and which shall not be of a greater Value than Five Pounds, it shall be lawful for any Justice or Justices, within his or their Jurisdiction, to hear and determine such Dispute forthwith, upon the Complaint of either Party, and in Presence of both Parties, and, if necessary, to cause all Parties to be brought before him for that Purpose; and it shall be lawful for such Justice or Justices, having examined into the said Complaint upon the Oath of either of the Parties or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, with Costs not exceeding Five Shillings, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made by a Justice at Petty Sessions.

Justices may make Regulations as to Markets.

XLIII. And be it enacted, That it shall be lawful for the Town Commissioners acting under an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, and for the Commissioners acting under any other local or special Acts giving them like Powers in their respective Towns not being Corporate Towns, and for the Justices at Petty Sessions in other Market Towns, not being Corporate Towns, from Time to Time to make and vary from Time to Time such Regulations as they shall see fit for keeping or causing to be kept free and clear from Obstruction all Passages or Thoroughfares in and through the said Markets, and for keeping or causing to be kept all said Markets, and all Passages therein and thereto, clear and free from any Dirt or Nuisances of any Kind whatever, and for preventing all Indecencies being committed therein, provided that no such Regulations shall interfere with or impede the due Accommodation of Persons lawfully exposing Goods or Wares for Sale therein; and it shall be lawful for the said Town Commissioners or Justices to give due Notice of such Regulations, by causing the same to be painted on a Board, and affixed in some conspicuous Place in any such Market, in like Manner as Schedules of Tolls and Customs in Markets are now required by Law to be affixed; and if any Person shall offend against any of the said Regulations, by exhibiting Goods or Wares in any such Market in any Place other than that appointed for the Sale of the same, or by refusing to remove the same when required so to do, or by obstructing the Passages or Thoroughfares in and through such Market, by placing or leaving any Impediment of any Kind therein, or by leaving or causing to be left any Dirt or Nuisance of any Kind therein, or shall commit any Indecency in said Market or in the Passages thereto, he shall, on Conviction thereof before a Justice or Justices, pay a Fine for a First Offence not exceeding Five Shillings, and Costs not exceeding One Shilling, and for a Second Offence a Fine not exceeding Ten Shillings, and Costs not exceeding Two Shillings.

Persons obstructing with Hackney Cars, Carts, &c. liable to a Fine.

Justices may appoint Stands for Cars.

XLIV. And be it enacted, That any Person who shall, within any City, Borough, or Market Town in *Ireland*, or within a Quarter of a Mile from the Boundary thereof, cause any Cart, Dray, Waggon, or other such Carriage, or any public or Hackney Car or Carriage, to stand in any public Road or Street longer than may be reasonable or necessary for loading or unloading, or for taking up or setting down Passengers, (except any Cart, Dray, Waggon, or other such Carriage lawfully standing in any Place customarily used for such Purpose in any public Market or Fair, and except any public or Hackney Car or Carriage standing for Hire in any Place allowed for such Purpose by any Order in Writing to be made by the Justices at the Petty Sessions of the District, and which Order such Justices are hereby empowered to make,) or any Person who shall within any such Place or Limits as aforesaid, except as herein-before excepted, by means of any such Carriage, wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any public Road or Street, shall, on Conviction thereof before a Justice or Justices, pay for every such Offence a Fine not exceeding Twenty Shillings.

Head Constable shall be Inspector of Weights and Measures.

XLV. And be it enacted, That such Head Constable or Constable in each Petty Sessions District as shall be selected by the County Inspector of Constabulary with the Approval of the Justices, shall henceforth be *ex officio* an Inspector of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities which any Inspector of Weights and Measures may possess or exercise under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty three, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within such District.

Grand Jury may provide Sub-Standard Weights and Measures.

XLVI. And be it enacted, That it shall be lawful for the Grand Jury of each County from Time to Time to procure so many Copies, in Iron or other sufficient Material, of the County Copies of the Imperial Weights and Measures, as they shall see fit, and to direct that the same shall be duly stamped by any Inspector of Weights and Measures for such County, or by such Officer of the Constabulary as the said Grand Jury shall appoint for that Purpose, with the Approval of the said Inspector General, and that the same shall be deposited in the Custody of the said Head or other Constables, so as to enable them the more easily to discharge the Duties of Inspectors of Weights and Measures; and such Copies so to be procured shall be called the County Sub-Standard Weights and Measures, and shall, at least once in every Year, and also at any other Times when required by the County Inspector of Constabulary

stabulary of the County or by the Justices at Petty Sessions, be compared with and corrected by the said County Standard Weights and Measures, by the said Inspector of Weights and Measures, or the said Officer of Constabulary so to be appointed as aforesaid, who shall adjust the same, and also affix the County Stamp thereto; and such Copies so adjusted and stamped shall, until the next Comparison of same, to be made in manner aforesaid, be considered to all Intents the same as the said County Standard Weights and Measures, for all Purposes of Comparison and Verification, and for all other Purposes for which such County Standard Weights and Measures are required, under the Provisions of the said recited Act, by any Inspector of Weights and Measures; and any Person who shall use said Copies for any other Purpose shall, upon Conviction thereof before any Justice or Justices of the County, be liable to a Fine not exceeding Five Pounds for every such Offence.

Fairs and Markets.

General Provisions.

Compensation awarded to be paid to Party aggrieved, except in certain Cases.

XLVII. And be it enacted, That in every Case where any Sum shall be awarded under the Provisions of this Act as Compensation for Damage, or as the Value of any Article, or as the Amount of any Injury done, such Sum shall in the Case of private Property be paid to the Party aggrieved, if known, and where the Party aggrieved is unknown, or in the Case of Property of a public Nature or wherein any public Right is concerned, such Sum shall be applied in such Manner as other Penalties imposed by a Justice shall by Law be applicable: Provided always, that where several Persons join in an Offence, and are severally punished each in the Amount of the Injury done, no more than One of such Sums shall be paid to the Party aggrieved, and the rest shall be applied as other Penalties imposed by a Justice shall be by Law applicable.

Application of Fines.

XLVIII. And be it enacted, That in every Case where a Fine for an Offence shall be imposed under the Provisions of this Act, and no Sum shall be awarded to the Prosecutor by way of Compensation for Damages, it shall be lawful for the Justice or Justices before whom the Conviction shall take place, if he or they shall see fit, to award any Sum not exceeding One Third of such Fine to the Informer, and the Remainder of such Fine and all other Fines imposed under the Provisions of this Act shall be awarded to the Crown.

Persons aggrieved, Complainants in all Cases, and Defendants in Wages Cases, competent Witnesses.

XLIX. And be it enacted, That in all Cases of Prosecutions for Offences under this Act the Evidence of the Party aggrieved shall be admissible in proof of the Offence; and in all Cases of Complaints on which a Justice or Justices can make an Order for the Payment of Money under this Act the Evidence of the Complainant shall be admissible in proof of his Complaint; and in Cases of Wages it shall be lawful for the Justice or Justices, and they are hereby empowered, to summon before him or them the Master or Employer as a Witness, and the Evidence of such Witness may, in the Discretion of the Justice or Justices, be admitted in proof against the Complaint.

The Justice may discharge the Offender in certain Cases.

L. And be it enacted, That where any Person shall be convicted before a Justice or Justices of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs or either of them, as shall be ascertained by the Justice or Justices.

Pardon for Nonpayment of Money.

LI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

Complaints to be made within Six Months, or for Wages, &c., within Twelve Months.

LII. And be it enacted, That in all Cases of summary Proceedings under the Provisions of this Act the Information may be laid or the Complaint may be made within Six Calendar Months from the Time when the Matter of such Information or Complaint arose, or, in case of Wages, Hire, or Tuition, within Twelve Months from the Termination of the Period when the Cause of Complaint shall have arisen, and not otherwise, any Act to the contrary notwithstanding.

In what Cases Appeals shall be permitted.

Appeal only to next Quarter Sessions of the Division.

LIII. And be it enacted, That in any Case of summary Proceedings under this Act where an Order shall be made by any Justice or Justices for any Penalty or other Sum exceeding Forty Shillings, or for any Term of Imprisonment exceeding Two Months, or for the doing of anything at a greater Expense than Forty Shillings, but not in any other Case, the Party against whom such Order shall be made shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County wherein the Order shall have been made, unless when the same shall commence within Three Days from the Date of the Order, in which Case, if the Appellant sees fit, it may be made to the next succeeding Quarter Sessions of such Division; and it shall be lawful for such Court of Quarter Sessions to hear and determine such Appeal.

Proper Notices to be given within Three Days.

Recognizance to prosecute Appeal.

Amount of Recognizance.

LIV. And be it enacted, That in every such Case where a Party shall have a Right to appeal from any Order made under this Act he shall not exercise such Right unless he shall serve Notice of his Intention to appeal upon either the Clerk of the Petty Sessions or the Justice who shall have made such Order, and also upon the opposite Party, within Three Days from the Date of such Order, and unless he shall also enter into a Recognizance, with Two solvent Sureties, conditioned to prosecute such Appeal, and to pay such Sum and Costs, together with such other Costs as may be awarded against him upon such Appeal, if the same be not decided in his Favour; and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid, or double the Amount of a Sum calculated at the Rate of Ten Shillings for every Week of the Imprisonment, where Imprisonment only is ordered.

On Appeal being duly made, the Justice to discharge the Defendant.

LV. And be it enacted, That in any Case where a Party shall be in Custody, or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed, under any such Order of a Justice or Justices, and being entitled to appeal shall have served the proper Notice and entered into the proper Recognizance to prosecute his Appeal, the Justice by whom the Warrant of Committal

General Provisions.

Committal shall have been issued, or any other Justice of the same County, shall, upon an Application being made to him in that Behalf, forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that if executed the Distress shall be returned to the Owner, as the Case may be.

In case of Appeal the Period of Imprisonment to run from the Decision of the Appeal.

LVI. And be it enacted, That in any Case where any such Appeal as aforesaid against any Order to be made under the Provisions of this Act, by which any Person shall be adjudged to be imprisoned, shall be decided against such Person, he shall thereupon be liable to be imprisoned for the Period adjudged by the original Order, where he shall not have been apprehended and discharged in manner aforesaid, or where he shall have so been apprehended and discharged, then for such Period as, together with the Time during which he shall so have been in Custody, shall be equal to the Period adjudged by the original Order.

Offences may also be punished on Indictment.

LVII. And be it enacted, That any Person who shall commit any of the Offences herein-before mentioned, and now by Law punishable by Indictment, may, at the Discretion of the Justice or Justices, be proceeded against and punished for the same either upon Indictment or before a Justice or Justices upon summary Conviction; and in every Case where, under the Provisions of any other Act, the Commission of any of the said Offences a Second or subsequent Time shall be punishable upon Indictment for the same, such Second or subsequent Offence shall continue punishable in the same Manner as if this Act had not been passed.

No Order or Adjudication made on Appeal shall be quashed for Want of Form.

LVIII. And be it enacted, That no Order made under the Provisions of this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

Interpretation Clause.

LIX. And be it enacted, That in the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town;" the Word "Justice" shall mean "Justice of the Peace," and shall include a "Divisional Justice" of the Police District of *Dublin* Metropolis, or "Chief Magistrate" of any Corporate Town; the Word "Petty Sessions" shall include a "Divisional Police Office" of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" of the County to which any Person may be legally committed by any Justice; the Word "Oath" shall include "Affirmation" or "solemn Declaration," as the Case may be; the Word "Month" shall mean "Calendar Month;" the Word "Road" shall include "Highway" or other public Thoroughfare, and "Street" shall include any Lane or Passage in any Town; and the Word "Horse" shall include any other Animal of any Kind commonly used or employed in drawing any Kind of Carriage; Words denoting the Masculine Gender shall include Females as well as Males, and Words denoting the Singular Number shall include Two or more Persons or Things as well as One Person or Thing, and *vice versâ*.

Repeal of certain Acts.

LX. And be it enacted, That from and after the passing of this Act the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, together with all other Acts and Parts of Acts inconsistent with the Provisions of this Act, except so much of the said Acts as repeal any other Acts or Parts of Acts, and also except as to any Offence committed before the passing of this Act, or any Proceedings now pending to which the same or any of them are applicable; that is to say,

5 G. 2. c. 12. *An Act to prevent the throwing or firing of Squibs, Serpents, and other Fireworks:*

11 G. 3. c. 7. s. 1. So much of an Act passed in the Eleventh Year of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violence to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions:

27 G. 3. c. 53. An Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for preventing the wilful Destruction of Turnpike Gates, and for the better securing the Payment of Tolls at such Gates:*

49 G. 3. c. 84. s. 30. So much of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for amending the* Irish *Road Acts,* as relates to the Mode in which Carriages and Persons shall pass each other on any public Road:

50 G. 3. c. 32. An Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act to repeal certain Parts of several Acts of the Parliament of* Ireland, *so far as relates to the limiting the Number of Persons to be carried by Stage Coaches or other Carriages, and for enacting other Limitations in lieu thereof, and for other Purposes relating thereto:*

54 G. 3. c. 116. An Act passed in the Fifty-fourth Year of King *George* the Third, intituled *An Act to repeal the several Laws for Recovery of small Sums due for Wages in* Ireland, *and to make other Provisions for Recovery of such Wages:*

58 G. 3. c. 82. An Act passed in the Fifty-eighth Year of King *George* the Third, intituled *An Act to prevent Frauds in the Sale of Grain in* Ireland:

4 G. 4. c. 34. An Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others,* so far as relates to *Ireland:*

9 G. 4. c. 55. So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* Ireland *relative to Larceny, and other Offences connected therewith,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions:

So

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating the Laws in* Ireland *relative to malicious Injuries to Property*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 56.

So much of an Act passed in the Tenth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the Person*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 10 G. 4. c. 34.

An Act passed in the Fourth and Fifth Years of King *William* the Fourth, intituled *An Act to amend an Act passed in the Forty-ninth Year of the Reign of King* George *the Third, for amending the* Irish *Road Acts:* 4 & 5 W. 4. c. 50.

So much of an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 6 & 7 W. 4. c. 116.

So much of an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 7 & 8 Vict. c. 106.

So much of an Act passed in the Eleventh and Twelfth Years of the Reign of Queen *Victoria*, intituled *An Act to amend the Law of Imprisonment for Debt in* Ireland, *and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns in certain Cases*, as relates to the Recovery of the Possession of small Tenements: 11 & 12 Vict. c. 28.

An Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland: 11 & 12 Vict. c. 59.

An Act passed in the Seventh Year of Her Majesty, intituled *An Act to facilitate the Recovery by summary Process of small Sums due to the Teachers of Schools in* Ireland: 7 & 8 Vict. c. 8.

An Act passed in the Twelfth Year of Her Majesty, intituled *An Act to amend an Act of the Fifty-fourth Year of King* George *the Third, for the Recovery of small Sums due for Wages in* Ireland: 12 & 13 Vict. c. 15.

An Act passed in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep in* Ireland. 12 & 13 Vict. c. 30.

LXI. And be it enacted, That this Act shall commence and take effect on the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty. Act to take effect on the 1st Oct. 1850.

LXII. And be it enacted, That this Act shall extend and be construed to extend to *Ireland* only, but shall not extend to the Police District of *Dublin* Metropolis in any Matter relating to Offences or Obstructions upon or relating to public Roads or Streets. Act to extend to Ireland only.

LXIII. And be it enacted, That in citing this Act in other Acts of Parliament, or in any legal Instrument or Proceedings, it shall be sufficient to use the Expression "The Summary Jurisdiction (*Ireland*) Act, 1850." Short Title of Act.

LXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. CIII.

An Act to authorize further Charges on "The *London Bridge* Approaches Fund" for the Completion of certain Improvements in the Metropolis. [14th *August* 1850.]

'WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Approaches to* London Bridge, a Fund was 10 G. 4. c. 136.
'created, called the Fund for improving the Approaches to *London Bridge*, consisting of certain Duties
'upon Coal imported into the Port of *London* forming Part of a Fund called the Orphans Fund, which
'Duties were thereby made payable for the Term of Twenty-one Years, to be computed from the Fifth
'Day of *July* One thousand eight hundred and thirty-seven, unless the Sums of Money charged thereon
'should be sooner paid off and discharged: And whereas by an Act passed in the Eleventh Year of the
'Reign of His late Majesty King *George* the Fourth, intituled *An Act to make further Provision for* 11 G. 4. c. 69.
'*defraying the Expenses of making the Approaches to* London Bridge *and the Removal of* Fleet Market,
'the Fund was increased by including therein certain Duties upon Wine imported into the Port of
'*London* or the Members thereof, by way of Merchandize, and also certain Fines on the Admission
'of Freemen and binding Apprentices, and also certain Aqueducts forming Part of the Property of the
'Mayor and Commonalty and Citizens of the City of *London*, and also the several annual Sums of Eight
'thousand Pounds, Two thousand Pounds, and One thousand five hundred Pounds charged on the Estates
'and Revenues of the said Mayor and Commonalty and Citizens, and the Fund so increased as aforesaid
'was made chargeable with the Sums charged and to be charged thereon by virtue of the said Acts,
'and all such several and respective Funds as were not permanent were continued until the Sums
'charged and to be charged thereon by virtue of the same Acts respectively should be paid off; and
'the said Mayor, Aldermen, and Commons were empowered to borrow and raise the further Sum of Two
'hundred and fifty thousand Pounds upon the Credit of the Fund created as aforesaid: And whereas by
'an Act passed in the First and Second Year of the Reign of Her present Majesty, intituled *An Act for* 1 & 2 Vict.
'*improving the Site of the* Royal Exchange *in the City of* London, *and the Avenues adjoining thereto*, c. 100.
'the said Mayor, Aldermen, and Commons were empowered for the Purposes of the said Act to

'borrow and raise the further Sum of One hundred and fifty thousand Pounds upon the Credit of the 'Fund created as aforesaid: And whereas by an Act passed in the Second and Third Year of the Reign
2 & 3 Vict. c. 80. 'of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods, 'Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional 'Thoroughfares in the Metropolis*, the said Commissioners were empowered to charge the said Fund 'with the Sum of Two hundred thousand Pounds for making additional Thoroughfares in the Metro-'polis, with Interest thereon from the Time of charging the same not exceeding Five Pounds *per 'Centum per Annum*; as therein mentioned, and such Parts of the said Fund as were not permanent 'were continued until the Sums charged and to be charged thereon by virtue of the Act now in 'recital should be paid off: And whereas by an Act passed in the Third and Fourth Year of the
3 & 4 Vict. c. 87. 'Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods, 'Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis*, 'the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the 'Time being were empowered, for the Purposes of the Act now in recital and the said last-recited 'Act, to charge and raise the further Sum of One hundred thousand Pounds upon the Credit of the 'Funds by the said last-recited Act authorized to be charged, and all such Parts of the said Funds 'as were not permanent were continued until the further Sum to be charged thereon by virtue of 'the Act now in recital should be paid off: And whereas by another Act passed in the said Third and
4 Vict. c. 131. 'Fourth Year of the Reign of Her present Majesty, intituled *An Act to continue for Four Years from 'the Fifth Day of* July *One thousand eight hundred and fifty-eight the Duties now levied on Coal and 'Wines imported into the Port of* London, the Duties on Coal and Wines forming Part of the Fund 'aforesaid were continued for a further Term of Four Years from the Fifth Day of *July* One thousand 'eight hundred and fifty-eight: And whereas by an Act passed in the Fourth Year of the Reign of Her
4 & 5 Vict. c. 12. 'present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new 'Street from* Coventry Street, Piccadilly, *to* Long Acre, *and for other Improvements in the Metropolis*, 'after reciting, among other things, an Act passed in the Second Year of the Reign of Her present 'Majesty, intituled *An Act for making a new Street from* Holborn Bridge *in the City of* London *towards* 'Clerkenwell Green, and an Act passed in the Third and Fourth Year of the Reign of Her present 'Majesty, intituled *An Act for opening a Street to* Clerkenwell Green *in the County of* Middlesex, *in 'continuation of the new Street from* Farringdon Street *in the City of* London, and that it was expedient 'that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should 'be authorized, with the Consent of the Commissioners of Her Majesty's Treasury, to advance, out of the 'Monies to be borrowed and raised by them under the Provisions of the now reciting Act, any Sum not 'exceeding Twenty-five thousand Pounds towards the Expenses of making and completing the said 'Street from the Termination of the Street authorized to be made by the Mayor, Commonalty, and 'Citizens of the City of *London*, under the said recited Act of the Second Year of the Reign of Her 'present Majesty, to *Clerkenwell Green*, and any Sum not exceeding Thirty thousand Pounds towards 'the Expense of making and completing a Line of Street between *Southwark* and *Westminster Bridge*, 'and also any Sum not exceeding Thirty-nine thousand Pounds towards the Expense of making and 'completing a spacious and convenient Communication between the Houses of Parliament and *Buckingham 'Palace*, the said Commissioners were empowered to charge the several Funds, Duties, and Revenues 'herein-before mentioned with the Payment of the Sum of Two hundred and fourteen thousand Pounds, 'together with Interest on the Sum or Sums to be charged from the Time of charging the same, to be 'payable half-yearly, in addition to the Sum of Three hundred thousand Pounds which the said Commis-'sioners were so as aforesaid authorized to charge for the Purposes herein-before mentioned: And 'whereas by an Act passed in the Fourth and Fifth Year of the Reign of Her present Majesty, intituled
4 & 5 Vict. c. 40. '*An Act to empower the Commissioners of Her Majesty's Woods to raise Money for certain Improvements 'in the Metropolis on the Security of the Land Revenues of the Crown within the County of* Middlesex 'and City of London, it was enacted, that it should be lawful for the Commissioners of Her Majesty's 'Woods, Forests, Land Revenues, Works, and Buildings for the Time being, with the Consent of the 'Commissioners of Her Majesty's Treasury, to borrow and take up at Interest such Sum or Sums of 'Money as the said Commissioners, with such Consent as aforesaid, should judge necessary for the Pur-'pose of carrying into effect and completing the several Improvements and new Streets authorized and 'directed to be made by them by the several Acts herein-before recited, on Mortgage of all or any Part 'of the Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to Her Majesty, Her 'Heirs and Successors, within the County of *Middlesex* and City of *London*, or either of them, (other 'than Royal Palaces and Parks,) and to secure the Repayment of the Sum or Sums so to be borrowed or 'any Part thereof, with Interest for the same, in manner therein mentioned: And whereas by an Act 'passed in the Session of Parliament held in the Fifth and Sixth Years of Her present Majesty, intituled
5 & 6 Vict. c. 101. '*An Act for further extending the Approaches to* London Bridge *and the Avenues adjoining to the* Royal 'Exchange *in the City of* London; *and for amending the Acts relating thereto respectively; and for 'raising a Sum of Money towards opening a Street to* Clerkenwell Green *in the County of* Middlesex, *in 'continuation of the new Street from* Farringdon Street *in the City of* London, the Mayor, Aldermen, and 'Commons of the City of *London* in Common Council assembled were empowered to borrow the Sum of 'Forty thousand Pounds, and also the Sum of Twenty-five thousand Pounds, upon the Credit of the Fund 'created, increased, and continued by the several therein and herein-before in part recited Acts, at such 'Rate of Interest as therein is mentioned; and the said Mayor, Aldermen, and Commons in Common

'Council

'Council assembled were thereby authorized to pay to the Commissioners named in and appointed by the 'said Act of the Fourth Year of the Reign of Her present Majesty, intituled *An Act for opening a 'Street to* Clerkenwell Green *in the County of* Middlesex, *in continuation of the new Street from* 'Farringdon Street *in the City of* London, the Sum of Twenty-five thousand Pounds, as therein is 'mentioned: And whereas by another Act passed in the same Session of Parliament, intituled '*An Act for regulating the Priorities of Monies authorized to be charged on a Fund called* "*The* 5 & 6 Vict. c. 64. 'London Bridge *Approaches Fund*," it was enacted that the said several Sums of Forty thousand 'Pounds and Twenty-five thousand Pounds, so authorized to be raised by the said Mayor, Aldermen, 'and Commons as aforesaid, and the Interest thereof, should have Priority over the said Sums of 'Two hundred thousand Pounds and One hundred thousand Pounds, so as aforesaid authorized to 'be charged, and the said Sum of One hundred and eighty-nine thousand Pounds by the Act now 'in recital authorized to be charged by the said Commissioners of Her Majesty's Woods, Forests, 'Land Revenues, Works, and Buildings, and the Interest thereon, and any Securities or Charges 'to be given or made in respect thereof: And whereas by an Act passed in the Session of Par- 'liament held in the Eighth and Ninth Years of Her Majesty's Reign, intituled *An Act for im-* 8 & 9 Vict. '*proving Parts of the City of* Westminster, it was enacted that the Sum of Thirty-nine thousand c. 178. 'Pounds, which by the said recited Act of the Fourth Year of Her Majesty's Reign the Commissioners 'of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of the 'Commissioners of Her Majesty's Treasury, were empowered to appropriate and apply towards the 'Expenses of making, forming, and completing a Communication between the Neighbourhood of the 'Houses of Parliament and *Buckingham Palace*, should be appropriated and applied towards the Expenses 'of making, forming, and completing the new Street and Communication by the Act now in recital 'authorized to be made, provided such new Street and Communication were made and fully completed 'according to the Plan modified and approved by Her Majesty's Commissioners of Metropolitan Improve- 'ments within Five Years after the passing of that Act: And whereas by an Act passed in the Session 'of Parliament held in the Tenth and Eleventh Years of Her Majesty's Reign, intituled *An Act to* 10 & 11 Vict. '*amend and enlarge the Powers and Provisions of the* Westminster *Improvement Act*, 1845, *and to* c. cxxxi. '*authorize the Application of certain Rates in aid of the Improvements*, it was, among other things, 'enacted that the Proviso in the said last-recited Act contained, that no Part of the said Sum of Thirty- 'nine thousand Pounds, or the Interest thereof, should be paid to the Commissioners under the said Act until 'the new Street and Communication thereby authorized to be made should have been actually made and 'completed to the Satisfaction of the Lord High Treasurer or the Commissioners for the Time being of 'Her Majesty's Treasury, should be and the same was thereby repealed: And whereas by an Act 'passed in the Session of Parliament held in the Tenth and Eleventh Years of Her Majesty's Reign, 'intituled *An Act to vary the Priorities of the Charges made on the* London Bridge *Approaches Fund*, 10 & 11 Vict. 'it was enacted, that when the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, c. 115. 'and Buildings were satisfied that the Sum of Seventy-five thousand Pounds had been expended towards 'purchasing the Area of and forming the said Street and Works to be made and performed by the '*Westminster* Improvement Commissioners, if the said Commissioners of Her Majesty's Woods should 'not have at their Disposal Monies sufficient to pay to the said *Westminster* Improvement Commis- 'sioners the said Sum of Thirty-nine thousand Pounds, and the Interest thereof, not exceeding in the 'whole the Sum of Fifty-thousand Pounds, so authorized to be paid to them as aforesaid, then and 'thenceforth Interest after the Rate of Five Pounds *per Centum per Annum* should be paid by the said 'Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to the *West-* '*minster* Improvement Commissioners on the said Sum of Fifty thousand Pounds, or on so much as 'should remain unpaid from the Time at which the said Commissioners of Her Majesty's Woods, 'Forests, Land Revenues, Works, and Buildings were satisfied that the said Sum of Seventy-five thou- 'sand Pounds had been expended as aforesaid up to the Time at which the said Sum of Fifty thousand 'Pounds, or the unpaid Part thereof, should be paid, but in case the said *Westminster* Improvement Com- 'missioners should borrow the Sum of Fifty thousand Pounds, or any Part thereof, on the Security or 'Credit of the said Sum of Fifty thousand Pounds thereby directed to be paid to them, and should pay 'for the Monies borrowed a Rate of Interest lower than the Rate of Five Pounds *per Centum per Annum*, 'then only the Rate of Interest which should be paid by the *Westminster* Improvement Commissioners 'in respect of the Principal Monies so borrowed should be paid by Her Majesty's said Commissioners in 'respect of the said Sum of Fifty thousand Pounds, or so much thereof as should remain unpaid: And 'whereas an Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of 'Her Majesty's Reign, intituled *An Act to amend an Act of the last Session, for varying the Priorities* 11 & 12 Vict. '*of the Charges made on* "*The* London Bridge *Approaches Fund*," *and to facilitate the Completion of* c. 124. '*certain Improvements in the City of* Westminster: And whereas the several Sums of Money by the 'before-mentioned several Acts authorized to be charged upon the said Fund called "The *London* '*Bridge* Approaches Fund," by the said Mayor, Aldermen, and Commons of the City of *London* and 'by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings 'respectively, have been from Time to Time charged thereon accordingly, and the growing annual 'Produce of the said Fund has been applied in Payment of the Interest and in part Payment 'of the Principal Monies secured by the Charges so made thereon by the said Mayor, Aldermen, 'and Commons, and since the said last-recited Act was passed the Interest of the said Sum of Fifty 'thousand Pounds appropriated to the said *Westminster* Improvements has also been paid out of

'such growing annual Produce, but no Part of the Principal Monies charged on the said Fund by 'the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, 'or of the Interest thereof, (except the Interest of the said Sum of Fifty thousand Pounds since 'the passing of the last-recited Act,) has yet been paid: And whereas the annual Produce of the 'said Fund, called The *London Bridge* Approaches Fund, has of late Years greatly increased, and 'it is estimated that all the Principal Monies and Interest now charged thereon will be wholly paid off 'and satisfied at a much earlier Period than was originally calculated, and that a further Sum of Money 'not exceeding the Sum of Two hundred and sixty-four thousand Pounds may be raised on the Credit 'of the Surplus of the said Fund without extending the Duties on Coal and Wines for any longer 'Term than they are now by Law payable; and the said Mayor, Aldermen, and Commons of the City 'of *London* have consented and agreed that such Sum of Two hundred and sixty-four thousand Pounds 'shall be charged not only on the Coal and Wine Duties but also upon other the annual Sums and 'Duties forming Part of the said Fund for the Purposes herein-after mentioned: And whereas the said 'several Sums, amounting together to the said Sum of Four hundred and eighty-nine thousand Pounds 'which the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings 'have charged on the said Fund called the *London Bridge* Approaches Fund, and the Interest thereof, 'will not be sufficient, after paying thereout the several Sums of Fifty thousand Pounds and Thirty 'thousand Pounds, appropriated to Improvements in *Westminster* and *Southwark*, and the Interest of 'the same, to satisfy and discharge all the Sums of Money which the said Commissioners have raised 'by Mortgage of Land Revenues of the Crown, under the Authority of the Act herein-before recited, 'and it is reasonable that the Land Revenues of the Crown should be further indemnified out of the 'Surplus of the said Fund: And whereas it is expedient that further Sums of Money should be raised 'for the Completion and Continuation of the said Improvements in *Clerkenwell* and *Westminster*, and 'that further Provision should be made for the Formation and opening of a new Thoroughfare in *South-* '*wark*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, from Time to Time and at any Time after the passing of this Act, by any Instrument or Writing under their Common Seal (and which Instrument or Writing shall be exempt from any *ad valorem* or other Stamp Duty), with the Consent of the Lord High Treasurer or of the Commissioners of Her Majesty's Treasury, to charge all and singular the said Fund, called The *London Bridge* Approaches Fund, created, increased, and continued as aforesaid, and which, under the Authority of the before-recited Acts or some of them they have already charged with the several Sums amounting together to the Sum of Four hundred and eighty-nine thousand Pounds as aforesaid, with the Payment to them the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of the further Sum of One hundred and seventy-six thousand Pounds, with Interest thereon after such Rate not exceeding Four Pounds *per Centum per Annum* as the said Lord High Treasurer or the said Commissioners of Her Majesty's Treasury shall direct, and such Interest to commence and be payable in respect of the Sum of One hundred and sixteen thousand Pounds, Part of the said Sum of One hundred and seventy-six thousand Pounds, from the passing of this Act, in respect of the Sum of Thirty thousand Pounds, further Part thereof, from the Fifth Day of *April* One thousand eight hundred and fifty-one, and in respect of the Sum of Thirty thousand Pounds, Residue thereof, from the Date when such last-mentioned Sum or any Part thereof shall be raised and applied under the Powers herein-after contained; and that all and singular the Fund so to be charged as aforesaid shall (after Satisfaction of Monies having Priority of the said Sum of One hundred and seventy-six thousand Pounds) be paid to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being in and towards the Discharge of the said Sum of One hundred and seventy-six thousand Pounds and Interest so to be charged as aforesaid.

Commissioners of Woods empowered to make a further Charge upon the Fund.

Commissioners of Woods empowered to raise Monies on the Credit of the Charge.

II. And be it enacted, That it shall be lawful for the said last-named Commissioners, with such Consent as aforesaid, from Time to Time or at any one Time, to borrow and raise any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and seventy-six thousand Pounds upon the Credit of the Monies so to be charged by them as aforesaid, or of any Part thereof, and thereupon to assign and dispose of the said Monies so to be charged or any Part thereof, and the Interest thereon, in such Shares, and by way of Debenture or otherwise, and with such Priorities, and in such Manner as the said Commissioners shall think fit, as a Security for the Monies so to be borrowed; and such Monies so to be raised shall be paid into the Bank of *England* to the Credit of the said Commissioners, to such Account, by such Instalments, in such Proportions, at such Times, and in such Manner as the said Commissioners shall direct.

Commissioners of Woods to continue incorporated.

III. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall continue and be incorporated for the Purposes of this Act, and that the Payment of the Monies so to be charged or raised by them as aforesaid, and the Interest thereon, either into the Bank of *England*, or otherwise as the said Commissioners shall direct, shall be a sufficient Discharge to the Person or Persons or Body paying the same.

Commissioners empowered to advance Monies

IV. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized and empowered to reserve, and, with the Consent and Approbation of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, from

from Time to Time to appropriate and apply, out of the Monies to be borrowed and raised by them under the Powers and Provisions of this Act, any Sum not exceeding the Sum of Thirty thousand Pounds, with Interest thereon from the Fifth Day of *April* One thousand eight hundred and fifty-one, towards the Expense of making, forming, and completing a Line of Street between *Southwark* and *Westminster Bridge*, and in addition to the like Sum of Thirty thousand Pounds, and the Interest thereof, which by the recited Act of the Fourth Year of Her Majesty's Reign the said Commissioners have been already authorized to appropriate and apply to the Purpose aforesaid; and also, with such Consent and Approbation as aforesaid, to advance and lend to the *Westminster* Improvement Commissioners, out of the Monies to be borrowed and raised as aforesaid, any Sum not exceeding the Sum of Thirty thousand Pounds towards the Expenses of making, forming, and completing the new Street intended to be called *Victoria Street*, and of opening the same as a public Thoroughfare, and for securing the Repayment of the Sum so to be advanced and lent as last aforesaid, with Interest thereon at such Rate, and to be payable at such Times, as the Commissioners of Her Majesty's Treasury shall approve of, to accept and take from the said *Westminster* Improvement Commissioners a Mortgage of or Charge upon the Monies by the "*Westminster* Improvement Act, 1847," authorized to be paid to them in respect of the increased Rates therein mentioned, or such other or additional Security as the said Commissioners of Her Majesty's Treasury shall direct or approve of.

for completing Improvements in Southwark and Westminster.

V. And be it enacted, That, subject to the Reservation and Payment of the Monies herein-before authorized to be reserved or appropriated and advanced and lent thereout, the said Sum of One hundred and seventy-six thousand Pounds and the Interest thereof so to be charged on the said Fund by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as aforesaid, and all Monies to be raised and borrowed by the said Commissioners on the Credit of any such Charge as aforesaid, shall be paid and applied in the first place in and towards the Satisfaction and Discharge of all Principal Monies which the said Commissioners have raised or shall hereafter raise under the Authority of Parliament for Improvements in the Metropolis, by Mortgage of any Portion of the Land Revenues of the Crown, and the Interest thereof, or in satisfaction and discharge of such Part of the said Monies and Interest as the Funds already applicable to the Discharge thereof shall be insufficient to pay; and the Surplus, if any, of the said Sum of One hundred and seventy-six thousand Pounds so to be charged as aforesaid, and of any Monies to be borrowed on the Credit thereof, shall be applied by the said Commissioners in and towards the Execution of such further Improvements in the Metropolis as shall be sanctioned by any future Act of Parliament.

Application of Monies subject to such Advances.

VI. And be it enacted, That all Mortgages, Bonds, Deeds, and other Instruments to be given to or executed by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers or Authorities of this Act, shall have the same Exemption from Stamp Duty, and be subject to the same Regulations as to Inrolment, and otherwise, as if the same had been given or executed under the Powers or Authorities of the recited Acts or any of them.

Exemptions from Stamp Duty under former Acts extended to this Act.

VII. And be it enacted, That for the Purposes of completing the Improvement from *Farringdon Street* to *Coppice Row, Clerkenwell*, it shall be lawful for the said Mayor, Aldermen, and Commons in Common Council assembled to borrow and raise any Sum or Sums of Money not exceeding in the whole the Sum of Eighty-eight thousand Pounds, upon the Credit of the Fund created, increased, and continued by the several before-recited Acts and this Act, at any Rate of Interest not exceeding Four Pounds *per Cent.*, and such Monies so to be raised shall be paid into the Chamber of the said City of *London* by such Instalments, in such Proportions, at such Times, and in such Manner as the said Mayor, Aldermen, and Commons in Common Council assembled shall direct.

Common Council empowered to raise on the Credit of the Fund the Sum of 88,000*l.*

VIII. Provided nevertheless, and be it enacted, That the said Sum of One hundred and seventy-six thousand Pounds to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings on the said Fund as aforesaid shall have Priority over the said last-mentioned Sum of Eighty-eight thousand Pounds, and shall be paid off and discharged before any Part of the said Sum of Eighty-eight thousand Pounds is discharged.

Priority of 176,000*l.*

IX. And be it enacted, That for securing the Repayment of any Sum or Sums of Money, not exceeding in the whole the Sum of Eighty-eight thousand Pounds, which may be borrowed from any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, with Interest for the same, the said Mayor, Aldermen, and Commons in Common Council assembled shall and they are hereby required to cause One or more Bond or Bonds, Writing or Writings, or Obligations to be executed under the Common Seal of the said City for Payment of an Annuity or Annuities equal to the Amount of such Interest as aforesaid, no such Annuity being less than Four Pounds, to be payable half-yearly, and to continue until Redemption thereof by Payment of the Principal Sum or Sums in respect of which the said Annuities shall respectively have been granted; and the necessary Charges and Expenses of such Bond or Bonds or Securities shall be defrayed out of the Monies to be received by virtue of this Act.

Corporation to execute Bonds for securing Repayment of Money.

X. And be it enacted, That the said Bond or Bonds shall be assignable by Indorsement, and the Annuity or Annuities thereby respectively secured shall be made payable to the Chamberlain of the said City of *London* for the Time being, and he shall forthwith indorse and deliver the same to the Person or Persons who shall advance or contribute the Sum or Sums of Money in respect of which the same respectively shall be given, and the Receipts of such Persons respectively shall be valid Discharges for the same.

Bonds to be assignable by Indorsement.

XI And be it enacted, That the Fund created, increased, and continued as aforesaid by the said recited Acts and this Act shall be and the same is hereby charged and made chargeable with the Annuities which shall be secured by the Bond or Bonds to be executed as aforesaid.

Fund charged with the Annuities

XII. And

The Fund continued until the Sums charged thereon by this Act are paid.

XII. And be it enacted, That all such several and respective Funds constituting or forming Part of the said Fund created, increased, and continued as aforesaid as are not permanent, after all the Principal Sums and Interest charged or raised and borrowed, and all the Annuities charged upon the said Fund, and now due and owing, have been paid off and discharged, shall be and are hereby continued until the Annuities and Sums charged and to be charged thereon, or raised on the Credit thereof, by virtue of this Act, shall be paid off and discharged.

Surpluses of the Fund how to be applied.

XIII. And be it enacted, That out of the said Fund created, increased, and continued as aforesaid (but subject to the Payment of the several Annuities which are and shall be payable in respect of the several Principal Sums borrowed and raised upon the Credit of the said Fund by virtue of any Act or Acts already passed and now in force), the Interest and Annuities payable and to be paid in respect of the said Sums of One hundred and seventy-six thousand Pounds and Eighty-eight thousand Pounds authorized to be charged or raised by virtue of this Act shall be paid from Time to Time as the same shall grow due before any Part of the Surpluses shall be applied in Redemption of the Annuities and the Payment of the Principal Monies already charged on the said Fund, and the Residue of such Surpluses, after such Payments as by this Act or any Act or Acts of Parliament already passed and now in force are directed to be made out of the same, shall, at the End of every Quarter of a Year, or oftener, be applied, by Order of the said Mayor, Aldermen, and Commons in Common Council assembled (which Orders they are hereby authorized and directed to make), by the Chamberlain of the said City for the Time being, towards the Repayment of the Principal Monies and the Redemption of all and singular the Annuities payable in respect of the Sum or Sums of Money by this Act authorized to be charged on the said Fund, in such Order and Course as the said Mayor, Aldermen, and Commons in Common Council assembled shall think proper.

The Sums of 176,000*l.* and 88,000*l.* not to have Priority over Sums charged by former Acts.

XIV. Provided always, and be it enacted, That, as far as regards the Fund created, increased, and continued as aforesaid, nothing in this Act contained shall give Priority of Charge to the Payment of the Principal of the before-mentioned several Sums of One hundred and seventy-six thousand Pounds and Eighty-eight thousand Pounds, herein-before authorized to be raised as aforesaid, or either of them, over any Sum or Sums of Money and Interest already charged or authorized to be charged on the said Fund by any Act or Acts of Parliament already passed and now in force.

Upon Notice of Redemption of the Annuities and Tender of the Monies Annuities to cease.

XV. And be it enacted, That the said Mayor, Aldermen, and Commons in Common Council assembled shall give or cause to be given Notice in the *London Gazette*, and also in Two or more daily Papers published in the City of *London* or *Westminster*, of their Intention to redeem such Annuities as shall by virtue of this Act be granted in respect of any Sum or Sums of Money to be advanced by virtue of this Act, and at the End of Six Calendar Months next after such Notice shall be given, upon Payment or Tender of the respective Sums for which such Annuities shall have been granted, together with a proportionate Part of the same Annuities respectively up to the Day of such Payment or Tender, to or for the Person or Persons then entitled thereto, at the Office of the Chamberlain of the said City for the Time being in the *Guildhall* of the same City, the Annuity or Annuities payable to such Person or Persons respectively shall cease and determine: Provided nevertheless, that such Person or Persons, at any Time after such Notice shall have been given as aforesaid, and before the End of the said Six Calendar Months, shall, at the Expiration of Fourteen Days next after a Declaration in Writing of his, her, or their Intention to receive the same shall have been delivered at the said Office (such Declaration being delivered between the Hours of Ten in the Morning and Two in the Afternoon), be paid at the said Office the Sum or Sums for which such Annuity or Annuities respectively shall have been granted, together with a proportionate Part of the same Annuity or Annuities respectively up to the Day expressed in such Declaration for receiving the same, and such Annuity or Annuities respectively shall on the Day specified in such Declaration for Payment cease and determine.

Deficiencies to be paid out of the Chamber of London.

XVI. Provided always, and be it enacted, That if the said Fund shall at any Time hereafter prove insufficient to pay the same Annuities which shall be payable by virtue of this Act, then and in every such Case, and so often as the same shall happen, the Sum which shall be wanting to complete the Payment of such Annuities shall be advanced and paid out of the Chamber of the said City, and be made good and supplied out of the future Surpluses of the said Fund.

Securities to be entered in Book.

XVII. And be it enacted, That the Chamberlain of the said City for the Time being shall enter in a Book or Books to be kept for that Purpose the Bond or Bonds and Annuity or Annuities to be granted in pursuance of this Act, and shall keep distinct Account of the Monies raised in respect of the said Sum of Eighty-eight thousand Pounds, and all Assignments and Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Descriptions of such Person or Persons as shall from Time to Time be entitled to such Bond or Bonds, to which Book or Books all and every Person and Persons entitled to or interested in such Annuity or Annuities shall at all reasonable Times in the Daytime have Access, with free Liberty to inspect the same without Fee or Reward.

This Act not to affect any of the City's present Creditors.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to lessen or affect the Security of any of the present Creditors of the said Mayor and Commonalty and Citizens further or otherwise than is herein expressly directed.

Chamberlain to keep Account of Receipts and Disbursements.

XIX. And be it enacted, That from Time to Time there shall be provided and kept by the Chamberlain of the said City for the Time being One or more Book or Books in which all the Sum or Sums of Money which shall be raised or received by virtue of this Act shall from Time to Time, as the same shall be received, be entered and set down, and wherein also all the Monies to be paid and disbursed out of the Sum or Sums of Money to be raised or received as aforesaid shall from Time to Time be entered

entered and set down; and such Entry shall express the Time when, the Occasion for which, and the Names of the Persons to whom the same respectively shall be paid.

Accounts to be yearly laid before Parliament.

XX. And be it enacted, That there shall be yearly laid before each House of Parliament a true Account of the Receipts and Application of the Sums of Money which shall be raised by virtue of this Act.

Application of ultimate Surplus of "The London Bridge Approaches Fund."

XXI. And be it enacted, That after full Payment and Satisfaction of all and singular the Principal Monies and Interest by the said recited Acts and this Act authorized to be charged thereon, or raised or borrowed on the Credit thereof, the Residue or Surplus of the said several Duties, annual Sums, Fees, and Revenues constituting the said Fund called "The *London Bridge* Approaches Fund," shall, during the Continuance thereof, be applied to the opening of an improved Line of Communication between *Coventry Street* and *Covent Garden*, according to a Plan to be hereafter approved and sanctioned by Parliament: Provided nevertheless, that nothing contained in this Act, or in the Charges to be made on the said Fund under the Authority of this Act, shall operate or enure to extend or continue the said Duties on Coal and Wines, annual Sums, Fees, and Revenues, or either of them, beyond the said Fifth Day of *July* One thousand eight hundred and sixty-two.

Public Act.

XXII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

CAP. CIV.

An Act to extend and amend the Acts relating to the Copyright of Designs.

[14th *August* 1850.]

'WHEREAS it is expedient to extend and amend the Acts relating to the Copyright of Designs:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Certain Designs may be registered provisionally for One Year.

I. That the Registrar of Designs, upon Application by or on behalf of the Proprietor of any Design not previously published within the United Kingdom of *Great Britain* and *Ireland* or elsewhere, and which may be registered under the Designs Act, 1842, or under the Designs Act, 1843, for the provisional Registration of such Design under this Act, and upon being furnished with such Copy, Drawing, Print, or Description in Writing or in Print as in the Judgment of the said Registrar shall be sufficient to identify the particular Design in respect of which such Registration is desired, and the Name of the Person claiming to be Proprietor, together with his Place of Abode or Business, or other Place of Address, or the Style or Title of the Firm under which he may be trading, shall register such Design in such Manner and Form as shall from Time to Time be prescribed or approved by the Board of Trade; and any Design so registered shall be deemed "provisionally registered," and the Registration thereof shall continue in force for the Term of One Year from the Time of the same being registered as aforesaid; and the said Registrar shall certify, under his Hand and Seal of Office, in such Form as the said Board shall direct or approve, that the Design has been provisionally registered, the Date of such Registration, and the Name of the registered Proprietor, together with his Place of Abode or Business, or other Place of Address.

Benefits conferred by provisional Registration.

II. That the Proprietor of any Design which shall have been provisionally registered shall, during the Continuance of such Registration, have the sole Right and Property in such Design; and the Penalties and Provisions of the said Designs Act, 1842, for preventing the Piracy of Designs, shall extend to the Acts, Matters, and Things next herein-after enumerated, as fully as if those Penalties and Provisions had been re-enacted in this Act, and expressly extended to such Acts, Matters, and Things respectively; that is to say,

1. To the Application of any provisionally registered Design or any fraudulent Imitation thereof, to any Article of Manufacture or to any Substance.
2. To the Publication, Sale, or Exposure for Sale of any Article of Manufacture or any Substance to which any provisionally registered Design shall have been applied.

The Exhibition of provisionally registered Design in certain Places not to defeat Copyright, &c.

III. That during the Continuance of such provisional Registration neither such Registration nor the Exhibition or Exposure of any Design provisionally registered, or of any Article to which any such Design may have been or be intended to be applied, in any Place, whether public or private, in which Articles are not sold or exposed or exhibited for Sale, and to which the Public are not admitted gratuitously, or in any Place which shall have been previously certified by the Board of Trade to be a Place of public Exhibition within the Meaning of this Act, nor the Publication of any Account or Description of any provisionally registered Design exhibited or exposed or intended to be exhibited or exposed in any such Place of Exhibition or Exposure in any Catalogue, Paper, Newspaper, Periodical, or otherwise, shall prevent the Proprietor thereof from registering any such Design under the said Designs Acts at any Time during the Continuance of the provisional Registration, in the same Manner and as fully and effectually as if no such Registration, Exhibition, Exposure, or Publication had been made; provided that every Article to which any such Design shall be applied, and which shall be exhibited or exposed by or with the Licence or Consent of the Proprietor of such Design, shall have thereon or attached thereto the Words "provisionally registered," with the Date of Registration.

Sale of Articles to which Design has been ap-

IV. That if during the Continuance of such provisional Registration the Proprietor of any Design provisionally registered shall sell, expose, or offer for Sale any Article, Substance, or Thing to which any such

plied to defeat Copyright, but Design itself may be sold.

such Design has been applied, such provisional Registration shall be deemed to have been null and void immediately before any such Sale, Offer, or Exposure shall have been first made; but nothing herein contained shall be construed to hinder or prevent such Proprietor from selling or transferring the Right and Property in any such Design.

Extension of Period of provisional Registration by Board of Trade.

V. That the Board of Trade may by Order in Writing with respect to any particular Class of Designs, or any particular Design, extend the Period for which any Design may be provisionally registered under this Act, for such Term not exceeding the additional Term of Six Months as to the said Board may seem fit; and whenever any such Order shall be made the same shall be registered in the Office for the Registration of Designs, and during the extended Term the Protection and Benefits conferred by this Act in case of provisional Registration shall continue as fully as if the original Term of One Year had not expired.

Registration of Sculpture, Models, &c.

VI. That the Registrar of Designs, upon Application by or on behalf of the Proprietor of any Sculpture, Model, Copy, or Cast within the Protection of the Sculpture Copyright Acts, and upon being furnished with such Copy, Drawing, Print, or Description, in Writing or in Print, as in the Judgment of the said Registrar shall be sufficient to identify the particular Sculpture, Model, Copy, or Cast in respect of which Registration is desired, and the Name of the Person claiming to be Proprietor, together with his Place of Abode or Business or other Place of Address, or the Name, Style, or Title of the Firm under which he may be trading, shall register such Sculpture, Model, Copy, or Cast in such Manner and Form as shall from Time to Time be prescribed or approved by the Board of Trade for the whole or any Part of the Term during which Copyright in such Sculpture, Model, Copy, or Cast may or shall exist under the Sculpture Copyright Acts; and whenever any such Registration shall be made, the said Registrar shall certify under his Hand and Seal of Office, in such Form as the said Board shall direct or approve, the Fact of such Registration, and the Date of the same, and the Name of the registered Proprietor, or the Style or Title of the Firm under which such Proprietor may be trading, together with his Place of Abode or Business or other Place of Address.

Benefits conferred by Registration of Sculpture, &c.

VII. That if any Person shall, during the Continuance of the Copyright in any Sculpture, Model, Copy, or Cast which shall have been so registered as aforesaid, make, import, or cause to be made, imported, exposed for Sale, or otherwise disposed of, any pirated Copy or pirated Cast of any such Sculpture, Model, Copy, or Cast, in such Manner and under such Circumstances as would entitle the Proprietor to a special Action on the Case under the Sculpture Copyright Acts, the Person so offending shall forfeit for every such Offence a Sum not less than Five Pounds and not exceeding Thirty Pounds to the Proprietor of the Sculpture, Model, Copy, or Cast whereof the Copyright shall have been infringed; and for the Recovery of any such Penalty the Proprietor of the Sculpture, Model, Copy, or Cast which shall have been so pirated shall have and be entitled to the same Remedies as are provided for the Recovery of Penalties incurred under the Designs Act, 1842: Provided always, that the Proprietor of any Sculpture, Model, Copy, or Cast which shall be registered under this Act shall not be entitled to the Benefit of this Act, unless every Copy or Cast of such Sculpture, Model, Copy, or Cast which shall be published by him after such Registration shall be marked with the Word "registered," and with the Date of Registration.

Designs for ornamenting Ivory, &c. may be registered under Designs Act, 1842.

VIII. That Designs for the ornamenting of Ivory, Bone, Papier Maché, and other solid Substances not already comprised in the Classes numbered 1, 2, or 3 in the Designs Act, 1842, shall be deemed and taken to be comprised within the Class numbered 4 in that Act, and such Designs shall be so registered accordingly.

Board of Trade may extend Copyright in ornamental Designs.

IX. That the Board of Trade may from Time to Time order that the Copyright of any Class of Designs or any particular Design registered or which may be registered under the Designs Act, 1842, may be extended for such Term, not exceeding the additional Term of Three Years, as the said Board may think fit, and the said Board shall have Power to revoke or alter any such Order as may from Time to Time appear necessary; and whenever any Order shall be made by the said Board under this Provision, the same shall be registered in the Office for the Registration of Designs; and during the extended Term the Protection and Benefits conferred by the said Designs Acts shall continue as fully as if the original Term had not expired.

Regulations for the Registration of Designs may be made by Board of Trade.

X. That the Board of Trade may from Time to Time make, alter, and revoke Rules and Regulations with respect to the Mode of Registration, and the Documents and other Matters and Particulars to be furnished by Persons effecting Registration and provisional Registration under the said Acts and this Act: Provided always, that all such Rules and Regulations shall be published in the "*London Gazette*," and shall forthwith upon the issuing thereof be laid before Parliament, if Parliament be sitting, and if Parliament be not sitting, then within Fourteen Days after the Commencement of the then next Session; and such Rules and Regulations, or any of them, shall be published or notified by the Registrar of Designs in such other Manner as the Board of Trade shall think fit to direct.

Registrar of Designs may dispense with Drawings, &c. in certain Cases.

XI. That if in any Case in which the Registration of a Design is required to be made under either of the said Designs Acts it shall appear to the Registrar that Copies, Drawings, or Prints as required by those Acts cannot be furnished, or that it is unreasonable or unnecessary to require the same, the said Registrar may dispense with such Copies, Drawings, or Prints, and may allow in lieu thereof such Specification or Description in Writing or in Print as may be sufficient to identify and render intelligible the Design in respect of which Registration is desired; and whenever Registration shall be so made in the Absence of such Copies, Drawings, or Prints, the Registration shall be as valid and effectual to all Intents and Purposes as if such Copies, Drawings, or Prints had been furnished.

XII. That

Public Books, &c. in Designs Office not to be removed without Judge's Order.

XII. That in order to prevent the frequent and unnecessary Removal of the public Books and Documents in the Office for the Registration of Designs, no Book or Document in the said Office shall be removed for the Purpose of being produced in any Court or before any Justice of the Peace, without a special Order of a Judge of the Court of Chancery, or of One of Her Majesty's Superior Courts of Law, first had and obtained by the Party who shall desire the Production of the same.

Judges may order Copies of Documents to be furnished to be given in Evidence.

XIII. That if Application shall be made to a Judge of any of Her Majesty's Courts of Law at *Westminster* by any Person desiring to obtain a Copy of any Registration, Entry, Drawing, Print, or Document, of which such Person is not entitled as of Right to have a Copy, for the Purpose of being used in Evidence in any Cause, or otherwise howsoever, and if such Judge shall be satisfied that such Copy is *bonâ fide* intended for such Purpose as aforesaid, such Judge shall order the Registrar of Designs to deliver such Copy to the Party applying, and the Registrar of Designs shall, upon Payment for the same of such Fee or Fees as may be fixed according to the Provisions of the said Designs Act in this Behalf, deliver such Copy accordingly.

Copies of Documents delivered by the Registrar to be sealed, and to be Evidence.

XIV. That every Copy of any Registration, Entry, Drawing, Print, or Document delivered by the Registrar of Designs to any Person requiring the same shall be signed by the said Registrar, and sealed with his Seal of Office; and every Document sealed with the said Seal, purporting to be a Copy of any Registration, Entry, Drawing, Print, or Document, shall be deemed to be a true Copy of such Registration, Entry, Drawing, Print, or Document, and shall, without further Proof, be received in Evidence before all Courts in like Manner and to the same Extent and Effect as the original Book, Registration, Entry, Drawing, Print, or Document would or might be received if tendered in Evidence, as well for the Purpose of proving the Contents, Purport, and Effect of such Book, Registration, Entry, Drawing, Print, or Document, as also proving the same to be a Book, Registration, Entry, Drawing, Print, or Document of or belonging to the said Office, and in the Custody of the Registrar of Designs.

Certain Provisions of Designs Acts 1842 and 1843 extended to this Act.

XV. That the several Provisions contained in the said Designs Acts (so far as they are not repugnant to the Provisions of this Act) relating to the Transfer of Designs, to cancelling and amending Registration, to the Refusal of Registration in certain Cases, to the Mode of recovering Penalties, to the awarding and Recovery of Costs, to Actions for Damages, to the Limitation of Actions, to the Certificate of Registration, to Penalties for wrongfully using Marks, to the fixing and Application of Fees for Registration, and to the Penalty for Extortion, shall apply to the Registration, provisional Registration, and Transfer of Designs, Sculptures, Models, Copies, and Casts, and to the Designs, Sculptures, Models, Copies, and Casts entitled to Protection under this Act, and to Matters under this Act, as fully and effectually as if those Provisions had been re-enacted in this Act with respect to Designs, Sculptures, Models, Copies, and Casts registered and provisionally registered under this Act; and the Forms contained in the Designs Act, 1842, may for the Purposes of this Act be varied so as to meet the Circumstances of the Case.

Interpretation of Terms.

XVI. That in the Interpretation of this Act the following Terms and Expressions shall have the Meanings herein-after assigned to them, unless such Meanings shall be repugnant to or inconsistent with the Context or Subject Matter; that is to say,

The Expression "Designs Act, 1842," shall mean an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture:*

The Expression "Designs Act, 1843," shall mean an Act passed in the Seventh Year of Her present Majesty, intituled *An Act to amend the Laws relating to the Copyright of Designs:*

The Expression "Sculpture Copyright Acts" shall mean Two Acts passed respectively in the Thirty-eighth and Fifty-fourth Years of the Reign of King *George* the Third, and intituled respectively *An Act for encouraging the Art of making new Models and Casts of Busts and other Things herein mentioned,* and *An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned:*

The Expression "the Board of Trade" shall mean the Lords of the Committee of Privy Council for the Consideration of all Matters of Trade and Plantations:

The Expression "Registrar of Designs" shall mean the Registrar or Assistant Registrar of Designs for Articles of Manufacture:

The Expression "Proprietor" shall be construed according to the Interpretation of that Word in the said Designs Act, 1842:

And Words in the Singular Number shall include the Plural, and Words applicable to Males shall include Females.

Short Title.

XVII. That in citing this Act in other Acts of Parliament, and in any Instrument, Document, or Proceeding, it shall be sufficient to use the Words and Figures following, that is to say, "The Designs Act, 1850."

CAP. CV.

An Act for facilitating the Union of Liberties with the Counties in which they are situate.

[14th *August* 1850.]

'WHEREAS divers Liberties (having separate Commissions of the Peace, and not being incorporated Boroughs,) have been constituted in *England* and *Wales*, and it is expedient to enable 'a Union of such Liberties to be made with the Counties in which they are situate:' Be it therefore enacted

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where it shall seem expedient to the Justices of any Liberty, or to the Justices of the County in which any Liberty is situate, that the Union of the Liberty with the County in which the same is situated should be effected under this Act, it shall be lawful for such Justices, in General or Quarter Sessions assembled, to resolve that a Petition shall be presented to Her Majesty, praying that such Union take place, and thereupon to adjourn the further Consideration of such Petition until Notice thereof shall be given as herein-after provided.

Petition for Union of Liberty with County.

Preparation of Petition.

II. And be it enacted, That previously to the Consideration of any such Petition Notice of the Resolution of such Justices shall be advertised in a *London* Newspaper, and also in some Newspaper circulating in the County to which the Liberty is proposed to be united, for Three successive Weeks, and shall also (unless the Clerk of the Peace of the County and of the Liberty is the same Person) be given to the Clerk of the Peace of the County, in case the Resolution shall be the Resolution of the Justices of the Liberty, or, in case the Resolution shall be the Resolution of the Justices of the County, to the Clerk of the Peace of the Liberty, and such Notice shall be so advertised and given by the Clerk of the Peace of the County or Liberty the Justices of which shall come to the Resolution, and shall mention the Time and Place when the Petition for Union will be taken into consideration by the Justices of the County or Liberty coming to the Resolution; and the said Justices shall confer with any Person who shall attend the Meeting of the said Justices for that Purpose, and who shall appear to the said Justices to be interested in the Matter of the said Petition, touching the said Petition, and such other Circumstances as shall appear to the said Justices fit to be considered in effecting a Union of the Liberty with the County under the Provisions of this Act; and such Petition (which shall set forth the Reasons upon which the same is founded, and also the Terms and Conditions upon or under which it is desired that the Union shall take place, and particularly the Mode in which the Gaol and other Property of the Liberty, and the Debt, if any, charged on the Rates of such Liberty, is proposed to be dealt with, and the Nature and Amount of Compensation, if any, to be paid to any Custos Rotulorum, hereditary Sheriff, Clerk of the Peace, Coroner, Treasurer, or other Person holding or entitled to any permanent Franchise or Office in or belonging to the said Liberty, and in what Manner such Compensation is proposed to be raised and paid, and such other Matters and Things as are proper to be provided for, on the Union of the Liberty with the County,) shall be certified to Her Majesty under the Hand of the Chairman of the Justices present when such Petition shall be agreed to.

Union of Liberty with County.

III. And be it enacted, That where Petitions as aforesaid, as well of the Justices of the County as of any Liberty situate therein, shall be certified as aforesaid to Her Majesty, it shall be lawful for Her Majesty, if She shall think fit, with the Advice of Her Privy Council, after taking into consideration such Petitions and also any other Petition which may be presented to Her by any Person concerning any proposed Union of the Liberty with the County, to order the Union of such Liberty with the County, from such Time, upon such Terms and Conditions, and subject to such Restrictions, and generally in such Manner, as to Her Majesty, with the Advice aforesaid, shall seem expedient; and it shall be lawful for Her Majesty, with the Advice aforesaid, to constitute such Liberty a separate Hundred, or to annex the same to any existing Hundred or in Parts to existing Hundreds of such County; and every such Order, herein-after referred to as the "Order of Union," shall be published in the *London Gazette*.

After Union no separate Commission of the Peace to issue for Liberty.

IV. And be it enacted, That from and after the Time mentioned in any such Order of Union for the Union of any Liberty with the County in which it is situate, under the Provisions of this Act, save so far as otherwise directed by such Order, and subject to the Provisions thereof, such Liberty shall be taken to be in all respects Part of the County to which the same is united under such Order, and shall be subject to the Jurisdiction of the Justices of such County, and the Jurisdiction and Powers of any Justices under any separate Commission of the Peace theretofore issued for such Liberty shall cease, and no separate Commission of the Peace shall be issued and no separate Sessions of the Peace shall be holden for any such Liberty, any Law, Statute, Letters Patent, Grant, or Charter whatsoever to the contrary notwithstanding; and the Sessions to be holden in and for the County shall have full Jurisdiction over all Things cognizable by the Sessions for the Liberty, and the Caption and Venue in every Indictment or other Proceeding shall be in the County, without naming the Liberty; and the Inhabitants of the Liberty shall, being duly qualified to serve upon Juries under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Jurors and Juries*, be returned and be liable to serve on Juries at the Sessions of the Peace for the County.

County Sessions to have Jurisdiction in Liberty.

Inhabitants of Liberty to serve on Juries for County.

Gaol of Liberty to become Gaol of County.

V. And be it enacted, That, unless otherwise directed by the Order of Union, and subject to the Provisions thereof, the Gaol belonging to the Liberty shall upon the Union of the Liberty with the County be a Common Gaol for the County, and shall be under the Control and Management of the Justices of such County; and all Laws and Enactments in force with respect to a County Gaol, or to Persons imprisoned in a County Gaol, shall be in force with respect to any and every Gaol at the Time of such Union belonging to the Liberty, and to the Persons imprisoned therein.

Prisoners to be tried at Sessions for united County and Liberty, and,

VI. And be it enacted, That, save where otherwise directed by the Order of Union, and subject to the Provisions and Directions thereof, every Person who shall at the Time of the Union stand committed to take his Trial at any Court of Gaol Delivery, General or Quarter Sessions of the Peace, for the Liberty, charged with any Offence which the Justices of the Liberty would have had Jurisdiction to try, shall take his Trial at the next Court of Quarter Sessions for the County to which such Liberty is united, if

the

the Offence is cognizable by a Court of Quarter Sessions, and if not, then before the Judges of Oyer and Terminer and Gaol Delivery at their next Circuit; and all Persons bound by Recognizance to prosecute and give Evidence against such Offenders shall be bound to appear to prosecute and give Evidence at the Court at which such Offenders shall be tried as aforesaid; and all such Recognizances, and all Depositions relating to such Charges, shall be transmitted to the proper Officer of the Court where such Offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers, and other Officers of the County in which such Offenders shall be so tried are hereby authorized and required in every such Case to receive every Prisoner delivered into the Custody of the Sheriff or removed to the Gaol of the County, and him safely keep until delivered in due Course of Law; and the Judges of Assize and others named in Her Majesty's Commission of Oyer and Terminer and Gaol Delivery, or the Justices of the County, as the Case may be, in which such Offenders shall be tried, are hereby authorized and required to hear and determine all such Cases, and to order the Payment of the usual and fit Expenses of the Prosecutors and Witnesses, and all other Costs and Expenses which in like Case may be directed to be paid by Order of Court. where necessary, at Assizes.

VII. And be it enacted, That the Custos Rotulorum of every County to which any Liberty shall be united under the Provisions of this Act shall, unless otherwise directed by the Order of Union, become the Keeper of Records of the Court of Sessions of the Peace of the said Liberty, and the Records of the said Court shall be delivered to such Custos Rotulorum accordingly. Records to be delivered to Custos Rotulorum of County.

VIII. And be it enacted, That, save where otherwise directed by the Order of Union, and subject to the Provisions of such Order, the Treasurer for the Liberty shall, upon the Union of the Liberty with the County, pay over to the Treasurer of the County all Monies in his Hands of or belonging to the Liberty; and the Treasurer of the County shall stand possessed of and shall apply all such Monies for such Purposes as the Order of Union shall direct, and, in default of such Direction, as Part of the County Stock; and, subject to the Provisions of the Order of Union, all such Sums as may be required to be raised and paid, for Compensation or otherwise, under such Order, and may not be paid out of the said Monies in the Hands of the Treasurer of the Liberty, shall be defrayed out of the County Stock, and shall be raised and paid at such Times and in such Manner as the Justices of the County in General or Quarter Sessions assembled shall direct. Treasurer of Liberty to pay over Monies to Treasurer of County.

IX. And be it enacted, That in this Act the Word "Liberty" shall be taken to mean also Division of a County, Town and County, and Soke; and the Word "Gaol" shall be taken to mean also Prison or House of Correction; and in describing any Person or Thing any Word importing the Singular Number shall be construed to mean also several Persons or Things respectively, unless there be something in the Subject or Context repugnant to such Construction. Interpretation of Terms.

X. Provided always, and be it enacted, That where any Borough Corporate or other Corporate Place, or any Part thereof, is situate within any Liberty united with any County under this Act, such Borough or Place, or Part thereof, as aforesaid, from the Time of such Union (save as otherwise directed by the Order of Union) shall be deemed to be within and Part of such County for all Purposes for which before such Union it was within and Part of such Liberty; and such Borough or Place, or Part thereof, and such County respectively, in relation to each other and the Inhabitants and others in respect thereof, shall have and be subject to the like Rights, Privileges, Liabilities, and Jurisdiction which such Borough or Place, or Part thereof, and such Liberty respectively, had and were subject to before such Union; and, save as aforesaid, no Borough or other Corporate Place named in either of the Schedules to the Act of the Sixth Year of King *William* the Fourth, "to provide for the Regulation of Municipal Corporations "in *England* and *Wales*," or to which the Provisions of that Act have been extended by Charter or Act of Parliament, shall be subject to the Provisions of this Act. Boroughs within Liberties.

XI. And be it enacted, That this Act shall not extend to the Borough of *Southwark*, to *Scotland*, or *Ireland*. Limits of Act.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. CVI.

An Act to continue, for a Time to be limited, an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland*.

[14th *August* 1850.]

[11 & 12 *Vict. c.* 2. *continued to* 31*st December* 1851, *and to the End of the then next Session.*]

CAP. CVII.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty; and to appropriate the Supplies granted in this Session of Parliament. [15th *August* 1850.]

§ I. There shall be applied, for the Service of the Year 1850, £12,341,726 11*s.* 7*d.* out of the Consolidated Fund.

II. The Treasury may cause £12,341,726 11*s.* 7*d.* of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

§ V. Bank of *England* may advance £12,341,726 11*s.* 7*d.* on the Credit of this Act, notwithstanding 5 & 6 *W. & M. c.* 20.

VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. Treasury may issue £76,008 12*s.* Surplus of Ways and Means, and Monies in the Exchequer, for Service of the Year 1850.

X. Monies coming into the Exchequer by 13 & 14 *Vict. c.* 3. — £9,200,000 by Exchequer Bills, 13 & 14 *Vict. c.* 10. — £8,558,700 by Exchequer Bills, 13 & 14 *Vict. c.* 22. — and £12,341,726 11*s.* 7*d.*, £76,008 12*s.*, and £500,000, by this Act granted, to be applied as hereafter expressed.

XI. There shall be issued,

	£211,159	3	7	For Naval Excess.	
XII.	6,672,588	0	0	For Naval Services; *viz.*	
	1,322,939	0	0	For Wages to 39,000 Seamen and Marines	To 31st *March* 1851.
	521,179	0	0	For Victuals, &c. in the Navy	
	137,100	0	0	For Salaries, &c. of the Admiralty Office	
	9,772	0	0	For Registry Office of Seamen, &c.	
	49,703	0	0	For the Navy Scientific Departments	
	135,826	0	0	For Naval Establishments at home	
	23,713	0	0	For Naval Establishments abroad	
	689,971	0	0	For Wages of Artificers, &c. at home	
	36,985	0	0	For Wages of Artificers, &c. abroad	
	883,999	0	0	For Naval Stores, &c.	
	339,839	0	0	For new Works in Naval Establishments	
	27,680	0	0	For Medicines, &c.	
	175,698	0	0	For Naval Miscellaneous Services	
	731,206	0	0	For Naval Half Pay	
	490,345	0	0	For Military Pensions	
	167,086	0	0	For Civil Pensions	
	135,700	0	0	For Freight of Ships, &c. for Army and Ordnance Services	
	21,131	0	0	For extra Pay, &c. for Seamen, &c. in *Arctic* Searching Expedition, &c.	
	8,480	0	0	For extra Provisions for Crews in the *Arctic* Searching Expeditions.	
	764,236	0	0	For Packet Service, to 31st *March* 1851.	
XIII.	6,628,929	0	0	For Army Services, *viz.*	
	3,562,430	0	0	For Forces in the United Kingdom and Stations abroad (except the *East Indies*)	From 1st *April* 1850 to 31st *March* 1851.
	164,916	0	0	For General Staff Officers, &c.	
	92,684	0	0	For Allowances to Officers, &c. of public Military Departments	
	16,895	0	0	For Royal Military College	
	18,657	0	0	For Royal Military Asylum, &c.	
	81,000	0	0	For Volunteer Corps	
	15,112	0	0	For Rewards for distinguished Military Services	
	58,000	0	0	For Pay of General Officers	
	54,500	0	0	For Full Pay for Retired Officers	
	386,000	0	0	For Half Pay for Retired Officers	
	42,200	0	0	For Half Pay for Officers of disbanded Foreign Corps, &c.	
	126,536	0	0	For Pensions to Widows	
	91,000	0	0	For Compassionate List, &c.	
	35,756	0	0	For In-Pensioners of *Chelsea* and *Kilmainham* Hospitals	
	1,233,711	0	0	For Out-Pensioners of *Chelsea* Hospital, &c.	
	40,000	0	0	For Superannuations in Military public Departments	
	109,850	0	0	For Disembodied Militia	To 31st *March* 1851.
	453,891	0	0	For Commissariat Department	
	45,791	0	0	For Half Pay of Commissariat Department	
XIV.	2,434,417	0	0	For Ordnance Services for the Year ending 31st *March* 1851; *viz.*	
	712,755	0	0	For Pay of Ordnance Military Corps.	
	273,837	0	0	For Commissariat and Barrack Supplies, &c.	
	86,961	0	0	For Expense of Ordnance Office.	
	303,826	0	0	For Establishments in United Kingdom and Colonies.	
	129,003	0	0	For Wages of Artificers, &c.	

	£211,631	0	0	For Ordnance Stores for Land and Sea Service.	
	440,064	0	0	For Works and Repairs.	
	98,804	0	0	For Scientific Branch.	
	177,536	0	0	For Non-effective Services.	
§ XV.	17,758,700	0	0	For paying off Exchequer Bills of 1849.	
	500,000	0	0	For discharging Supplies for 1849 or for any preceding Year.	
XVI.	100,000	0	0	For Civil Contingencies - - - - - -	To 31st *March* 1851.
	153,610	0	0	For New Houses of Parliament - - -	
	83,160	0	0	For Repair of Royal Palaces, &c. - - - -	
	22,000	0	0	For Alterations, &c. at the Ordnance Office, for the Year 1850–51.	
	3,129	0	0	For temporary Accommodation for Houses of Parliament, &c. - - - - -	To 31st *March* 1851.
	300	0	0	For Buildings at *Isle of Man* - - - - -	
	92,874	0	0	For *Holyhead* Harbour - - - - -	
	18,093	0	0	For Public Buildings in Departments of Public Works in *Ireland* - - - -	
	10,788	0	0	For *Kingstown* Harbour - - - - - -	
	30,000	0	0	For General Repository for Records - -	
	11,000	0	0	For Enclosure at *Buckingham Palace*, &c., for 1850.	
	151,500	0	0	For Harbours of Refuge, for 1850.	
	1,650	0	0	For fitting up *Holyrood Palace*.	
	9,400	0	0	For Alterations in New House of Commons, to 31st *March* 1851.	

CIVIL SERVICES.—*Class* 2.

XVII.	260,877	0	0	For Stationery, &c. for Public Departments - -	To 31st *March* 1851.
	92,300	0	0	For Salaries, &c. of Houses of Parliament - -	
	56,100	0	0	For the Treasury - - - - - -	
	26,000	0	0	For the Home Department - - - - -	
	71,000	0	0	For the Foreign Department - - -	
	37,400	0	0	For the Colonial Department - - - -	
	2,000	0	0	For Lord Privy Seal - - - -	
	24,100	0	0	For Office of Paymaster General - - - -	
	6,576	0	0	For Department of Comptroller General of Exchequer - - - - - -	
	2,700	0	0	For State Paper Office - - - - -	
	227,500	0	0	For Administration of Poor Laws - - -	
	35,000	0	0	For the Mint - - - - - - - -	
	12,678	0	0	For Public Records, &c. - - - -	
	10,994	0	0	For Salaries, &c. of Inspectors of Factories, &c. -	
	1,610	0	0	For Civil Charges, *Scotland*, &c. - - -	
	6,464	0	0	For Officers, &c. of Lord Lieutenant of *Ireland* -	
	24,250	0	0	For Salaries of Chief Secretary, &c. *Ireland* - -	
	5,646	0	0	For Paymaster of Civil Services, *Ireland* - -	
	43,000	0	0	For the Privy Council and Privy Council for Trade	
	3,640	0	0	Part Expenses of Ecclesiastical Commissioners for *England* - - - - - - -	
	7,946	0	0	For Commissioners of Railways - - - -	
	37,606	0	0	For Board of Public Works, *Ireland* - -	
	35,000	0	0	For Foreign and Secret Services - - - -	

CIVIL SERVICES.—*Class* 3.

XVIII.	17,000	0	0	For Office of Solicitor to the Treasury - - -
	8,555	0	0	For Prosecutions under Laws relating to Coin -
	17,700	0	0	For Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c. - - - - -
	10,330	0	0	For Insolvent Debtors Court - - - -
	84,324	0	0	For Law Expenses, *Scotland* - - -
	63,761	0	0	For Criminal Prosecutions and Law Charges, *Ireland*
	35,500	0	0	For Metropolitan Police, *Dublin* - - -
	240,000	0	0	For Charges formerly paid out of County Rates -
	14,550	0	0	For General Superintendence of Prisons, &c. -
	237,224	0	0	For Government Prisons and Convict Establishments at home - - - - -
	135,848	0	0	For Maintenance of Prisoners and Removal of Convicts - - - - - - - - -
	119,230	0	0	For Transportation of Convicts - - -
	200,147	0	0	For Convict Establishments in the Colonies - -

CIVIL SERVICES.—*Class* 4.

§ XIX.	£125,000	0	0	For Public Education in *Great Britain*	To 31st *March* 1851.
	125,000	0	0	For Education, *Ireland*	
	14,755	0	0	For School of Design, &c.	
	2,006	0	0	For certain Professors at *Oxford* and *Cambridge*	
	3,967	0	0	For *London* University	
	7,480	0	0	For Grants to *Scottish* Universities	
	300	0	0	For Royal *Irish* Academy	
	300	0	0	For Royal *Hibernian* Academy	
	6,500	0	0	For Royal *Dublin* Society	
	4,100	0	0	For Royal *Belfast* Academical Institution	
	38,569	0	0	For new Buildings, &c. at *British Museum*	
	3,050	0	0	For Antiquities and Coins for ditto, in 1850.	
	1,500	0	0	For National Gallery, in 1850.	
	19,000	0	0	For Geological Survey, &c.	To 31st *March* 1851.
	2,696	0	0	For Observatories at *Toronto*, &c.	
	45,329	0	0	For *British Museum* to 25th *March* 1851.	
	5,250	0	0	For Monument to Sir *R. Peel*.	
	10,000	0	0	For National Gallery, *Scotland*, in 1850.	

CIVIL SERVICES.—*Class* 5.

XX.	4,049	0	0	For Civil Establishment of the *Bermudas*	To 31st *March* 1851.
	2,000	0	0	For ditto of *Prince Edward's Island*	
	11,228	0	0	For Ecclesiastical Establishment of *British North American* Provinces	
	14,102	0	0	For *Indian* Department in *Canada*	
	290	0	0	For Civil Establishment of *Bahama* Islands	
	18,028	0	0	For Salaries of Governors, &c. of *West India* Colonies	
	41,150	0	0	For Salaries, &c. of Stipendiary Justices in *West India* Colonies and the *Mauritius*	
	24,080	0	0	For Civil Establishments on the *Western* Coast of *Africa*, and Purchase of Stores, &c. on Gold Coast	
	10,875	0	0	For *St. Helena*	
	7,379	0	0	For *Western Australia*	
	1,284	0	0	For *Port Essington*	
	1,486	0	0	For *Heligoland*	
	5,000	0	0	For *Falkland Islands*	
	13,296	0	0	For Colonial Land and Emigration Board, &c.	
	41,730	0	0	For *New Zealand*	
	20,000	0	0	For *British* Settlement at *Hong Kong*	
	6,914	0	0	For *Labuan*	
	30,000	0	0	For Support of captured Negroes, &c.	
	16,350	0	0	For Commissions for suppressing the Slave Trade	
	155,486	0	0	For the Consular Establishment abroad	
	16,800	0	0	For Missions abroad	

CIVIL SERVICES.—*Class* 6.

XXI.	108,768	0	0	For Superannuations, &c. to Public Officers	To 31st *March* 1851.
	3,750	0	0	For *Toulonese* and *Corsican* Emigrants, &c.	
	2,000	0	0	For National Vaccine Institution, in 1850.	
	1,000	0	0	For Refuge for Destitute, in 1850.	
	5,346	0	0	For *Polish* Refugees, &c.	
	6,318	0	0	For Miscellaneous Allowances	
	8,500	0	0	For House of Industry, *Dublin*	
	700	0	0	For Female Orphan House, *Dublin*	
	2,000	0	0	For *Westmoreland* Lock Hospital, *Dublin*	
	700	0	0	For Lying-in Hospital, *Dublin*	
	1,350	0	0	For Dr. *Stevens'* Hospital, *Dublin*	
	3,420	0	0	For House of Recovery, &c., *Dublin*	
	450	0	0	For Hospital for Incurables, *Dublin*	
	37,698	0	0	For Protestant Dissenting Ministers, *Ireland*	
	6,790	0	0	For Charitable Allowances, *Ireland*	

CIVIL SERVICES.—*Class* 7.

XXII.	20,700	0	0	For General Board of Health	To 31st *March* 1851.
	2,346	0	0	For Central Board of Health in *Dublin*	

£	13,552	0	0	For Incumbered Estates Commission, *Ireland* - } To
	15,000	0	0	For Drainage, *Ireland* - - - - } 31st *March* 1851.
	14,765	0	0	For *British* Ambassador's House at *Constantinople*, in 1850.
	1,000	0	0	For Militia, *Canada*, to 30th *April* 1850.
	3,000	0	0	For repairing Harbour at *Lybster* on East Coast of *Scotland*, in 1850.
	18,100	0	0	For Lighthouses abroad, and Establishment at *Sable* Island for ship-wrecked Persons.
	30,000	0	0	For Relief of Depositors of Savings Bank, *Cuffe Street*.

§ XXIII. Supplies to be applied only for the Purposes aforesaid.

XXIV. Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted. Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXV. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXVI. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXVII. Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified.

XXVIII. Half Pay allowed to Officers of the *Manx* Fencibles.

XXIX. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXX. Surplus of Sum by 11 & 12 *Vict. c.* 126. appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

XXXI. Widows, &c. claiming Pensions to make required Declaration.

XXXII. Declarations to be made as specified in 5 & 6 *W.* 4. *c.* 62.

CAP. CVIII.

An Act for confirming certain further Provisional Orders of the General Board of Health.

[15th *August* 1850.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders 'mentioned in the Schedule to this Act annexed, and it is expedient that the said Orders should be 'confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisional Orders of the General Board of Health referred to in the Schedule to this Act annexed shall, so far as the same are authorized by the said Public Health Act, be and the same are hereby confirmed, except as to the Clause numbered 3. in the Provisional Order for *Tormoham* otherwise called *Tor Mohun* in the County of *Devon*, and shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act. Certain Provisional Orders of General Board of Health confirmed.

II. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Holbeach*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty. First Election of Local Board for Holbeach.

III. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Tormoham* otherwise called *Tor Mohun* in the County of *Devon*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty, and that One Third of the Local Board for the said District shall go out of Office on the First Day of *March* One thousand eight hundred and fifty, and thenceforward yearly on the First Day of *March*, unless the Day so appointed shall fall on a *Sunday* or on a Day appointed for public Fast or Thanksgiving, when such One Third shall go out of Office on the Day following, anything in the said Provisional Order to the contrary notwithstanding. First Election of Local Board for Tormoham.

IV. And be it enacted, That the First Election of the Local Board of Health for the Township of *Darlington*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty. First Election of Local Board for Darlington.

V. And be it enacted, That the First Election of the Local Board of Health for the Town of *Exmouth*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty. First Election of Local Board for Exmouth.

VI. And be it enacted, That the First Election of the Local Board of Health for the Townships of *Alnwick* and *Canongate*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty. First Election of Local Board for Townships of Alnwick and Canongate.

VII. And

First Election for the Borough of Llanelly.

VII. And be it enacted, That the First Election of the Local Board of Health for the Borough of *Llanelly*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Launceston.

VIII. And be it enacted, That the First Election of the Local Board of Health for the Borough of *Launceston*, and so much of the adjoining Parishes of *Saint Thomas the Apostle* and *Saint Stephen* as are included in the District formed for the Purposes of the Public Health Act, 1848, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Reading.

IX. And be it enacted, That the First Election of the Local Board of Health (for the Purposes of Main Sewerage only) for the District consisting of the Borough of *Reading* and the Hamlet of *Whitley* in the Parish of *St. Mary*, adjoining the said Borough, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Burslem.

X. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Burslem* for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Watford.

XI. And be it enacted, That the First Election of the Local Board of Health for the District of *Watford*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

Act incorporated with Public Health Act.

XII. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of this Act.

XIII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1850 (No. 3)."

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which this Act refers.

PROVISIONAL ORDERS of the GENERAL BOARD of HEALTH, submitted for the Confirmation of Parliament.

PLACES to which the ORDERS refer.

Carlisle.	Llanelly.	Holbeach.
Alnwick.	Watford.	Tormoham.
Cardiff.	Southampton.	Launceston.
Newcastle under Lyme.	Berwick upon Tweed.	Burslem.
Exmouth.	Tewkesbury.	Reading.
Darlington.		

CAP. CIX.

An Act to enlarge and extend the Powers of an Act of the Ninth and Tenth Years of Her present Majesty, intituled *An Act to enable the Commissioners of Her Majesty's Woods to construct a new Street from* Spitalfields *to* Shoreditch. [15th *August* 1850.]

8 & 9 Vict. c. 101.

'WHEREAS by an Act passed in the Session of Parliament held in the Eighth and Ninth Years of Her Majesty's Reign, intituled *An Act to continue until the Fifth Day of* July *One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in* London *and* Westminster *and in certain Parts of the adjacent Counties, and to alter and amend the said Acts*, it was among other things enacted, that in order to provide a Fund for the opening of poor and densely populated Districts in the Metropolis, and for keeping open Spaces in the immediate Vicinity of the same, the Duty of One Penny *per* Ton on Coals, Culm, and Cinders brought near *London* by the *Grand Junction* or *Paddington* Canals or by the River *Thames*, imposed by an Act of the First and Second Years of King *William* the Fourth, and by the Act now in recital and other Acts extended to Coals, Culm, and Cinders brought near *London* by Railway, Inland Navigation, or other Mode of Conveyance, should after the Thirty-first Day of *December* One thousand eight hundred and forty-five be applied to the Creation of a Fund for the Execution of such Improvements in the Metropolis as Parliament might thereafter direct or sanction; and it was also enacted, that after the said Thirty-first Day of *December* One thousand eight hundred and forty-five the said Duty of One Penny *per* Ton on Coals, Culm, and Cinders so imposed and extended as aforesaid should, from Time to Time when and as received, be invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to an Account to be intituled "The Metropolis Improvement Fund Account," and that the said Commissioners should from Time to Time invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased in their Names on the Account aforesaid in like Manner for the Purpose of Accumulation in the meantime and until the said Fund should be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis: And whereas by another Act passed in the Session of Parliament held in the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to enable the Commissioners of Her Majesty's Woods to construct a new Street from* Spitalfields *to*

9 & 10 Vict. c. 34.

Shoreditch,

'Shoreditch, after reciting, among other things, that in pursuance of the said herein-before in part 'recited Act the Monies received from the Thirty-first Day of *December* One thousand eight hundred 'and forty-five to the Twenty-fifth Day of *March* One thousand eight hundred and forty-six, in respect 'of the said Duty of One Penny *per* Ton on Coals, Cinders, and Culm so created, imposed, and 'extended as aforesaid, had been laid out and vested in the Names of the said Commissioners in the 'Purchase of Three thousand and thirty-one Pounds Seven Shillings and Eight-pence Three Pounds '*per Cent.* Consolidated Bank Annuities, and such Annuities were then standing in the Names of the 'said Commissioners on the Account directed by the said Act, and reciting that by an Act passed in 'the Session held in the Third and Fourth Years of Her Majesty's Reign, intituled *An Act to enable* 3 & 4 Vict. c. 87. '*Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make* '*additional Thoroughfares in the Metropolis*, the said Commissioners were empowered, out of certain 'Monies and Funds therein specified, to form several new Streets and Improvements therein particularly 'mentioned, and, among others, a new Street from the *London Docks* to *Spitalfields Church*, and reciting 'that the Commissioners appointed by Her Majesty to inquire into and consider the most effectual Means 'of improving the Metropolis, and of providing increased Facilities of Communication within the same, 'had by their Report, dated the Twenty-third Day of *April* One thousand eight hundred and forty-'five, (which had been laid before both Houses of Parliament by Her Majesty's Command,) humbly 'recommended to Her Majesty that, out of any Monies to be thereafter raised as a Fund for Metro-'politan Improvements, Provision should be made for the Completion of a Line of Street from *Spital-*'*fields Church* to the Station of the *Eastern Counties* Railway in *Shoreditch*, in continuation of the 'new Street and Improvement then in progress of Formation by the said Commissioners of Her 'Majesty's Woods under the Authority of the Act last therein-before recited, and that Her Majesty had 'been pleased to approve of the Recommendation of the said Commissioners, and that it was expedient 'in accordance therewith that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings should be empowered to form and open (in continuation of the Street from 'the *London Docks* to *Spitalfields Church* therein-before mentioned) a new Street and Thorough-'fare from the North End of *Commercial Street, Spitalfields*, into *Shoreditch*, adjoining the Terminus 'of the *Northern and Eastern Counties* Railway, and for the Purpose of providing a Fund to enable the 'said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to effect 'the Objects aforesaid it was expedient that the said Commissioners should be authorized to raise out of 'or to charge the said Funds and Duties by the said recited Act of the Eighth and Ninth Years of Her 'Majesty's Reign made applicable to the Improvement of the Metropolis as herein-before is mentioned 'with a Sum or Sums not exceeding in the whole the Sum of One hundred and twenty thousand Pounds; 'it was by the said Act now in recital enacted, that it should be lawful for the Commissioners of Her 'Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and they were 'thereby authorized and empowered, to make, form, and complete the said intended new Street from the 'North End of *Commercial Street, Spitalfields*, into *Shoreditch*, and to carry the Purposes of the said 'Act into execution in manner therein-after mentioned, and according to a Plan which had been sub-'mitted to and approved by the Commissioners of Her Majesty's Treasury, and the said Commissioners 'of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were thereby incorporated for 'the Purposes of the said Act; and it was enacted, that for providing a Fund for the Purposes of the 'said Act it should be lawful for the said Commissioners, with the Consent and Approbation of the Lord 'High Treasurer or of the Commissioners for executing the Office of Lord High Treasurer, from Time 'to Time or at any One Time, to levy and raise by the Sale of the whole or any Portion of the Stocks, 'Funds, and Securities from Time to Time constituting the said Fund called "The Metropolis Improve-'ment Fund," so created or appropriated by the said Act of the Eighth and Ninth Years of Her 'present Majesty as aforesaid, or by Charge upon all and singular the Duties and Revenue in and by 'the same Act made applicable to the Formation of such Fund, any Sum or Sums of Money not exceed-'ing in the whole the Sum of One hundred and twenty thousand Pounds, together with Interest on the 'Sum or Sums to be charged from the Time of charging the same not exceeding Five Pounds *per Cent.* '*per Annum*; and it was enacted, that the Duties and Revenue so to be charged as aforesaid should be 'paid and applied in satisfaction and discharge of all Monies to be charged thereon by the said Commis-'sioners as aforesaid, and the Interest thereof, in such Manner and from Time to Time as the same 'should be received, and as the said Commissioners should direct; and it was further enacted, that for the 'Purposes of the said Act it should be lawful for the said Commissioners, with such Consent and Approba-'tion as aforesaid, to borrow and raise any Sum or Sums of Money not exceeding in the whole the Sum 'of One hundred and twenty thousand Pounds upon the Credit of the said Monies and Interest so made 'chargeable as aforesaid, and thereupon to assign and dispose of such Monies and Interest in such Shares, 'and by way of Debenture or otherwise, and with such Priorities, and in such Manner, as the same 'Commissioners should think fit, as a Security for the Monies so to be borrowed; and it was further 'enacted, that for the Purpose of laying down and constructing the said intended new Street the said 'Commissioners for executing the Act now in recital should have the same Powers, Authorities, 'Privileges, and Exemptions as in and by the said Act of the Third and Fourth Years of Her present 'Majesty were given to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, 'and Buildings, for the Purpose of or with reference to the laying down and constructing the several 'new Streets and Improvements therein specified, so far as the same should be applicable to the said 'intended new Street, and also that all Powers authorizing incapacitated Persons to convey in the said

'Act contained should extend to all the Lands and Hereditaments to be taken under the Act now in recital, 'and that all and singular the Enactments, Exemptions from Stamp Duties, and Provisions in the said 'before-mentioned Act contained should be construed in all respects as if the said Act had been 'passed for the Purpose of authorizing the laying down and Construction of the new Street by the 'Act now in recital authorized to be laid down and constructed, and for the Purchase and taking 'of Hereditaments, and for the leasing, selling, managing, and disposing of the Hereditaments to 'be taken, and the Buildings to be erected thereon, and as if the Hereditaments comprised in the 'Schedule to the Act now in recital had been comprised in the Schedule to the said Act of the Third 'and Fourth Years of Her present Majesty, and as if the Monies authorized to be raised by the Act 'now in recital had been authorized to be raised by the said last before-mentioned Act, and as if 'the said Street by the Act now in recital authorized to be made had been by the said before-'mentioned Act authorized to be made, except that with respect to any Monies payable into the Bank 'of *England* the same should be paid to the Account of the Accountant General of the Court of 'Chancery, in like Manner as Monies were by the said Act of the Third and Fourth Years of Her 'present Majesty directed to be paid to the Account of the Accountant General of the Court of 'Exchequer: And whereas the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings, so incorporated as aforesaid, have proceeded to carry the said Act into execu-'tion, and for the Purposes thereof have raised, partly by Sale of Stock invested in their Names on the 'said Metropolis Improvement Fund Account, and partly by Mortgage of the Duties and Revenue 'made applicable to the Formation of such Fund, divers Sums of Money amounting in the whole to the 'full Sum of One hundred and twenty thousand Pounds, which by the said last-recited Act they were 'empowered to raise as aforesaid, and they have expended the greater Part of the Monies so raised by 'them as aforesaid in the Purchase of Houses, Lands, and Hereditaments required for the said intended 'new Street, and otherwise in carrying the said Act into execution: And whereas the Monies remaining 'unexpended in the Hands of the said Commissioners will not suffice to purchase the Houses, Lands, and 'Hereditaments yet remaining to be purchased for the Formation of the said intended new Street, and 'to construct, open, and complete the same; and although it is estimated that the ultimate net Cost of 'the said new Street and Improvement will not exceed the before-mentioned Sum of One hundred and 'twenty thousand Pounds by the said last-recited Act appropriated to the Formation thereof, additional 'Sums of Money will be required to cover the first Outlay which must be incurred in acquiring and 'clearing the Ground required for the said Street, and in forming and paving the same, and construct-'ing Sewers and Drains in and over the same; and it is expedient that the said Commissioners should 'be empowered to raise such additional Sums of Money by Sale of a further Portion of the Stock now 'constituting the said Metropolis Improvement Fund, or by further Charge upon the said Duties or 'Revenue by the said recited Act of the Eighth and Ninth Years of Her present Majesty made appli-'cable to the Improvement of the Metropolis as aforesaid: And whereas by the said Act of the Third 'and Fourth Years of Her Majesty's Reign, recited or referred to in the said Act of the Ninth and Tenth 'Years of Her Majesty's Reign last herein-before recited, it was among other things enacted, that if 'the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should 'not, within the Space of Seven Years to be computed from the passing of the same Act, purchase or 'take the Tenements and Hereditaments, or Parts thereof respectively, which they were empowered by 'the said Act to take, use, and purchase, then and from thenceforth the Powers thereby granted to 'them for such Purpose should cease, determine, and be utterly void; and Doubts have been entertained 'whether, by reason of the Powers, Provisions, and Enactments of the said last mentioned Act having 'been extended or transferred to the said Act of the Ninth and Tenth Years of Her Majesty's Reign, 'in manner herein before recited, the Time for Purchase of Tenements and Hereditaments required for 'the Purposes of the said Act of the Ninth and Tenth Years of Her Majesty's Reign has not been 'limited to the Space of Seven Years to be computed from the passing of the said Act of the Third 'and Fourth Years of Her Majesty's Reign; and it is expedient that such Doubts should be removed:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the Purpose of providing Monies for the Completion of the new Street and Improvement from the North End of *Commercial Street, Spitalfields*, to *Shoreditch*, by the said recited Act of the Ninth and Tenth Years of Her Majesty's Reign authorized to be made, formed, and completed by them, it shall and may be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings so incorporated as aforesaid, and their Successors, with the Consent and Approbation of the Lord High Treasurer or of the Commissioners for executing the Office of Lord High Treasurer, from Time to Time, or at any One Time, to levy and raise, by the Sale of the whole or any Portion of the Stocks, Funds, or Securities from Time to Time constituting the said Fund called "The Metropolis Improvement Fund," so created or appropriated by the said recited Act of the Eighth and Ninth Years of Her Majesty's Reign as aforesaid, or by Charge upon the said Metropolis Improvement Fund, or any Part thereof, or upon the Interest, Dividends, and annual Proceeds of the said Fund or any Part thereof, or by Charge upon all or any Part of the Duties and Revenue in and by the same Act made applicable to the Formation of such Fund, or by all or any of the Ways and Means aforesaid, such further Sum and Sums of Money, not exceeding in the whole the Sum of Sixty thousand Pounds, as the said Commissioners and their Successors, with such Consent and Approbation as aforesaid, shall judge necessary for completing the

Commissioners of Woods, &c. empowered to raise further Sums of Money by Sale of or Charge upon the Metropolis Improvement Fund.

the said intended new Street and Improvement herein-before mentioned, and for carrying into execution the Purposes of the said Act of the Ninth and Tenth Years of Her Majesty's Reign, together with Interest on the Sum or Sums to be charged, from the Time of charging the same, not exceeding the Rate of Five Pounds *per Cent. per Annum.*

Fund to be applied in satisfaction of Charges, subject to prior Charges.

II. And be it enacted, That, subject to any prior existing Charges thereon, the said Fund and the Income thereof, and the said Duties and Revenue, or such Portion or Portions thereof respectively as shall be so charged as aforesaid, shall be paid and applied in the Satisfaction and Discharge of all such further Sum and Sums of Money as shall be charged thereon respectively by the said Commissioners and their Successors under the Authority of this Act as aforesaid, and the Interest thereof, in such Manner as the said Commissioners or their Successors shall from Time to Time direct.

Commissioners of Woods, &c. may borrow Monies on the Credit of the Fund authorized to be charged.

III. And be it enacted, That it shall be lawful for the said Commissioners and their Successors, with the Consent and Approbation of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer for the Time being, to borrow and raise any Sum or Sums of Money, not exceeding the Sum of Sixty thousand Pounds, which they may be able to borrow and raise upon the Credit of the said Metropolis Improvement Fund and the Income thereof, and the said Duties and Revenue so authorized to be charged as aforesaid, and thereupon to assign and dispose of such Fund, Income, Duties, and Revenue, or any Portion thereof, (subject to any prior existing Charges thereon,) in such Shares, and by way of Debenture or otherwise, and with such Priorities, and in such Manner, as the same Commissioners shall think fit, as a Security for the Monies so to be borrowed.

Application of Monies raised.

IV. And be it enacted, That the Sum and Sums of Money which the said Commissioners and their Successors are hereby authorized to raise or charge, or which may be borrowed by the same Commissioners in pursuance of the Powers of this Act, shall be applied in the first place in paying all the Charges and Expenses of or incident to the obtaining and passing this Act, and afterwards in paying and discharging the necessary Expenses of making and completing the said intended new Street, and otherwise in carrying into execution the Purposes of the said recited Act of the Ninth and Tenth Years of Her Majesty's Reign.

Provisions with respect to Monies raised under recited Act extended to this Act.

V. And be it enacted, That the several Powers, Provisions, Exemptions, and Directions in the said last-mentioned Act contained with respect to Monies to be raised by the said Commissioners under the Authority or for the Purposes of the said Act, and the Application thereof, and the Receipts and Discharges to be given for the same, and the Accounts to be rendered thereof, shall, so far as the same are applicable and not otherwise provided for by this Act, be extended to this Act and the Monies to be raised under the Authority of this Act, as fully and effectually as if the same Powers, Provisions, Exemptions, and Directions were herein repeated and re-enacted in reference to such last-mentioned Monies.

Removing Doubts as to Time for Purchases.

VI. And for removing all Doubts be it enacted and declared, That the Time by the said recited Act of the Ninth and Tenth Years of Her Majesty's Reign limited for the Purchase of Lands and Hereditaments, and for authorizing Parties and Bodies to sell and convey, shall be deemed and construed to be the Space of Seven Years from the passing of the said last-mentioned Act; and all and singular the Powers and Authorities by the said last-mentioned Act granted to or vested in the said Commissioners and their Successors to purchase, take, or use any Lands, Tenements, and Hereditaments, or Parts thereof, or Rights or Interests therein, required for the Purposes of the said Act of the Ninth and Tenth Years of Her Majesty's Reign, and the new Street and Improvement thereby authorized to be made, shall remain in force, and shall and may be exercised by the said Commissioners and their Successors or otherwise, for the Space of Seven Years from the passing of the said last-mentioned Act; and the said last-mentioned Act shall be taken and construed as if the Powers and Authorities hereby given or confirmed had been given in express Terms by the said Act of the Ninth and Tenth Years of Her Majesty's Reign.

Surplus Monies to be invested in augmentation of the Metropolis Improvement Fund.

VII. And be it enacted, That all Sum and Sums of Money received or to be received by the said Commissioners from any Sales or Leases or otherwise in respect of any Hereditaments or Property acquired or to be acquired by them under the Powers or for the Purposes of the said recited Act of the Ninth and Tenth Years of Her Majesty's Reign or this Act, and which shall remain in the Hands of the said Commissioners or their Successors after the new Street and Improvement by the said Act authorized to be made shall have been made and completed, and the Purposes of the same Act and of this Act shall have been fully executed, shall (subject to the Payment thereout of any Monies which may remain due upon Loans made to the said Commissioners under the Authority of the said recited Act or this Act, and the Interest thereof,) be applied in augmentation of the Fund for the Execution of Improvements in the Metropolis, and be invested in the Names of the said Commissioners or their Successors in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, on the said Account intituled "The Metropolis Improvement Fund Account;" and the said Commissioners and their Successors shall from Time to Time invest the Dividends, Interest, and Income of the said Stocks, Funds, and Securities in like Manner for the Purpose of Accumulation in the meanwhile and until the said Fund shall be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis.

Public Act.

VIII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. CX.

An Act to continue the Act for amending the Laws relating to Savings Banks in *Ireland*. [15th *August* 1850.]

[11 & 12 *Vict. c.* 133. *continued to* 1st *of August* 1852.]

CAP. CXI.

An Act to relieve the *Chester and Holyhead* Railway Company from contributing towards the Expense of the proposed new Harbour at *Holyhead*, and to take away the Powers of the said Company in relation to such Harbour. [15th *August* 1850.]

10 & 11 Vict. c. ccxxxviii. ss. 12, 13, 14, 15, 16, & 17.

'WHEREAS in "The *Chester and Holyhead* Railway, *Holyhead* Extension and Amendment, Act, 1847," are contained Provisions requiring the *Chester and Holyhead* Railway Company to contribute towards the Expense of constructing the Harbour of Safety and Inner Pier and Inner Harbour at *Holyhead*, proposed to be formed as therein mentioned, the Sum of Two hundred thousand Pounds, and to pay the same to the Commissioners of Her Majesty's Treasury, and for the Payment and Recovery of such Sum; and also Provisions authorizing the said Company, upon acquiring the Rights and Interests therein mentioned, to construct a Wharf or Quay upon a Portion of the Sea Shore for the Purposes therein mentioned, and vesting in the said Company the free Use of the said Inner Pier for the Purposes therein mentioned, and empowering the said Company to lay down upon the said Inner Pier a Railway or Railways, and to erect Sheds or Conveniences for the Protection of Passengers landing or embarking from the said Inner Pier: And whereas it is expedient that the said Provisions of the said Act should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions of the said Act concerning the Contribution, Payment, and Recovery of the said Sum of Two hundred thousand Pounds, and all the Powers and Provisions of such Act for and in relation to the Construction by the said Company of such Wharf or Quay as aforesaid, and the free Use by the said Company of the said Inner Pier, and the laying down thereupon of a Railway or Railways, and the Erection of such Sheds and Conveniences as aforesaid, and all other Powers vested or to be vested in the said Company under such Act in relation to the said Harbour of Safety, Inner Harbour, and Inner Pier respectively, and the Provisions in relation to such Powers, shall be repealed.

Recited Provisions repealed.

The Treasury may authorize the Company to make Works in connexion with the Harbour.

II. Provided always, and be it enacted, That the Commissioners of Her Majesty's Treasury may from Time to Time, as they may deem expedient, authorize the said Company to construct any Quay, Wharf, or other Works in or in connexion with the said Harbours and Pier, or to have Access to or make Communications with the said Harbours and Pier, or to lay down a Railway or Railways on the said Pier, or to make other Arrangements for facilitating the landing or embarking in and from such Harbours and Pier of Passengers, Goods, Cattle, or Merchandize, upon such Terms and subject to such Conditions as the said Commissioners of Her Majesty's Treasury may think fit.

CAP. CXII.

An Act to vest in the Commissioners of Public Works in *Ireland* certain Works and Rights of the *Lough Corrib* Improvement Company, and to compensate such Company for the same. [15th *August* 1850.]

1 & 2 W. 4. c. 57.

'WHEREAS by an Act passed in the Second Year of King *William* the Fourth, intituled *An Act to empower Landed Proprietors in* Ireland *to sink, embank, and remove Obstructions in Rivers*, it was enacted, that when any Persons should be desirous of undertaking the Execution of the Works provided for by that Act, and should, in manner and upon and after the Observance and Performance of the Preliminaries therein-after directed, make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, it should be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they should so think fit, to issue a Commission authorizing and constituting such Persons Undertakers for the Execution of such of the Works provided for by that Act as might be included in such Application, or any of them; and in the said Act are contained Provisions forming such Persons, and their several and respective Successors, Executors, Administrators, and Assigns, into a Joint Stock Company, by such Name as therein mentioned: And whereas by a Commission issued by their Excellencies the Lords Justices of *Ireland*, bearing Date on or about the Twenty-fourth Day of *December* One thousand eight hundred and thirty-eight, after reciting, amongst other things, that it had been represented to the said Lords Justices that the several Persons therein-after named had agreed to form themselves into a Company for the Improvement of *Lough Corrib* in the Counties of *Galway* and *Mayo*, and the Lands contiguous thereto, the said Lords Justices did, by virtue of the said recited Act, authorize and constitute certain Persons therein named Undertakers for the Execution of the Works therein mentioned and referred to: And whereas an Act was passed in the Sixth Year of Her present Majesty, to amend the said Act of the Second Year of King *William* the Fourth: And whereas the Company of Undertakers formed under the said Commission have been since called and known by the Name of "The Company of Undertakers for the Improvement

5 & 6 Vict. c. 105.

of

'of *Lough Corrib*," in the Province of *Connaught:* And whereas the said Company proceeded to execute 'certain Works in and by the said first-recited Act and the said Commission authorized, but failed to 'comply with the Provisions of the said recited Acts, and have long since discontinued and are unable to 'complete the said Works: And whereas the Commissioners of Public Works in *Ireland*, acting under 'the Authority of an Act passed in the Sixth Year of Her Majesty, intituled *An Act to promote the* 5 & 6 Vict. c. 89. '*Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such* '*Drainage, in* Ireland, and of the Acts amending the same, have taken the necessary Steps, and have now 'made considerable Progress in the necessary Works, for the Drainage, not only of the Lands included 'in the said Commission, but of other Lands contiguous thereto, and also for the Improvement of the 'Navigation from the Sea at *Galway* Harbour in the County of the Town of *Galway*, through the 'County of *Galway*, to *Lough Carra* in the County of *Mayo*, and also for the Improvement of Mill 'Power of the several Mills deriving their Supply of Water from *Lough Corrib*, and all denominated by 'the said Commissioners "The District of *Loughs Corrib, Mask*, and *Carra*," in the County of the Town 'of *Galway*, and Counties of *Galway* and *Mayo:* And whereas a free Grant has been made by Parlia- 'ment of a Moiety of the estimated Expense of completing the said Navigation, the other Moiety of such 'last-mentioned Expenses being charged on the County of the Town of *Galway* and certain Portions of 'the Counties of *Galway* and *Mayo* respectively: And whereas the several Works which have been 'heretofore executed by the said Company under the Provisions of the said first-recited Act, and the 'Commission issued in pursuance thereof, and which may be made available for the Purpose of the Works 'of the said Commissioners of Public Works in the District of *Loughs Corrib, Mask*, and *Carra*, have 'been estimated at the Value of Three thousand two hundred Pounds: And whereas certain Lands and 'Rights in Land within the said District of *Lough Corrib* have been purchased by the said Company, 'and it has been represented by the said Company that they paid for such Lands and Rights Sums 'exceeding the Sum of One thousand eight hundred Pounds, and the Value of such Lands and Rights for 'the Purposes of the Works of the said Commissioners of Public Works has been estimated at the Sum 'of One thousand eight hundred Pounds: And whereas the said Company of Undertakers have agreed to 'transfer to the said Commissioners of Public Works in *Ireland* the Works which have been executed 'by the said Company, and also the said Lands and Rights, upon the Payment as herein-after mentioned 'of the Sum of Five thousand Pounds, being the Amount of the said Sums of Three thousand two hundred 'Pounds and One thousand eight hundred Pounds:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall not be lawful for the said Company of Undertakers for the Improvement of *Lough Corrib* to proceed further in the Execution of any of the Works authorized in and by the said Acts, or either of them, or the said Commission under the said first-recited Act, or in any Manner whatsoever to interfere with or interrupt the Works heretofore executed or hereafter to be executed by the said Commissioners of Public Works in *Ireland* under the Provisions of the said thirdly-recited Act, or any of the Acts amending the same.

Lough Corrib Company not to proceed with their Works.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Public Works, by and with the Sanction of the Commissioners of Her Majesty's Treasury, out of any Monies at the Disposal of the said Commissioners of Public Works for the Purposes of the Works to be by them executed in the said District of *Loughs Corrib, Mask*, and *Carra*, to pay into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, the Sum of Five thousand Pounds, being the Amount of the said Sums of Three thousand two hundred Pounds and One thousand eight hundred Pounds, such Sum to be placed to Account of the said Accountant General there, "to the Credit of the Company of Undertakers for the Improvement of *Lough Corrib;*" and out of such Sum of Five thousand Pounds there shall be paid, in the first instance, all the Costs, Charges, and Expenses of the said Company, or of the Persons holding Debentures heretofore issued by the said Company, in respect of or incident to the Preparation, Introduction, and Prosecution of a Bill during the Two last Sessions of Parliament, for the Purpose of procuring the Grant of extended Powers to the said Company, but which Bill did not pass into an Act, and in respect of or incident to the Negotiation between the said Company and such Debenture Holders and the Commissioners of Her Majesty's Treasury and the said Commissioners of Public Works, for the Transfer by the said Company to the said Commissioners of Public Works of the said Works and Lands and Rights in Land, the Amount of such Costs, Charges, and Expenses to be ascertained and certified by One of the Masters of the said Court, and to be paid by the said Company and to such Debenture Holders respectively, or to their respective Solicitors or Agents, in such Manner as may be directed by the Lord High Chancellor of *Ireland* upon any Petition to be presented in a summary Way; and after Payment of all such Costs, Charges, and Expenses the Surplus of the said Sum of Five thousand Pounds shall be applied, under the Direction and with the Approbation of One of the Masters of the said Court, in the first place, amongst the Persons holding Debentures heretofore issued by the said Company, and, in the next place, amongst the Members of the said Company, in such Shares and Proportions as may be directed by the said Lord Chancellor upon Petition as aforesaid: Provided always, that in case it be not shown to the Satisfaction of the Commissioners of Her Majesty's Treasury that the Purchase Monies *bonâ fide* paid by the said Company for such Lands and Rights in Land as aforesaid amount to the Sum of One thousand eight hundred Pounds, it shall be lawful for such Commissioners to authorize the said Commissioners of Public Works to pay to the said Company, in lieu of the Sum of One thousand eight hundred Pounds, such less Sum only as shall have

Commissioners of Public Works, with Consent of Treasury, to pay into Bank, to the Credit of the Company, 3,200*l.* and 1,800*l.*

Application of the Money so paid in.

have been shown to the Satisfaction of the Commissioners of Her Majesty's Treasury to have been paid by the said Company for the said Lands and Rights: Provided also, that any Person or Persons having any Claim against the said Company (in respect of any Debt or Liability heretofore incurred) may apply to the said Lord Chancellor, by Petition to be presented as aforesaid, and it shall be lawful for the said Lord Chancellor to make such Order for inquiring into such Claim, and for the Payment of the Amount of any Money due in respect thereof, and of any Costs in relation to such Application, out of the said Sum of Five thousand Pounds, as he shall think just.

Upon Payment into the Bank the Works, &c. of the Company to vest in Commissioners of Public Works.

III. And be it enacted, That upon Payment into the Bank of *Ireland* in manner aforesaid of the said Sum of Three thousand two hundred Pounds and the said Sum of One thousand eight hundred Pounds, or so much of such last-mentioned Sum as shall be payable by the said Commissioners of Public Works under this Act, all the Works heretofore executed by or on behalf of the said Company, and other the Lands, Works, Property, Undertaking, and Rights of the said Company, of every Nature or Kind soever, within the District of their Commission under the Provisions of the said Two first-recited Acts or the said Commission, shall respectively become the Property of and be vested in the said Commissioners of Public Works, and their Successors, for the Purposes of and according to the Intent of the said thirdly-recited Act and the several Acts amending the same, freed and absolutely discharged of and from all Estates, Rights, Interests, Debts, and Incumbrances whatsoever of or occasioned by the said Company of Undertakers: Provided always, that upon Payment as aforesaid of the said Sum of Three thousand two hundred Pounds it shall be lawful for the said Commissioners of Public Works to take possession of and enjoy all the said Lands, Works, Property, Undertaking, and Rights, without Prejudice to the Right of the said Company to the said Sum of One thousand eight hundred Pounds, or so much thereof as may become payable.

Money not to be liable to Ushers Poundage.

IV. And be it enacted, That no Money so paid into the Bank of *Ireland* as aforesaid, or paid out, under any Order made by the said High Chancellor of *Ireland* under the Powers of this Act, shall be liable to Ushers Poundage.

Said Sums of 3,200*l.* and 1,800*l.* to form Part of Expenses of Navigation and Drainage in the Lough Corrib District.

V. And be it enacted, That the said Sum of Three thousand two hundred Pounds and the said Sum of One thousand eight hundred Pounds, or so much of such last-mentioned Sum as shall be paid under this Act, shall be considered as and form Part of the general Expenses incident to the Works of the said Commissioners of Public Works within the said District of *Loughs Corrib*, *Mask*, and *Carra*, and be charged to the said District accordingly, in such Manner and in such Proportions to the Account of the said Navigation, Drainage of Lands, and Improvement of Mill Power in the said District, as the said Commissioners shall think fit; and the said Commissioners are hereby authorized to include the said Sum of Three thousand two hundred Pounds and the said Sum of One thousand eight hundred Pounds, or so much of such last-mentioned Sum as shall be paid as aforesaid, in the Award to be made by the said Commissioners under the Provisions of the said thirdly-recited Act and the Acts amending the same.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CXIII.

An Act to authorize the Transfer of Loans for the Improvement of Land in *Ireland* to other Land. [15th *August* 1850.]

13 & 14 Vict. c. 31.

'WHEREAS by the Act of the present Session of Parliament, "to authorize further Advances of '"Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to '"amend the Acts relating to such Advances," it is enacted, that the Commissioners of Public Works in '*Ireland* shall not make any Order for any Loan under the Acts therein referred to and that Act, or any 'of them, to the same Owner, to a larger Amount than Five thousand Pounds, or if any previous Order 'or Orders have been made under such Acts or any of them for a Loan or Loans to the same Owner in 'respect to the same or any other Land, or to any previous Owner of the same Land, in respect of such 'Land, the said Commissioners shall not make such Order for a Loan to a larger Amount than will with 'the Sum which has been or may be issued under such previous Order or Orders make up Five thousand 'Pounds: And whereas it may happen, where Orders for Loans for the Improvement of Land in *Ireland* 'have been made, that the Money authorized to be advanced thereunder may be more advantageously 'expended in the Improvement of other Land of the same Owner:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where an Order for a Loan for Works for the Improvement of Land in *Ireland* has been made by the said Commissioners under the Acts in the said recited Enactment referred to or any of them, or under this Provision, and no Advance has been made under such Order, or the whole of the Sum in such Order mentioned has not been issued, the said recited Enactment shall not prevent the said Commissioners, on the Relinquishment by the Owner for the Time being of the Lands mentioned in such Order of the Loan of the Sum in such Order mentioned, either wholly or in part, from making a new Order for a Loan for any Works on other Lands in *Ireland* of the same Owner, to any Amount not exceeding the Amount so relinquished, notwithstanding such Amount shall exceed Five thousand Pounds, or will, with the Sum which has been or may be issued under the said first-mentioned Order, or any other Order or Orders, exceed Five thousand Pounds.

Recited Enactment not to prevent new Orders for Loans upon Relinquishment of Advances under previous Order.

II. And

II. And be it enacted, That this Act and the said Act of the present Session shall be construed together as One Act, and the Provision herein contained shall be deemed to extend to all Orders, Proceedings, and Matters already made, taken, and done, in the same Manner as if such Provision had been originally inserted in the said Act of the present Session. This Act to be deemed Part of recited Act.

CAP. CXIV.

An Act to repeal the Stamp Duties on Proceedings in the Courts of Law in *Ireland*, and to grant certain other Stamp Duties in lieu thereof. [15th *August* 1850.]

'WHEREAS by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law, and to repeal certain other Stamp Duties in* Ireland, certain Duties of Stamps distinguished as Law Fund Duties were granted as the Means of creating a Fund to meet certain Charges which had become annually payable out of the Consolidated Fund of the United Kingdom for Salaries, Allowances, and Compensations to the Judges of the Superior Courts of Common Law in *Ireland*, and to divers Officers of and in the said Courts, in lieu of certain Fees theretofore payable to such Judges and Officers respectively, and of the Profits of certain Offices which were abolished: And whereas by an Act passed in the Seventh Year of the Reign of His said Majesty, intituled *An Act to continue an Act of the First and Second Years of His present Majesty, for granting for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law in* Ireland, it was enacted, that the said recited Act, and the Duties thereby granted, should be continued in full Force and Effect until other Provision should be made by Parliament in respect thereof: And whereas it is expedient to repeal the said Duties, and grant other Duties of the same Nature in lieu thereof, to meet the Charge upon the Consolidated Fund for the Salaries so payable to the Judges and their Registrars in lieu of Fees, and the Salaries, Compensations, Allowances, and other Expenses payable in respect of the Offices of the said Courts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and fifty all and every of the Stamp Duties granted in and by the said Act of the First and Second Years of the Reign of His said Majesty King *George* the Fourth, and continued by the said Act of the Seventh Year of the same Reign until Parliament should make other Provision in respect thereof, shall cease and be discontinued, and that in lieu thereof there shall be granted, raised, levied, collected, and paid in *Ireland*, unto Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Articles, Matters, and Things mentioned, enumerated, and described in the Schedule to this Act annexed, the several Sums of Money and Duties as they are respectively inserted, described, and set forth in Words and Figures in the said Schedule and in every Part thereof; and that the said Schedule, and every Clause, Regulation, Matter, and Thing therein contained, shall be and be deemed, taken, and considered as Part of this Act. 1 & 2 G. 4. c. 112. 7 G. 4. c. 20. Law Fund Stamp Duties to be repealed, and other Duties of the same Nature granted in lieu thereof. Schedule to be Part of Act.

II. And be it enacted, That the said Duties shall be under the Care and Management of the Commissioners of Inland Revenue, and shall be denoted and distinguished as Law Fund Duties, and shall be deemed and construed to be Stamp Duties; and that the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in the said Act of the First and Second Years of His said Majesty King *George* the Fourth with reference to Law Fund Duties shall continue to be of full Force and Effect, and be applicable to the Duties hereby granted, save as herein otherwise provided, or as the same may have been repealed, varied, or affected by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expenses of the Officers attached to the Superior Courts of Common Law in* Ireland *payable out of the Consolidated Fund*, or by any Act passed subsequently to the said Act of the First and Second Years of the Reign of King *George* the Fourth, and now in force. Duties to be construed as Stamp Duties. 1 & 2 G. 4. c. 112. to be applicable to Duties hereby granted, except, &c., 7 & 8 Vict. c. 107.

III. 'And whereas Doubts have arisen whether the Provisions of the said Act of the First and Second Years of the Reign of King *George* the Fourth, for the Relief of Persons having spoiled Stamps, are applicable to certain Cases wherein Stamps on Transcripts of Records are rendered useless, and it is expedient to make further Provision in that Behalf:' Be it therefore enacted, That from and after the passing of this Act, in any and every Case in which it shall be shown to the Satisfaction of the Commissioners of Inland Revenue that any Transcript of a Record for Trial at Nisi Prius which has been duly stamped has not answered the Purpose for which it was intended, and that a fresh Transcript has been made out, and the Stamp Duty thereon a Second Time paid, the said Commissioners, or any Officer by them in that Behalf appointed, shall cancel the Stamp or Stamps upon the Transcript which has become useless, and, upon being furnished by the Party producing the same with the necessary Vellum, Parchment, or Paper, cause such Vellum, Parchment, or Paper to be stamped or marked with any of the Duties granted by this Act, as may be desired, to the same Amount in the whole as the Stamps so cancelled, and shall deliver the said Parchment, Vellum, or Paper when so stamped or marked to the said Party, in exchange for the Stamp or Stamps so cancelled: Provided always, that the Application to have such Stamp or Stamps cancelled and exchanged shall be made to the said Commissioners within Six Calendar Months next after the Time of sealing the Transcript stamped or marked therewith. Stamps on Transcripts of Records may be cancelled when the Duty has been again paid.

IV. And

No Bill of Costs to be taxed by any Law Taxing Officer, except on Requisition duly stamped.

IV. And be it enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and fifty no Bill of Costs for Business in any of the said Courts of Common Law shall be taxed by any Taxing Officer unless and until the Party requiring such Taxation shall lodge with such Officer a Requisition duly stamped or marked with the Duty provided in that Behalf in the Schedule to this Act annexed, which Requisition shall set forth the Title or Titles of the Cause or Causes or Matter or Matters in which such Costs have been incurred, and the gross Amount of such Costs as furnished or made out and submitted for Taxation, and shall be signed by the Attorney requiring such Taxation.

SCHEDULE to which this Act refers.

SCHEDULE of DUTIES of STAMPS which are to be paid and payable in Ireland for and in respect of the First Skin, Sheet, or Piece of Vellum, Parchment, or Paper upon which the several Instruments, Matters, and Things herein mentioned shall be respectively written or printed, except where the Duties are imposed according to the Number of Words therein contained, or expressly charged in any other Manner.

	£	s.	d.
Affidavit, Affirmation, Deposition, or Declaration in lieu of Affidavit, taken before any Person authorized by Law, in order to be used or filed in the Civil Side of the Court of Queen's Bench, or in the Court of Common Pleas, or in the Pleas Side of the Court of Exchequer in Ireland	0	2	0
Appearance in any Suit or Proceeding whatsoever in any of the said Courts, on the Requisition for the Entry thereof, whether the same be for One Defendant only or for more than One jointly	0	2	0
Bill of Costs.—On each and every Requisition for the Taxation thereof by any Taxing Officer of the said Courts:—			
Where the gross Amount of such Costs, as furnished or made out and submitted for Taxation, shall exceed Five Pounds and shall not exceed Twenty Pounds	0	2	6
Where the gross Amount as aforesaid shall exceed Twenty Pounds and shall not exceed Fifty Pounds	0	5	0
Where the gross Amount as aforesaid shall exceed Fifty Pounds and shall not exceed One hundred Pounds	0	10	0
Where the gross Amount as aforesaid shall exceed One hundred Pounds	1	0	0
Copy, attested or to be attested by any Officer, Assistant, or Clerk, of any Record, Judgment, Declaration, Pleading, Affidavit, or other Instrument, Proceeding, Matter, or Thing enrolled, recorded, or filed in any of the said Courts, for each and every Office Sheet of Seventy-two Words, and for every fractional Part of such Sheet	0	0	4
Copy issuing from any Office of the said Courts of any Rule or Order	0	2	0
Judgment.—On the Requisition for the Entry of any Judgment, final or interlocutory, of whatsoever Nature, and whether on Cognovit Actionem or otherwise, in any of the said Courts, save and except any final Judgment in any Action wherein an interlocutory Judgment shall have been entered	0	10	0
Memorial of the Assignment of any Judgment in any of the said Courts, for each Judgment assigned	0	7	6
Order or Rule.—On the Requisition for the Entry of any Order or Rule made or granted in any Cause or Matter in any of the said Courts, in open Court or in Chamber, or by Side Bar, or by way of Fiat or otherwise, whether the same shall be issued or not	0	4	0
Pleadings.—Declaration, Plea, Demurrer, Suggestion, Consent for Judgment, or other Pleading whatsoever, filed in any of the said Courts	0	4	0
Postea.—On the Requisition for any Rule on Postea	1	0	0
Record for Nisi Prius.—On every Transcript of Record for Trial at Nisi Prius, or for the Court of Error, or for any similar Purpose, for the entire thereof, whatever Number of Words may be contained therein	1	0	0
Report in any Cause or Matter in any of the said Courts	0	10	0
Summons issued by any Officer for taxing Law Costs, or by any Officer of the said Courts for any Purpose whatever, for each Summons	0	2	6
Writs.—On every Writ, Mandate, or Subpœna, or other Process whatsoever, not otherwise charged in this Schedule, which shall issue out of any of the said Courts under the Seal thereof, in or for the Purpose of any Action, Matter, or Proceeding, before or after Judgment	0	4	0

GENERAL EXEMPTIONS from the FOREGOING DUTIES.

All Proceedings by or on behalf of any Person legally admitted to sue or defend in formâ Pauperis.

ALLOWANCES on the PURCHASE of STAMPS.

To any licensed Retailer of Stamps who shall bring Vellum, Parchment, or Paper to the Stamp Office to be stamped with the above Duties or any of them to the Amount in the Total of Twenty Pounds or upwards, an Allowance after the Rate of One Pound and Ten Shillings for every One hundred Pounds upon prompt Payment of the said Duty.

CAP. CXV.

An Act to consolidate and amend the Laws relating to Friendly Societies. [15th *August* 1850.]

'WHEREAS many Societies have been established in *Great Britain* and *Ireland* for the Purpose of affording Relief and Maintenance to the Members thereof in Sickness, old Age, or Infirmity, and for other Purposes of a provident and benevolent Nature; and it is expedient to amend the Laws relating to such Friendly Societies, and to make further Provision for Protection of the Members against Fraud and Misapplication of their Funds, and to consolidate the same in One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Tenth Year of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies;* and also an Act passed in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King* George *the Fourth, by extending the Time within which pre-existing Societies must conform to the Provisions of that Act;* and also an Act passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King* George *the Fourth, to consolidate and amend the Laws relating to Friendly Societies;* and also an Act passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act to explain and amend the Acts relating to Friendly Societies;* and also an Act passed in the Session of Parliament held in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to amend the Laws relating to Friendly Societies*, shall be and the same are hereby repealed, except so far as any of the said Acts repeal the whole or any Part of any other Acts, and except so far as the same may be applicable to any Benefit Building Society established under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth: Provided nevertheless, that such Repeal shall not invalidate or affect anything which has been done before the passing of this Act in pursuance of any of the said Acts: Provided also, that the Provisions of the said Acts, except as herein-after provided, shall continue in force as to all Societies established under any or either of them before the passing of this Act.

Repeal of 10 G. 4. c. 56. 2 & 3 W. 4. c. 37. 4 & 5 W. 4. c. 40. 3 & 4 Vict. c. 73. 9 & 10 Vict. c. 27.

II. And be it enacted, That it shall be lawful for any Number of Persons to establish a Society or Branch of the same under the Provisions of this Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; that is to say,

Objects for which Friendly Societies may be established.

1. For insuring a Sum of Money to be paid, on the Death of a Member, to the Widower or Widow of a Member, as the Case may be, or to the Child, or to the Executors, Administrators, or Assigns, of such Member, or for defraying the Expense of the Burial of a Member, or of the Husband, Wife, Child, or Kindred of a Member; subject always to the Restrictions herein-after enacted in that Behalf:

2. For the Relief, Maintenance, or Endowment of the Members, their Husbands, Wives, Children, or Kindred, in Infancy, old Age, Sickness, Widowhood, or any other natural State of which the Probability may be calculated by way of Average:

3. For insuring or making good any Loss or Damage of live or dead Stock, Goods or Stock in Trade, Implements and Tools, sustained by any Member by Fire, Flood, Shipwreck, or any Contingency of which the Probability may be calculated by way of Average:

4. For the frugal Investment of the Savings of the Members for better enabling them to purchase Food, Firing, Clothes, or other Necessaries, or the Tools, Implements, or Materials of their Trade or Calling, or to provide for the Education of their Children or Kindred: Provided, that the Shares in any such Investment Society shall not be transferable, and that the Investment of each Member shall accumulate or be employed for the sole Benefit of the Member investing, or of the Husband, Wife, Children, or Kindred of such Member, and that no Part thereof shall be appropriated to the Relief, Maintenance, or Endowment of any other Person whomsoever; and that the whole Amount of the Balance due, according to the Rules of such Society, to such Member, shall be paid to him or her on withdrawing from such Society:

5. For the Purpose of enabling any Member, or the Husband, Wife, or Children, or Nominee, of such Member, to emigrate; provided that, in case of any Society for that Purpose, One of the Trustees shall be a Justice of the Peace residing in and acting for the County, Borough, or Place in which such Society shall be established:

6. For any Purpose which shall be certified to be legal in *England* or *Ireland* by Her Majesty's Attorney General, or in *Scotland* by the Lord Advocate, as a Purpose to which the Powers and Facilities of this Act ought to be extended:

Act limited to Societies not assuring above 100*l.*, or Annuity of 30*l.*, or 20*s.* per Week in Sickness.

Provided always, that it shall not be lawful for any Society or Branch established under this Act to assure the Payment to or on the Death of any Member, or on any Contingency, or for any of the Purposes for which the Payment of Sums may be assured under this Act, of any Sum exceeding One hundred Pounds, nor any Annuity exceeding Thirty Pounds *per Annum*, nor a Sum in Sickness exceeding Twenty Shillings *per* Week.

III. And be it enacted, That in all Societies established under the Provisions of this Act, or of any Act relating to Friendly Societies, it shall not be lawful for the Trustees or other Officers of such Societies to assure a Sum of Money to be paid on the Death of a Child, whether a Member of such Society or not, under

No Sum to be paid on Death of a Child except for Funeral.

under the Age of Ten Years, except the actual Funeral Expenses, not exceeding Three Pounds in case of such Child, to be paid to the Undertaker or Person by whom the Burial is conducted, and whose Receipt alone shall be sufficient Discharge to the Society, nor to pay any Sum of Money which may have been insured and become payable on the Death of any Member thereof, or of the Husband, Wife, or Child of any Member, unless the Party applying for the same shall produce and deliver to the Officer a Certificate, signed by a Physician, Surgeon, Apothecary, or Coroner, in the Form (D.) set forth in the Schedule to this Act annexed, except in Cases where from the Nature of the Circumstances it is impossible to procure such Certificate; and if any Officer of such Society shall pay or cause to be paid such Sum of Money as aforesaid without such Certificate as aforesaid, such Officer shall be liable to a Penalty not exceeding Ten Pounds, to be recoverable before any Justice of the Peace or Magistrate of any Borough where such Society is established; and, upon Conviction thereof, one Half of the said Penalty shall be paid to the Informer, and he is hereby declared to be competent to give Evidence in this Case, and the other Half shall be paid to the Overseer of the Parish in which the Place of Business of such Society or Branch is situated, to be applied to the Relief of the Poor therein.

Certificate of Surgeon or Coroner required before Money is paid on Death of a Member.

Power to repeal or alter Rules, and appoint Committee and Officers.

IV. And be it enacted, That it shall be lawful for the Persons intending to establish under the Provisions of this Act a Friendly Society or Branch thereof to make or adopt Rules for the Government and Guidance of the same, and to make such Provision in the Rules as they shall think fit, for ordaining, repealing, altering, or amending any Rules, and to impose reasonable Fines and Forfeitures on any Member offending against the Regulations of the same, and to form a General Committee or Board of Management, and to delegate to the same all or any of the Powers given by this Act, to be executed either with respect to the Management of the Society or Branch, or the Enactment, Amendment, Repeal, or Alteration of the Rules thereof; and in such Rules there shall distinctly be set forth,

1. The Name and Designation of such Society or Branch, and Place where the Business thereof is carried on, the whole of the Objects and Intentions for which it is founded, the whole of the Purposes to which the Funds thereof are applicable according to the Rules and Tables thereof, and the Conditions under which any Member, or Party claiming under or by a Member, may become entitled to any Benefit assured thereby:

2. The Manner of making, repealing, or altering Rules, of appointing Trustees, a Treasurer, and an Officer who shall keep the Books and Accounts, and prepare the Returns required by this Act, a General Board or Committee of Management, and the Duties and Powers of each:

3. The Mode in which the Funds shall be invested:

4. The Manner in which Disputes between the Society or Branch, and any Member thereof, or Person claiming on account or through any Member, shall be settled.

Separate Accounts to be kept as to each Fund or Benefit.

V. Provided always, and be it enacted, That the Rules of every such Society or Branch shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, or Kindred, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account distinct from the Monies received and paid on account of any other Benefit or Fund

Society or Branch not legally established till Rules certified.

VI. And be it enacted, That such Society or Branch shall not be deemed to be legally established under this Act, nor be entitled to any of the Provisions of the same, unless the Rules and every Amendment of Rules or Tables made from Time to Time thereof shall have been duly certified by the Registrar as herein-after provided.

Registrar to give Certificate.

VII. And be it enacted, That Two printed or written Copies of all Rules and Tables adopted by such Society or Branch, together with the Name and Residence of every Trustee thereof, signed by Three Members, and countersigned by the Clerk or Steward or other Officer, with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering, or amending thereof, shall be transmitted to the Registrar of Friendly Societies in *England*, *Scotland*, or *Ireland*, as the Case may be; and so soon as the said Registrar shall find the said Rules to be framed in conformity with Law, and that no Rule or Part thereof is repugnant to another, and that the same are reasonable and proper, he shall register the same; and if such Rules and Tables have been certified under the Hand of the Actuary to the Commissioners for Reduction of the National Debt, or by some other Actuary who shall have been for more than Five Years an Actuary of some Life Assurance Company established in *London*, *Edinburgh*, or *Dublin*, in the Form set forth in Schedule (C.) to this Act annexed, and signed by him at the Foot both of the Rules and Tables, or shall have been furnished to such Society or Branch by the Registrar, the Registrar shall give a Certificate in the Form set forth in Schedule (B.) to this Act annexed, and such Society or Branch shall be denominated Certified Friendly Society; but if such Rules and Tables shall not have been so certified by an Actuary as above mentioned, in such Case the Registrar shall give a Certificate in the Form set forth in Schedule (A.) to this Act annexed, and such Society or Branch shall be denominated Registered Friendly Society; and the Registrar shall return one of the Copies to the Society or Branch, and shall keep the other in such Manner as shall be from Time to Time directed by One of Her Majesty's Principal Secretaries of State; and all Rules, Alterations or Amendments thereof, when certified as aforesaid, shall be binding on the several Members, and all Persons claiming by or under them.

Certified Friendly Societies.

Registered Societies.

Societies granting Annuities to have Annuity Tables certified by Actuary.

VIII. Provided always, and be it enacted, That it shall not be lawful for the Registrar to grant any Certificate to any Society assuring to any Member thereof a certain Annuity, deferred or immediate, unless the Tables of Contributions payable for such Kind of Assurance shall have been certified by an Actuary as aforesaid or furnished by the Registrar.

IX. And

IX. And be it enacted, That for every such Certificate of Rules of any Friendly Society a Fee of One Guinea shall be paid to the Registrar, and for every Certificate of Rules of any Branch of such Society a Fee of Two Shillings and Sixpence; and for every Certificate of Amendment, Repeal, or Alteration of Rules of any Society or Branch a Fee of Two Shillings and Sixpence shall be paid to the Registrar. Fees to be paid to Registrar for Certificates.

X. And be it enacted, That the future Registrars of Friendly Societies in *England*, *Scotland*, and *Ireland* respectively shall be appointed by the Commissioners for the Reduction of the National Debt, and shall hold Office during the Pleasure of the said Commissioners; and it shall be lawful for Her Majesty to grant to the Registrar in *England* already appointed a Salary not exceeding One thousand Pounds by the Year, and to every Registrar in *England* hereafter to be appointed a Salary not exceeding Eight hundred Pounds by the Year, and to every Registrar in *Ireland* and *Scotland* respectively already or to be hereafter appointed such a Salary as to the Commissioners of Her Majesty's Treasury shall seem meet, and every such Salary shall be paid by Four equal quarterly Payments; and any Registrar who shall be appointed, or shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a Part of his Salary proportional to that Part of such Quarter of a Year during which he shall hold his Appointment. Appointment and Salary of Registrar.

XI. And be it enacted, That every Treasurer of any Society or Branch established under the Provisions of this Act, before he shall be admitted to take upon him the Execution of any such Office, shall become bound in a Bond according to the Form set forth in Schedule (E.) to this Act annexed, with Two sufficient Sureties, for the just and faithful Execution of such Office, and for rendering a just and true Account according to the Rules of such Society or Branch, in such penal Sum of Money as by the Trustees or Board of Management shall be deemed expedient; and every such Bond to be given by or on behalf of such Officer shall be given to the Trustees of the said Society or Branch for the Time being; and in case of Forfeiture it shall be lawful to sue upon such Bond in the Name of the Trustees for the Time being, for the Use of the said Society or Branch; provided that such Bond shall have in *Scotland* the same Force and Effect as a Bond in the Form in use in *Scotland* containing a Clause of Registration. Treasurer to give Bond.

XII. And be it enacted, That the Trustees or Treasurer for the Time being of any such Society or Branch, or of any Society already established under any of the Acts relating to Friendly Societies, shall and they are hereby required, from Time to Time, by and with the Consent of such Society or Branch, to be had and testified in such Manner as the Rules shall direct, to lay out and invest such Part of all Sums of Money as shall at any Time be collected, given, or paid to and for the Purposes of such Society, as may not be wanted for the immediate Use thereof, or to meet the usual accruing Liabilities of such Society or Branch, in the Names of such Trustees, in any Savings Banks, subject to the Provisions of Acts in force relating to the same, or in any of the Parliamentary Stocks or Public Funds of *Great Britain* or *Ireland*, or at Interest upon Government Securities, or in Bank of *England* Stock, or in the Stock or Securities of the Honourable *East India* Company, or on Mortgage of Freehold, Leasehold, or Copyhold Property, such Leasehold being for a Term of Years absolute of which not less than Thirty Years shall be unexpired, and such Copyhold being Copyhold of Inheritance, in *Great Britain* or *Ireland*, or on Security of any Heritable Property, or in any chartered or other public Joint Stock Bank in *Scotland*, or in or upon the Security of any County or Borough Rates authorized to be levied and mortgaged by any Act of Parliament, or on Loan to any Member of any such Society on the Security of any Policy of Assurance effected on his own Life, provided that the Amount of such Loan shall not exceed the actual estimated Value of such Policy at the Time such Loan be made; and from Time to Time, with such Consent as aforesaid, to alter and transfer such Securities and Funds, and to make Sale thereof respectively; and all Dividends, Interests, and Proceeds which shall from Time to Time arise from the Monies so laid out or invested as aforesaid shall be brought to account by such Trustees, and shall be applied to and for the Use of such Society or Branch, according to the Rules thereof: Provided always, that it shall be lawful for the Trustees or Treasurer as aforesaid, with the Consent of such Society or Branch as aforesaid, to purchase, hire, or take upon Lease any Room or Premises for the Purpose of holding therein the Meetings of such Society or Branch, or for the Transaction of Business relating thereto, and to hold the same in trust in and for the Use of such Society or Branch, and to sell, exchange, let, and demise the same in whole or in part with the Consent as aforesaid. Trustees, &c. to invest Funds.

XIII. And be it enacted, That all Hereditaments, Monies, Goods, Chattels, and Effects whatever, and all Titles, Securities for Money, or other obligatory Instruments and Evidences or Muniments, and all Rights or Claims, belonging to or had by such Society or Branch, shall be vested in the Trustees or Trustee for the Time being of the same, for the Use and Benefit of such Society or Branch, and the respective Members thereof, their respective Executors or Administrators, according to their respective Claims and Interests, and after the Death or Removal of any Trustees or Trustee shall vest in the succeeding Trustees or Trustee for the same Estate and Interest as the former Trustees or Trustee had therein, and subject to the same Trusts, without any Conveyance or Assignment whatever, except the Transfer of Stocks and Securities in the Public Funds of *Great Britain* and *Ireland;* and also shall, for all Purposes of Action or Suit, as well criminal as civil, in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such Proceeding (where necessary) be stated to be, the Property of the Person or Persons appointed to the Office of Trustee of such Society for the Time being, in his or their proper Name or Names, without further Description; and such Persons or Person shall and they are hereby respectively authorized to bring or defend, or cause to be brought Property vested in Trustees.

or defended, any Action, Suit, or Prosecution, criminal as well as civil, in any Court of Law or Equity, touching or concerning the Property, Right, or Claim aforesaid of or belonging to or had by such Society or Branch; and such Persons shall and may in all Cases concerning the Property, Right, or Claim aforesaid of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in their or his proper Names or Name, as Trustees or Trustee of such Society or Branch, without other Description; and no such Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or his Removal from the Office of Trustee, but the same shall and may be proceeded in by the succeeding Trustees or Trustee in the proper Name of the Person commencing the same, and such succeeding Trustees or Trustee shall pay or receive like Costs as if the Action or Suit had been commenced in his or her Name, for the Benefit of or to be reimbursed from the Funds of such Society or Branch: Provided always, that no Person shall be deemed to be a Trustee under the Meaning of this Act until the Resolution of the Society or Branch appointing him Trustee shall have been transmitted, under the Hand of Three Members of the Society or Branch, and signed by such Trustee, countersigned by the Clerk or other principal Officer, to the Registrar, to be by him deposited with the Rules of the Society or Branch in his Custody as aforesaid.

Trustees may sue and be sued.

No Person to be Trustee until his Appointment forwarded to Registrar.

Limitation of Responsibility of Treasurer, &c.

Treasurer, &c. liable for Money actually received.

XIV. And be it enacted, That no Treasurer or Trustee or other Officer of any Society or Branch established under the Authority of this Act shall be liable to make good any Deficiency which may arise in the Funds thereof unless he shall have declared, by Writing under his Hand, to be deposited with the Registrar, that he is willing so to be answerable; and it shall be lawful for each of such Persons to limit his Responsibility to such Sum as shall be specified in such Writing: Provided always, that every Treasurer, Trustee, and other Officer shall be personally responsible and liable for all Monies actually received by him on account of or for the Use of such Society or Branch.

Trustees to transmit annual Return to Registrar.

XV. And be it enacted, That the Trustees or other Officer of every such Society or Branch in whose Charge the Accounts of the said Society are kept shall once in every Year prepare or cause to be prepared a General Statement of the Funds and Effects of such Society or Branch during the past Twelve Months, in such Form as shall enable the Registrar to make a Return under the several Heads set forth in Schedule (F.) to this Act annexed, as accurately as such Officer may be able to furnish the Information required, and shall transmit the same to the Registrar on some Day before the First of *September* in each Year; and every such Statement shall be attested by Two Trustees of such Society, and by the Auditor, if any such shall have been appointed, and shall be countersigned by the Officer who keeps the Accounts of such Society; and every Member shall be entitled to receive from the said Society a Copy of such Statement on Payment of Sixpence.

In default of such Return Trustees to be incapable of bringing Action.

XVI. And be it enacted, That if in any Year such Statement shall not have been transmitted as aforesaid on or before the last Day of *September*, the Registrar shall give Notice to the Trustees of such Society or Branch; and if the said Statement shall not have been transmitted on or before the last Day of *December* following, or if any fraudulent or wilfully false Return shall have been transmitted, such Trustees are hereby declared to be incapable of prosecuting any Action in any Court of Law or Equity on behalf of such Society or Branch until they shall have duly furnished to the Registrar such Statement as aforesaid.

Quinquennial Returns to be sent to Registrar.

XVII. 'And whereas it is desirable, for the better Security of Friendly Societies, that correct Calcu-'lations of Tables of Payment and Allowances dependent on the Duration of Sickness and the Pro-'babilities of Human Life should be constructed for their Assistance; and it is expedient to collect 'Data and Facts resulting from the Experience of such Societies from Time to Time, for the Purpose 'of correcting such Calculations:' Be it enacted, That the Trustees or other Officers as aforesaid of every Society or Branch established under the Provisions of this Act, in which any Benefits are assured for an Allowance in Sickness, an Annuity, deferred or immediate, or a Sum to be paid on Death, shall, within Three Months after the Expiration of the Month of *December* One thousand eight hundred and fifty-five, and so again within Three Months after the Expiration of every Five Years succeeding, transmit to the Registrar a Return of the Rate of Sickness and Mortality experienced by the Society or Branch within the preceding Five Years, in such Form as shall be prepared for that Purpose, and furnished to the Trustees of every such Society or Branch, by the said Registrar, under the Direction of One of Her Majesty's Principal Secretaries of State.

Registrar to prepare Abstract of Returns for Parliament, &c.

XVIII. And be it enacted, That the Registrar shall cause to be made an Abstract and Report of all such annual and quinquennial Returns, and shall lay the same before One of Her Majesty's Principal Secretaries of State, and before both Houses of Parliament.

When Trustees shall be absent, &c. Registrar may order Stock to be transferred and Dividends paid.

XIX. And be it enacted, That whenever it shall happen that any Person in whose Name any Part of the several Stocks, Annuities, and Funds transferable at the Bank of *England*, or in the Books of the Governor and Company of the Bank of *England*, is or shall be standing as a Trustee of any such Society or Branch, shall be out of *England*, *Ireland*, or *Scotland* respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar to direct that the Accountant General, Secretary, or Deputy Secretary, or other proper Officer for the Time being of the Governor and Company of the Bank of *England*, do transfer in the Books of the said Company such Stock, Annuities, or Funds standing as aforesaid to and into the Name of the newly appointed Trustee or Trustees, and also pay over to such Person or Persons as aforesaid the Dividends of such Stock, Annuities, or Funds; and whenever it shall happen that One or more only, and not all or both of such Trustees as aforesaid, shall be so absent, or have been removed, or be a Bankrupt, Insolvent, or Lunatic, or

it be unknown whether any One or more of such Trustees be living or dead, it shall be lawful for the said Registrar to direct that the other and others of such Trustees do transfer such Stock, Annuities, or Funds to or into the Name of such Person so appointed Trustee as aforesaid, jointly with the continuing Trustees, if any, and also receive and pay over the Dividends of such Stock, Annuities, or Funds, as such Society shall direct.

Act to be an Indemnity to the Bank.

XX. And be it enacted, That this Act shall be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and their Officers and Servants, for all Acts and Things done pursuant hereto; and such Acts and Things shall not be questioned or impeached in any Court of Law or Equity to their Prejudice or Detriment.

Provisions of 39 G. 3. c. 79. and of 57 G. 3. c. 19. not to extend to Friendly Societies under this Act.

XXI. And be it enacted, That the Provisions of an Act passed in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for better preventing treasonable and seditious Practices*, and also of another Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the more effectual preventing seditious Meetings and Assemblies*, shall not extend to any Society or Branch established under this Act in which Benefits are assured to the Members depending on the Laws of Sickness and Mortality, or to any Meeting of the Members or Officers thereof, in which Society or Branch or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society or Branch as declared in the Rules thereof, as they are set forth in the certified Copy thereof: Provided always, that the Trustees or other Officers of such Society or Branch, when required under the Hand of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society or Branch, and in default thereof the Provisions of the said recited Acts shall be in force with regard to such Society or Branch.

Disputes to be settled according to Rules of Society.

Questions of Equity to be settled by County Court, or Sheriff Court of Scotland.

XXII. And be it enacted, That if any Dispute shall arise between the Members, or Person claiming under or on account of any Member, of any Society or Branch established under this Act, and the Trustees, Treasurer, or other Officer or Committee thereof, it shall be settled in such Manner as the Rules of such Society or Branch shall direct, and the Decision so made shall be binding and conclusive; but if such Dispute be of such Kind that for the Settlement of it, according to the Laws now in force, recourse must be had to One of Her Majesty's Courts of Equity, or to the Court of Session, it may be referred, at the Option of either Party, to the Judge of the County Court or of the Sheriff Court in *Scotland*, who shall proceed *ex parte*, on Notice in Writing to the other of the said Parties being left at his usual Place of Residence or Abode Ten Days previously; and he is hereby authorized to require of all Parties who are or may have been Members, Trustees, or Officers of such Society to produce before him all Books or other Documents relating to the Concerns of such Society; and thereupon, if he shall so think fit, it shall be lawful for him to determine the said Dispute, and to displace any such Trustee or Officer, or to make such Award as the Justice of the Case, in his Opinion, may require, and such Decision or Award shall be binding and conclusive.

Rules for Arbitration, where such is appointed by Rules.

Justices may enforce the Award.

XXIII. And be it enacted, That if it shall be provided by the Rules of such Society or Branch that Disputes which may arise between any Member thereof and the Trustees, Committee, or Officers on the Part of the Society shall be settled by Arbitration, the Number of Arbitrators and Mode of Election shall be stated in the Rules; and in case any of such Arbitrators shall at any Time neglect or refuse to act, the Members of such Society or Branch at a General Meeting, or General Committee thereof, are hereby required forthwith to elect and appoint some other Person to be an Arbitrator in his Place; and the Rules shall direct in what Manner such Arbitrators, or any of them, shall proceed to determine such Disputes; and the Award so made by them, or so many as may be appointed for the Purpose, according to the Rules, shall be final and binding on all Parties without Appeal, and shall not be removed to any Court of Law or Equity; and if either of the said Parties shall refuse or neglect to comply with or conform to the Decision of the said Arbitrators, or the major Part of them, it shall and may be lawful for any One Justice of the Peace for the County within which such Society shall be established, upon good and sufficient Proof being adduced before him of such Award having been made, and of the Refusal of the Party to comply therewith, upon Complaint made by or on behalf of the Party aggrieved, to summon the Person against whom such Complaint shall be made to appear at a Time and Place to be named in such Summons, and upon his or her Appearance, or in default thereof upon due Proof upon Oath of the Service of such Summons, to make such Order thereupon as may to him seem just; and if the Sum of Money awarded, together with the Sum for Costs, not exceeding the Sum of Ten Shillings, as to such Justice shall seem meet, shall not be immediately paid, then such Justice shall, by Warrant under his Hand, cause such Sum and Costs as aforesaid to be levied by Distress, or by Distress and Sale of the Monies, Goods, Chattels, Securities, and Effects belonging to the said Party or to the said Society, together with all further Costs and Charges attending such Distress and Sale or other legal Proceedings, returning the Overplus (if any) to the said Party, or to the said Society, or to One of the Trustees thereof; and in default of such Distress being found, or in case of such other legal Proceeding being ineffectual, then to be levied by Distress and Sale of the proper Goods of the said Party or of the Officer of the said Society so neglecting or refusing as aforesaid, together with such further Costs and Charges as aforesaid, returning the Overplus (if any) to the Owner: Provided always, that whatever Sums shall be paid by any such Officer so levied on his or her Property or Goods in pursuance of the Award of Arbitrators, or Order of any Justice, shall be repaid, with all Damages accruing to him or her, by and out of the Monies

Monies belonging to such Society, or out of the first Monies which shall be thereafter received by such Society.

If no Arbitrators appointed, or no Award given, Justices may decide.

XXIV. And be it enacted, That if the Rules of any such Friendly Society or Branch shall have provided for the Settlement of Disputes by Arbitration, but no Arbitrator shall have been appointed, or no Award shall have been made within Forty Days after such Complaint has been made to the Officers of such Society or Branch, or if the Rules shall have directed that any Dispute between the Members and the Trustees or other Officer on the Committee of Management shall be settled by Justices of the Peace, then it shall be lawful for any Justice of the Peace acting in the County or Borough in which the principal Business of the Society or Branch is carried on, on Complaint being made to him by any Member, or Person claiming under a Member thereof, of any Matter in dispute between him and such Society or Branch, to summon the Person against whom such Complaint shall be made to appear at a Time and Place to be named in such Summons; and upon his Appearance, or in default thereof upon due Proof on Oath of the Service of such Summons, it shall be lawful for any Two Justices to proceed to hear and determine the said Complaint; and in case the said Justices shall order any Sum of Money to be paid by such Person against whom such Complaint shall be made, and such Person shall not pay the same to the Person and at the Time specified by such Justices, they shall proceed to enforce their Order in the Manner herein-before directed to be used in case of any Neglect to comply with the Decision of the Arbitrators appointed under the Authority of this Act.

Arbitrators or Justices may direct expelled Member to be reinstated, and may award a Compensation in default.

XXV. And be it enacted, That in case any Member of any such Society or Branch shall have been expelled from such Society, and the Award of the Arbitrators or the Order of the Justices shall direct that he or she shall be reinstated, it shall be lawful for such Arbitrators to award or Justices to order, in default of such Reinstatement, such a Sum of Money to be paid to such Member by the Trustees of such Society as to such Arbitrators or Justices may seem just and reasonable, which said Sum of Money, if not paid, shall be recoverable from the said Society or Branch, or the Treasurer, Trustee, or other Officer, in the same Way as any Money awarded by Arbitrators is recoverable under this Act.

In case of Fraud or Imposition on the Funds, Justices may summon the Parties, and hear the Complaint.

XXVI. And be it enacted, That for the more effectually preventing Fraud and Imposition on the Funds of such Societies, if any Officer, Member, or any other Person, being or representing himself to be a Member of such Society or Branch, or the Nominee, Executor, Administrator, or Assignee of any Member thereof, or any other Person whatever, shall in or by any false Representation or Imposition obtain Possession of the Monies, Securities, Books, Papers, or other Effects of such Society or Branch, or any Part thereof, or having the same in his or her Possession shall withhold or misapply the same, it shall be lawful for any Justice of the Peace acting in the County or Borough in which the principal Place of Business of such Society is situated, upon Complaint made on Oath or Affirmation by an Officer of such Society or Branch appointed for that Purpose, to summon such Person against whom such Complaint shall be made to appear at a Time and Place to be named in such Summons; and upon his or her Appearance, or in default thereof upon due Proof upon Oath or Affirmation of the Service of such Summons, it shall be lawful for any Two Justices acting in the County or Borough aforesaid to hear and determine the said Complaint; and upon due Proof of such Fraud the said Justices shall convict the said Party, and award double the Amount of the Money so obtained or withheld to be paid to the Treasurer, to be applied by him to the Purposes of the Society or Branch, or order the said Securities, Books, Papers, or other Effects to be delivered to the Society or Branch, together with such Costs as shall be awarded by the said Justices, not exceeding the Sum of Twenty Shillings; and in case such Person against whom such Complaint shall be made shall not pay the Sum of Money so awarded, to the Person and at the Time specified in the said Order to deliver the said Effects as aforesaid, such Justices are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods of such Person on whom such Order shall have been made, or by other legal Proceeding, together with such Costs as shall be awarded by the said Justices, not exceeding the Sum of Ten Shillings, and also the Costs and Charges attending such Distress and Sale or other legal Proceeding, returning the Overplus (if any) to the Owner; and in default of such Distress being found, or of such Effects as aforesaid being returned, the said Justices of the Peace shall commit such Person so proved to have offended to the Common Gaol or House of Correction, there to be kept to hard Labour for such a Period not exceeding Three Calendar Months as to them shall seem fit: Provided nevertheless, that nothing herein contained shall prevent the said Society or Branch from proceeding by Indictment or Complaint against the Party complained of; and provided also, that no Party shall be proceeded against by Indictment or Complaint if a previous Conviction has been obtained for the same Offence under the Provisions of this Act.

Upon Proof of Fraud, Justices may award double the Amount obtained, &c.

If Money awarded is not paid, the same may be levied by Distress.

In default of Distress, Offender may be committed to Prison.

Orders of Justices to be final, and not removable into Court of Law, &c.

XXVII. And be it enacted, That every Sentence, Order, and Adjudication of Justices under this Act shall be final and conclusive to all Intents and Purposes, and shall not be subject to Appeal, and shall not be removed or removable into any Court of Law, or restrained or restrainable by the Injunction of any Court of Equity; and that no Suspension, Advocation, or Reduction shall be competent: Provided always, that in *Scotland* the Sheriff, within his County, shall have such and the like Power, Authority, and Jurisdiction which is in this Act conferred upon any Justice or Justices of the Peace, and shall exercise the same in such and the like Form and Manner as is used in Cases of a summary Nature, and in the Recovery of Small Debts in the County Court.

Treasurers, &c. to render Ac-

XXVIII. And be it enacted, That every Person who shall have or receive any Part of the Monies, Effects, or Funds of or belonging to any such Society or Branch, or shall in any Manner have been or shall

shall be intrusted with the Disposal, Management, or Custody thereof, or of any Securities, Books, Papers, or Property relating to the same, his or her Executors, Administrators, and Assigns respectively, shall, upon Demand made, or Notice in Writing given or left at the last or usual Place of Residence of such Persons, in pursuance of any Order of not less than Two Trustees or Three Members of the Committee or Board of Management, give in his Account at the usual Meeting of such Society or Branch, or to such Committee or Board of Management, to be examined and allowed or disallowed; and shall, on the like Demand or Notice, pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property, in his Hands or Custody, to the Treasurer or Trustee for the Time being, or to such other Person as such Committee or Board of Management shall appoint; and in case of any Neglect or Refusal to deliver such Account, or to pay over such Monies, or to assign, transfer, or deliver such Securities and Effects, Books, Papers, and Property, in manner aforesaid, it shall be lawful to and for the Members of every such Society, or Committee or Board of Management thereof, in the Name of the Treasurer or Trustee or other Officer thereof, to apply by Petition to the Registrar, who shall and may proceed thereupon in a summary Way, and make such Order therein as to such Registrar, in his Discretion, shall seem just.

counts, and upon Demand pay over Monies, &c. to Party appointed by Society, &c.;

and in case of Neglect, Application to be made to Registrar, who shall proceed summarily.

XXIX. And be it enacted, That on any Proceedings before the said Registrar he shall be authorized to inspect and to require the Production before him of all Books or other Documents relating to the Matter in dispute, and to administer an Oath to any Witness appearing before him; and every Person who upon such Oath shall wilfully and corruptly give any false Evidence before such Registrar shall be deemed to be guilty of Perjury.

Registrar may inspect Books and administer Oaths.

XXX. And be it further enacted, That all Orders made by the Registrar under the Provisions of this Act shall be final and binding on all Parties, without Appeal; and all Assignments, Orders, Transfers, or Sales made in pursuance of such Order shall be valid and effectual in Law; and if any Person shall refuse or neglect to obey such Order, and shall be convicted thereof, he shall be deemed guilty of a Misdemeanor.

Orders, &c. to be binding without Appeal.

XXXI. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to fix reasonable Fees to be paid on any such Proceedings before the Registrar, and all such Fees shall be paid in the first instance by the Trustees of the Society or Branch; and the Registrar shall determine in and by his Award or Order by which of the Parties and in what Proportion the Expense of such Fees shall be finally borne; and the Trustees of such Society or Branch, having paid such Fees, shall be entitled to recover them from the Party or Parties against whom they shall be so awarded.

Secretary of State to fix Amount of Fees payable on Reference, and Registrar to determine who shall pay them.

XXXII. And be it enacted, That on the Trial of any Action, Indictment, or other Proceeding respecting the Property of any Society established under the Provisions of this Act, or in any Proceedings before any Justice of the Peace, Judge of the County Court, or the Registrar, any Member of such Society shall be a competent Witness, and shall not be objected to on account of any Interest he may have as such Member in the Result of such Action, Indictment, or other Proceeding.

Member of Friendly Society may be a Witness.

XXXIII. And be it enacted, That a Minor may become a Member of any such Society or Branch, and he is hereby empowered to execute all Instruments, and give all necessary Acquittances; provided always, that such Minor shall not be competent during his Minority to hold any Office as Director, Trustee, Treasurer, or Manager in such Society or Branch.

Minors may be Members, and act, but not hold Office.

XXXIV. And be it enacted, That it shall not be lawful for the Members of any such Society or Branch, by any Rule or Order or Resolution, to dissolve or determine such Society or Branch, so long as the Intents or Purposes declared by the Rules of such Society, or any of them, remain to be carried into effect, without obtaining the Votes of Consent of Five Sixths in Value of the then existing Members, to be ascertained in manner herein-after mentioned, and also the Consent of all Persons then receiving or then entitled to receive Relief either on account of Sickness, Age, or Infirmity, to be testified under their Hands individually and respectively; and for the Purpose of ascertaining the Votes of such Five Sixths in Value every Member shall be entitled to One Vote, and an additional Vote for every Five Years that he may have been a Member; provided also, that no One Member shall have more than Five Votes in the whole; and in all Cases of Dissolution the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the proposed Plan of Dissolution prior to such Consent being given; and it shall not be lawful for such Society or Branch by any Rule to direct the Division or Distribution of such Stock or Fund, or any Part thereof, to or amongst the several Members of such Society, other than for carrying into effect the general Intents and Purposes declared by the Rules originally certified; and all such Rules for the Dissolution or Determination thereof without such Consent as aforesaid, or for the Distribution or Division of the Stock or Funds contrary to the Rules, shall be void and of none Effect; and in the event of such Division or Misappropriation of the Funds without the Consent hereby declared to be requisite, any Trustee or other Officer or Person aiding or abetting therein shall be liable to the like Penalties as are in this Act provided in Cases of Fraud: Provided always, that it shall be lawful for any Two or more Societies or Branches to become united or incorporated in One Society or Branch, upon such Terms as shall be approved by the major Part of the Trustees and Board of Management of both Societies or Branches.

Consent necessary for Dissolution of Society.

XXXV. And be it enacted, That all Rules, Alteration of Rules, Transcript or Copy of or Extracts from all Rules and Alteration of Rules, and all Awards, Writings, and Documents, of what Nature or Kind soever, relating to any Society or Branch, directed by any Act or Acts of Parliament to be certified by the Registrar, and purporting to be signed by him, shall, in the Absence of any Evidence to the contrary,

Rules, &c. under Hand of Registrar to be received without Proof of Signature.

contrary, be received in all Courts of Law and Equity and elsewhere, without Proof of the Signature thereto.

Executors, &c. of Officers of certified Friendly Societies to pay Money due to Society before any other Debts, within Forty Days after Demand in Writing.

XXXVI. And be it enacted, That if any Person appointed to any Office in any Friendly Society or Branch thereof established under this Act, and being intrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his said Office or Employment, any Monies or Effects belonging thereto, or any Deeds or Securities relating to the same, shall die, or become a Bankrupt or Insolvent, or have any Execution or Attachment or other Process issued, or Action or Diligence raised, against his Lands, Goods, Chattels, or Effects, or Property or Estate, heritable or moveable, or make any Assignment, Disposition, Assignation, or other Conveyance thereof, for the Benefit of his Creditors, his Heirs, Executors, Administrators, or Assignees, or other Persons having legal Right, or the Sheriff or other Officer executing such Process, or the Party using such Action or Diligence, shall, within Forty Days after Demand made in Writing by the Order of any such Society or Branch, or of not less than Three of the Committee of Management assembled at any Meeting thereof, deliver and pay over all Monies and other Things belonging to such Society or Branch to such Person as such Society or Committee shall appoint, and shall pay out of the Estates, Assets, or Effects, heritable or moveable, of such Person, all Sums of Money remaining due which such Person received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied, or before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and all such Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment and Discharge thereof accordingly.

Member belonging to more than One Society not to be entitled to Benefits exceeding 100*l.*, or 30*l.* Annuity, or 20*s.* Sickness.

XXXVII. And be it enacted, That if any Person after the passing of this Act shall become a Member of more than One Society or Branch, and thereby be entitled to certain Benefits on account of the same Kind of Assurance from more than One Society or Branch, it shall not be lawful for him to claim or receive such Benefit from any or either Society or Branch without signing a Declaration that the joint Value or Amount of all the Benefits in any One Kind of Assurance to which he may be entitled from any Society or Societies, Branch or Branches, of which he may be a Member, does not in the aggregate exceed the Amount of One hundred Pounds in One Sum, or an Annuity of Thirty Pounds *per Annum*, or a Sum in Sickness of Twenty Shillings *per* Week; and in case such Declaration shall not be true, such Member shall be liable to the Penalties herein-before enacted in case of Fraud.

Certified Societies may invest Monies with National Debt Commissioners, upon Declaration of exclusive Property.

In case Declaration not true, Money to be forfeited, and applied in manner directed by 9 G. 4. c. 92.

XXXVIII. And be it enacted, That it shall be lawful for any certified Society, or certified Branch thereof, established under this Act, to pay directly into the Bank of *England* any Sum of Money not less than Fifty Pounds to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Treasurer or Trustees of such Society or Branch, or any Two or more of them, that such Monies belonging exclusively to the Society or Branch for which such Payment is intended to be made; and the Cashier of the Bank of *England* is hereby required to receive all such Monies, and to place the same to the Account raised in the Names of the said Commissioners for the Time being in the Books of the Bank, denominated "The Fund for Friendly Societies;" and in case such Declaration shall not be true, then and in every such Case the Sum of Money paid in on such Declaration shall be forfeited to the said Commissioners, and applied by them in the Manner directed by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks;* and all the Clauses and Provisions of the Acts for the Time being in force relating to Savings Banks, with respect to the Account of such Banks, and the Regulation of Receipts, Certificates, or Orders concerning the same, shall be applicable to the Monies so paid in as aforesaid under the Authority of this Act, as if the same had been repeated herein; and every such Society or Branch shall, on paying Money directly into the Bank as aforesaid, be entitled to receive Receipts bearing Interest at the Rate of Two-pence *per Centum per Diem:* Provided always, that no fractional Part less than One Penny shall be allowed or paid as Interest upon the Principal Sum contained in such Receipt.

Powers of Attorney, &c. not liable to Stamp Duty.

XXXIX. And be it enacted, That, except as herein-after provided, no Order of the Registrar, or Copy of Rules, Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society or Branch established under this Act, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Receipt for Money contributed to the Funds of any such Society or Branch, or received by any Member, his Executors, Administrators, Assigns, or Attornies, from the Funds of such Society, nor any Bond to be given to or on account of any such Society or Branch, or by the Treasurer or Trustee or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act, shall be subject or liable to or charged with any Stamp Duty.

For Payment of Sums not exceeding 50*l.* when Members die intestate.

XL. And be it enacted, That when on the Death of any Member of any such certified Friendly Society, or any certified Branch, or of any Friendly Society already established, any Sum not exceeding Fifty Pounds shall become payable, it shall be lawful for the Trustees for the Time being of such Society, if they shall be satisfied that no Will was made and left by such deceased Member, and that no Letters of Administration or Confirmation will be taken out of the Funds, Goods, and Chattels of such Depositor, to pay the same to the Widower or Widow of such Member, as the Case may be, or to the Child of such Member, if so directed by any Rule of such Society or Branch, and in case there shall be no such Direction, then to pay and divide the same to and amongst the Person or Persons entitled to

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the Effects of the deceased Intestate, without taking out Letters of Administration in *England* and *Ireland*, and without Confirmation in *Scotland*.

Payments to Persons who appear to Trustees to be entitled to Effects of deceased Members valid; but next of Kin, &c. to have Remedy against the Receiver.

XLI. And be it enacted, That whenever the Trustees of any certified Friendly Society or Branch, at any Time after the Decease of any Member, shall have paid and divided any Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustees to be entitled to the Effects of any deceased intestate Member, the Payment of any such Sum or Sums of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as next of Kin of such deceased intestate Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or Branch or against the Trustees thereof; but nevertheless such next of Kin or Representatives shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Payment on Death of Members to be made to Executors, &c., and not to Nominees.

XLII. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Society established under any Act hereby repealed to grant any Assurance whereby the Sum assured on the Death of the Member shall be payable to any Nominee or to any other Person than the Widower or Widow of a Member, as the Case may be, or the Child, or the Executors, Administrators, or Assigns of such Member, or in case the Member shall die intestate, and the Sum payable on his Death shall not exceed Fifty Pounds, to the Person whom the Trustees shall consider entitled to the Goods and Effects of the Member so dying intestate: Provided always, that nothing in this Act contained shall affect any Power, Privilege, or Exemption in respect of any Assurance legally made or granted before the passing of this Act under the Provisions of any of the Acts hereby repealed: Provided also, that it shall be lawful for any such Society to add to its Rules a Rule or Rules whereby any Sum payable on the Death of a Member may be made payable to the Executors, Administrators, or Assigns of such Member.

Existing Friendly Societies not to invest with National Debt Commissioners except for Assurances made before passing of this Act.

XLIII. And be it enacted, That no Friendly Society or Branch established under any Act now in force relating to Friendly Societies shall, from and after the passing of this Act, be entitled or authorized to pay directly into the Bank of *England* any Sum of Money to the Account of the Commissioners for the Reduction of the National Debt, except so much as may be paid on account of Assurances made previous to the passing of this Act by any Society which has already invested its Funds or any Part thereof with the said Commissioners: Provided always, that nothing herein contained shall affect the Right of any Society established under any of the Acts hereby repealed, and which shall have invested its Funds with the Commissioners for the Reduction of the National Debt before the passing of this Act, to Receipts bearing Interest at such Rate as such Society were entitled to receive under the Provisions of the said Acts, for any Monies invested or hereafter to be invested with the said Commissioners on account of Assurances made before the passing of this Act.

Declaration to be made by Trustees on Investment; but if not true, Money to be forfeited and applied as directed by 9 G. 4. c. 92.

XLIV. And be it enacted, That from and after the passing of this Act a Declaration shall be made by the Trustees of every Friendly Society established as aforesaid, on the Payment into the Bank of *England* of any Sum of Money to the Account of the said Commissioners, that such Payment is on account of Assurances made previous to the passing of this Act, in such Form as the said Commissioners shall from Time to Time direct; and in case such Declaration shall not be true, then and in every such Case the Sum of Money paid on such Declaration shall be forfeited to the said Commissioners, to be applied by them in the Manner directed by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks.*

Exemption from Stamp Duty not applicable to Assurances above Limits of this Act.

XLV. And be it enacted, That nothing in the said Acts now in force relating to Friendly Societies shall be construed to extend to grant any Exemption from Stamp Duty to any Friendly Society enrolled or certified under the said Acts which shall after the passing of this Act assure the Payment to or on the Death of any Member, or on any Contingency or for any Purpose to which the Payment of Sums may be assured under this Act, of a Sum exceeding One hundred Pounds, or of any Annuity exceeding Thirty Pounds *per Annum*, or of a Sum in Sickness not exceeding Twenty Shillings *per* Week.

Societies established under repealed Acts to be entitled to Privileges of this Act, &c.

XLVI. And be it enacted, That every Society duly enrolled or certified under any Act hereby repealed which shall not after the passing of this Act assure the Payment to or on the Death of any Member, or on any Contingency or for any Purpose for which the Payment of Sums may be assured under this Act, exceeding One hundred Pounds, or an Annuity exceeding Thirty Pounds *per Annum*, or any Sum in Sickness exceeding Twenty Shillings *per* Week, shall enjoy all the Exemptions and Privileges in this Act conferred upon any Society established under the Provisions of this Act.

Societies not to re-deposit with Commissioners without Consent of Comptroller General.

XLVII. And be it enacted, That no Friendly Society already established, nor any certified Society or certified Branch thereof, which has already invested or may hereafter invest any Money with the Commissioners for Reduction of the National Debt, shall be entitled to re-deposit any Monies with them, without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller in their Behalf.

Provisions of this Act may be applied to benevolent and charitable Societies formed by voluntary Subscription, &c., if Rules are registered in pursuance of this Act.

XLVIII. 'And whereas several benevolent and charitable Institutions and Societies are formed by 'voluntary Subscriptions and Benefactions for the Purpose of relieving the physical Wants and 'Necessities of Persons in distressed Circumstances, and it is expedient to afford some Protection to 'the Funds thereof:' Be it therefore enacted, That if the Rules of any such Institution or Society, and all Alterations and Amendments thereof, shall be registered under the Provisions of this Act, then and in that Case the Clauses and Provisions herein contained, so far as the same relate to the giving of Security from any Treasurer or other Officer or Person, and to the vesting of the Effects in the Trustees for the Time being, and to their suing and being sued, and as to the Liability of the Treasurer or Trustee or other Officer, and to the protecting, securing, or recovering the Funds vested or being in such

such Treasurer or Trustees, and for enforcing the rendering of Accounts by him or them, shall be extended to all and every such Institution or Society, which shall have and enjoy and be entitled to the Benefits of this Act, with respect to the several Matters as aforesaid, as fully and effectually as any Friendly Society or Branch registered under this Act can or may have or enjoy the same.

Construction of Terms.

XLIX. And be it enacted, That in the Construction of this Act, unless there shall be something in the Subject Matter or Context repugnant thereto, the Word "Society" shall include every Branch thereof; the Word "County" shall include County, Riding, Division, Borough, or Place; the Word "Justice" shall include Mayor, High Bailiff, Sheriff in *Scotland*, or other Magistrate; the Word "Registrar" shall signify the Registrar of Friendly Societies in *England*, *Scotland*, or *Ireland*, as the Case may be; Words importing the Singular Number shall include the Plural Number; and Words importing the Masculine Gender shall include Females.

Public Act.

L. And be it enacted, That this Act shall be deemed a Public Act, and shall extend to *Great Britain* and *Ireland* and *Berwick-upon-Tweed*, and the Isles of *Guernsey*, *Jersey*, and *Man*.

Act in force for One Year.

LI. And be it enacted, That this Act shall be in force for One Year from the passing thereof, and from thence to the End of the then next Session of Parliament.

Act may be amended, &c.

LII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Registrar's Certificate to Rules of Registered Friendly Societies.

I hereby certify, That these Rules [*or* Alterations of Rules] are in conformity to Law and to the Provisions of the Statute in force relating to Registered Friendly Societies.

A.B.
The Registrar of Friendly Societies in England
[Ireland *or* Scotland].
Day of

SCHEDULE (B.)

Form of Registrar's Certificate to Rules of Certified Friendly Societies.

I hereby certify, That these Rules [*or* Alterations of Rules] are in conformity to Law and to the Provisions of the Statute in force relating to Certified Friendly Societies.

A.B.
The Registrar of Friendly Societies in England
[Ireland *or* Scotland].
Day of

SCHEDULE (C.)

Form of Actuary's Certificate.

I hereby certify, That the preceding Table or Tables, to each of which my Name is subscribed, may be fairly and safely adopted for the Purposes of the Society, subject to the Terms, Conditions, and Provisions of Clauses Nos. of the Rules, to each of which my Initials are affixed: And I hereby declare, that I consider each of the said Tables fairly to represent for each Year or Term of Age (which said Term does not exceed Five Years) the Rate of Contribution necessary to provide the respective Benefits intended to be provided thereby, and that they are in conformity with the Provisions of the Act passed in the Years of Her present Majesty, Chapter and fairly represent the Interest of Members entering at those Years or Terms of Age, without Prejudice to any; and that the said Tables are calculated on the Supposition that the Capital of the Society will realize at least per Cent. Compound Interest [*if any Addition has been made to the Rates of Contribution for Expenses of Management, here state the same*], and are founded on the Rate of Sickness and Mortality [*here describe the same; and if the Data on which the Calculation has been based is published, state the Work and Date of Publication*], upon the following Data:

Age.	Number out of which One will die in each Year.	Average Amount of Sickness annually experienced in each Year.
20		
25		
30		
35		
40		
45		
50		
55		
60		

And I declare, that I have read the Rules of the said Society, and find nothing in them inconsistent with the said Tables, or which is calculated, in my Opinion, to endanger the Stability of the Society.

A.B.
Actuary of
Day of

SCHE-

SCHEDULE (D.)

Form of Medical Certificate.

I hereby certify, That late of Street died the Day of and I have no Reason to attribute his Death to Poison, Violence, or criminal Neglect.

(Signed) *A.B.*
Profession.
Residence.

Day of

Form of Coroner's Certificate.

I hereby certify, That I have held an Inquest on the Body of late of , who was found dead; and the Jury have returned the following Verdict

And it does not appear to me that he has been deprived of Life by means of any Person beneficially interested in obtaining Burial Money from any Society.

Day of . *A.B.*, Coroner.

SCHEDULE (E.)

Form of Bond.

Know all Men by these Presents, That we *A.B.* of Treasurer [*or* Steward, *&c.*] of the Society, established at in the County of and *C.D.* of and *G.H.* of (as Sureties on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of *C.D.* of , and *E.F.* of , the Trustees of the said Society, in the Sum of to be paid to the said *A.B.*, *C.D.*, and *EF.*, as such Trustees, or their Successors Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our Heirs, Executors, and Administrators, firmly by these Presents sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer [*or* Steward, *&c.*] of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* and *G.H.* as his Sureties, have entered into the above-written Bond, subject to the Condition herein-after contained: Now, therefore the Condition of the above-written Bond is such, that if the said *A.B.* shall and do justly and faithfully execute his Office of Treasurer [*or* Steward, *&c.*] of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody to such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer [*or* Steward, *&c.*] to the said Society, according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full Force and Virtue.

SCHEDULE (F.)

Heads of Information to be furnished yearly to the Registrars by every Society.

Return of Society established at for the Year ending .

Date of balancing Books in each Year -

MEMBERS:—

Number admitted since last Balance -
Number died since last Balance -
Number withdrawn or expelled -
Number of Members at this Date { Male - / Female - / Honorary -

SICKNESS:—

Number of Members sick in the Year { Male - / Female -
Weeks and Days of Sickness -

INCOME:—

Donations and Honorary Subscriptions -
Entrance Money -
Contributions for Sickness -
Contributions for Annuities -
Contributions for Sums on Death -
Contributions for Endowments -
Interest received -
Total Income -
Total Capital of Society [*here state where the same is placed*]

EXPEN-

EXPENDITURE :—

Sick Pay or Allowances	-
Annuities	-
Death of { Members	-
Death of { Wives	-
Endowments	-
Extra Expenses	-
Total Expenditure	-

OBSERVATIONS :—

Day of in the Year

To be signed by Two Trustees and Secretary, Treasurer, or other Officer.

CAP. CXVI.

An Act to amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater in the *Isle of Portland;* and to make further Provisions for the Division and Application of the Purchase Money. [15th *August* 1850.]

10 & 11 Vict. c. 24.

'WHEREAS an Act was passed in the Session of Parliament holden in the Tenth Year of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the* Isle of Portland *in the County of* Dorset, and thereby the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered out of any Monies granted by Parliament for Harbours of Refuge, to purchase and to extinguish the Estates, Rights, and Interests claimed by the Tenants and Inhabitants of the Manor of *Portland* in, upon, and over the Common and Commonable Lands of the said Manor mentioned in the Schedule to the said Act, and to pay the Price for the same into the Bank of *England* to the Account of the Inclosure Commissioners for *England* and *Wales;* and by the said Act it was enacted, that as soon as the said Monies should have been paid into the Bank as aforesaid the said Inclosure Commissioners for *England* and *Wales*, or any Assistant Commissioner appointed by them for that Purpose, should proceed to ascertain, determine, and award the Names of the Parties who were entitled to such Estates, Rights, and Interests in the said Common and Commonable Lands, and the Amount or Value of their respective Shares, Rights, and Interests therein, and the proportionate Amount of the Price to be paid for such Estates, Rights, and Interests to which each Party so entitled as aforesaid was entitled in respect of his Share, Right, or Interest as aforesaid; and the Award of the said last-mentioned Commissioners, under their Common Seal, or Assistant Commissioner, in Writing under his Hand and Seal, should be binding on all Parties claiming such Estates, Rights, and Interests as aforesaid; and it was also enacted, that all Costs and Expenses of the said Inclosure Commissioners and Assistant Commissioner should in the first place be paid out of the Monies so to be paid into the Bank of *England*, and that the Residue of the said Monies should be paid and divided between and amongst the said several Parties to be named in the said Award, and in the Shares and Proportions to be ascertained and set forth in such Award: And whereas the said Estates, Rights, and Interests were some Time since, in pursuance of the Provisions of the said recited Act in that Behalf, purchased for the Sum of Twenty thousand Pounds Sterling, the whole of which Sum was paid into the Bank of *England* to the Account of the Inclosure Commissioners for *England* and *Wales:* And whereas *Nathan Wetherell* Esquire was duly appointed by the Inclosure Commissioners for *England* and *Wales* an Assistant Commissioner for the Purpose of the said recited Act, and as such Assistant Commissioner the said *Nathan Wetherell* held Meetings in the said *Isle of Portland* for the Purpose of ascertaining and deciding upon the Claims of the several Parties interested in the said Purchase Money so paid for the said Common and Commonable Lands: And whereas at such Meetings the said *Nathan Wetherell* was attended by the Counsel and Solicitors of the said Tenants and Inhabitants respectively; and at One of such Meetings held on the Seventh Day of *April* One thousand eight hundred and forty-eight the said Tenants and Inhabitants, by their respective Counsel and Solicitors, came to an Arrangement or Agreement in Writing in relation to the said Sum of Twenty-thousand Pounds, which was signed on their respective Behalves by the said Counsel, and was to the Effect that Half the said Sum of Twenty thousand Pounds, should be divided between the said Tenants according to the Rents paid by them respectively and that the Sum of Five thousand Pounds, further Part of the said Sum of Twenty thousand Pounds should be applied for the general Benefit of the Inhabitants of the said Isle, as the Board of Woods should decide, and that out of the remaining Five thousand Pounds of the said Sum of Twenty thousand Pounds, and the Dividends and Interest upon the whole Fund until applied, the Claims of the Lessees of the Crown (if any) in the said Common and Commonable Land should be satisfied, and the Costs of all Parties properly incurred should be paid, and that the Surplus or Residue of the said last-mentioned Sum of Five thousand Pounds, and the Dividends and Interest, should be applied for the Benefit of the said Inhabitants, as the Board might further decide, and that the said Board should decide all Questions as to the Propriety and Amount of the Costs in relation to the Premises, in case

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'the Parties should differ about the same, and that an Act, or Clauses in a Government Act, should be 'obtained for carrying out the said Arrangement, if requisite: And whereas, after the said Arrange- 'ment or Agreement was come to, the said *Nathan Wetherell*, by an Award in Writing under his Hand 'and Seal, bearing Date the Twenty-fifth Day of *June* One thousand eight hundred and forty-nine, 'awarded that the Persons named in the First Schedule thereto were entitled, as Tenants of the said Manor, 'to Estates, Rights, and Interests in the said Common and Commonable Lands taken by the said Com- 'missioners of Her Majesty's Woods, and that the Sums written opposite the Name and Names of the 'Person or Persons so named was the proportionate Amount of the Price to be paid to such Person or 'Persons as aforesaid for their respective Estates, Rights, and Interests in the said Common and Com- 'monable Lands, and that the Persons named in the Second Schedule to his said Award were entitled, 'as Lessees of the Crown, to certain Rights and Interests upon and over the said Common and Com- 'monable Lands, and that the total Price payable to such Lessees should be Five hundred and fifty-two 'Pounds Eleven Shillings, and that the Sums set opposite their respective Names were the proportionate 'Amounts of the said Price to be paid to them respectively for and in respect of the said Rights and 'Interests: And whereas the total Sum so awarded by the said *Nathan Wetherell* as aforesaid, exclusive 'of the said Sum of Five hundred and fifty-two Pounds Eleven Shillings, was the Sum of Ten thousand 'Pounds, and the whole of the said Sums of Ten thousand Pounds and of Five hundred and fifty-two 'Pounds Eleven Shillings have actually been paid, in accordance with the aforesaid Award of the said '*Nathan Wetherell*: And whereas the said Lands are now in the Possession of the Crown, and used and 'occupied for the Public Service: And whereas Disputes and Differences have arisen amongst the Parties 'interested or claiming to be interested as regards the said recited Agreement, and the Appropriation 'of the Monies in pursuance thereof, and it is expedient that such Disputes and Differences should be set 'at rest, and that Provision should be made for the Application of the Residue of such Purchase Money 'for the Benefit of the Parties interested therein who have not hitherto received Compensation for their 'Rights and Interests, and that all Acts and Payments already done and made under the said recited Act 'and Award should be confirmed, and that the said recited Act should be amended:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Award of the said *Nathan Wetherell*, and all Acts and Payments already done and made thereunder, or under the said Arrangement or Agreement, shall be and the same are hereby sanctioned and confirmed.

Acts and Payments done and made under Award confirmed.

II. And be it enacted, That out of so much of the said Sum of Twenty thousand Pounds as remains after Payment of the Monies which have already been paid or applied under or in pursuance of the aforesaid Arrangement or Agreement, or the said Award, or the said recited Act, or any of them, and out of the Interest and Dividends which have accrued and shall accrue in respect of the whole of the said Sum of Twenty thousand Pounds, or of such Portion thereof as shall for the Time being have been actually unpaid, shall be paid all Costs, Charges, and Expenses incidental to the future carrying out of the said Arrangement or Agreement and Award, and to the obtaining of this Act, and carrying into effect all Acts, Matters, and Things by this Act or by the said recited Act (except in so far as the same is hereby repealed) sanctioned and authorized or directed, together also with the Costs, Charges, and Expenses properly incurred up to and inclusive of the Twenty-ninth Day of *July* One thousand eight hundred and fifty by or on behalf of the Petitioners to Parliament against this Act, and in the event of any Difference as to any of the said Costs, Charges, and Expenses the same shall be ascertained and taxed by the proper Officer.

Application of the 20,000*l.* and Interest.

III. And be it enacted, That the ultimate Residue of the said Sum of Twenty thousand Pounds, Interest and Dividends, shall be appropriated and paid, or applied, laid out, or invested, in manner following; (that is to say,) the Sum of One thousand Pounds, Part of the said ultimate Residue, shall be applied in or towards providing and constructing Wells, Pumps, Tanks, Reservoirs, and other Works for the better Supply of Water to or for the several Villages in the said Island for the Use of the Inhabitants at large of the said Island, one Half of the said Sum of One thousand Pounds to be paid over for that Purpose by the said Inclosure Commissioners to the Churchwardens and Overseers of the Poor of the said Island for the Time being, upon the Production by them to the said Commissioners of a Contract or Contracts with the said Churchwardens and Overseers by some competent and responsible Person or Persons for the Execution of such Works to the Satisfaction of such Commissioners, and the other Half thereof to be paid over to the same Parties on the Production to the said Commissioners of a Certificate of a practical Engineer, or other competent Person, of the due and proper Execution of such Works, according to such Contract or Contracts; the Sum of One thousand Pounds, other Part of the said ultimate Residue, shall be forthwith invested by the said Inclosure Commissioners in the Purchase of Three Pounds *per Centum* Reduced Bank Annuities in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being as Trustees thereof; and the Dividends and Income of such Investment (after deducting any Expenses attending the Transfers and Management thereof) shall from Time to Time be paid over half-yearly by the said last-mentioned Commissioners to the local Committee for the Time being having the Management of the Royal *Portland* Dispensary, to be by them applied, in such Manner as the said local Committee shall think fit and proper, in aid and for the Benefit of such Institution, and the Receipt of the Chairman for the Time being of such Committee shall be a good and sufficient Discharge to the said Commissioners for such Dividends and Income; the Sum of Four thousand Pounds, further Part of such ultimate Residue, shall be forthwith invested by the said Inclosure Commissioners in the Names of the said Commissioners for the Time being of

Mode of applying ultimate Residue of the 20,000*l.*

of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall invest the clear Dividends and Income thereof, from Time to Time as they arise, in the Purchase in their Names of Three Pounds *per Centum* Consolidated Bank Annuities, and accumulate the same in the way of Compound Interest until the last Day of *July* One thousand eight hundred and fifty-two, and that thenceforth the clear Dividends and Income of the accumulated Principal Fund in such Annuities as the same shall arise, and also the whole or such Part of the Principal Fund itself as the said last-mentioned Commissioners shall in their Discretion from Time to Time by Writing under their Hands and Seal award and direct, shall be paid over by the same Commissioners to a Committee to be called "The *Portland* Ferry Bridge Committee," to consist of the Persons herein-after mentioned; and the Remainder of such ultimate Residue shall be invested and applied in or towards the providing and Endowment of Schools and School Buildings, and Teachers, in the said Island for the Education of the Children of the Inhabitants thereof for the Time being, at such Time or Times, in such Proportions, on such Terms and Conditions, and in such Manner, in all respects, as the Chief Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall by any Writing under his Hand and Seal direct and appoint.

Constitution of the Bridge Committee, and Application of Monies paid to them.

IV. And be it enacted, That the said *Portland* Ferry Bridge Committee shall consist of the following Persons; that is to say, the Trustees, not exceeding Three in Number, named and appointed in and by the present or any future Royal Grant of Tonnage Money to or for the Use of the Inhabitants of the said Island for the Time being, the Steward of Her Majesty's Manor of *Portland* for the Time being, and Five other Persons Inhabitants of the said Island to be from Time to Time chosen and elected in the Manner herein-after mentioned; and that such Committee shall from Time to Time pay, apply, and expend all Dividends, Income, and Monies which shall be so paid to them by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as aforesaid (after deducting and retaining all Costs and Expenses), in and for or towards procuring and obtaining the Reduction from Time to Time as far as may be, or the ultimate Extinction if found practicable and thought desirable by the said Committee, of the Tolls payable for passing over the Bridge erected over the River or Water called The *Portland* Ferry under or by virtue of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Bridge over the River called The* Portland *Ferry in the County of* Dorset, *with proper Approaches thereto*, and thereupon acquiring such Right and Title to and obtaining such Conveyance or Assurance of the said Bridge and the Approaches thereto, and the ancient Ferry over which it passes, and the Messuage or Toll House, Lands and Hereditaments belonging thereto, and the Benefit and Exercise of the Powers and Provisions of the said Act for making and maintaining the same, upon such Terms and Conditions as shall by the said Committee be made and agreed upon with the Commissioners under the said last-mentioned Act, and according to such Rules and Regulations, and in such Manner in all respects, as the said Committee shall think most for the Relief, Benefit, and Advantage of the Inhabitants at large of the said Island of *Portland* for the Time being: Provided always, and it is hereby declared, that the Reduction or Extinction of the Tolls charged and chargeable in respect of Foot Passengers passing over the said Bridge shall be the primary Object of the Application of the said Sum of Four thousand Pounds, and the Dividends and Income thereof.

5 & 6 W. 4. c. 70.

Mode of Election of the Inhabitants who are to be Members of the Bridge Committee.

V. And be it enacted, That the Five Inhabitants of the said Island who are to be Members of the said Committee shall be from Time to Time elected and chosen, and their full Number kept up by new Elections as often as Occasion by Death, Incapacity, or Resignation shall require, by the Majority of the rated Inhabitants of the said Island for the Time being present at a public Meeting to be convened in the said Island by and held before the Steward of the said Manor for the Time being by at least Ten Days previous Notice in Writing under his Hand affixed at the principal outer Doors of the several Churches and licensed Dissenting Chapels in the said Island, and that the Meeting for the Election of such first Five Persons shall be held within Twenty-one Days after the said last Day of *July* One thousand eight hundred and fifty-two.

Regulating Proceeding of Bridge Committee.

VI. And be it enacted, That the said Committee shall hold their First Meeting in the said Island on the First *Thursday* in the Month of *September* One thousand eight hundred and fifty-two, and by Adjournment once at least in every Six Months thereafter, and shall at such First Meeting, and on the same Day annually afterwards, select One of the Members thereof to act as Chairman and One of them to act as Secretary, and the Secretary shall keep Minutes of all the Proceedings at the Meetings thereof in a Book which shall be furnished for that Purpose, and shall give Notice of all Extraordinary Meetings to each Member of the said Committee by Post at least Three clear Days before the same shall be held, and shall therein express the Object of every such Extraordinary Meeting, at which nothing shall be done or transacted but what shall be so expressed, and any such Extraordinary Meeting may at any Time be convened and held either by a Resolution for that Purpose at a previous adjourned Meeting, or by a Requisition in Writing to the Secretary from any Two Members of the said Committee; and that all Matters which shall be brought before any of the said Meetings shall be decided by the Majority of Votes of the Members attending the same, and at any Meeting whereat the Chairman so elected as aforesaid shall not be present the Members attending the same shall appoint One of their Number to be Chairman thereof, and if upon any Matter there shall be an Equality of Votes the Chairman shall have a second or casting Vote: Provided always, that no Order, Act, Resolution, or Proceeding made or done by the said Committee shall be revoked, altered, or suspended unless at some subsequent Extraordinary Meeting to be called as aforesaid, nor unless there shall be at such subsequent Extraordinary Meeting a Number of the Members of the Committee equal to or greater than the Number present at the Meeting when such

Order,

Order, Act, Resolution, or Proceeding was made, done, or passed; provided further, that no Member of the said Committee or the Secretary thereof shall be entitled to any Payment for the Discharge of their Duties as Members of the said Committee, or as Secretary, without Prejudice to their being reimbursed Money out of Pocket attending to such Duties as aforesaid.

Accounts to be kept by Bridge Committee.

VII. And be it enacted, That the said Committee shall from Time to Time cause to be provided and kept by their Secretary for the Time being One or more Book or Books in which all Monies to be received and paid by virtue of this Act shall from Time to Time be fairly set down and entered, expressing the Time when and the Name of the Person or Persons to or from whom the same were so received or paid, and that every Year at the General Quarter Sessions of the Feast of *Saint Michael the Archangel* at *Dorchester* in and for the County of *Dorset* the said Book or Books shall be produced and shown to the Justices at such Sessions, together with proper Vouchers for any Payments made, which said Justices shall state, settle, and balance the Accounts from the said Books, and finally pass and allow the same: Provided always, that it shall be lawful for any One or more Inhabitants of the said Island to appear before the said Justices to be heard in the Matter of the said Accounts.

Receipts of Bridge Committee to be sufficient Discharges.

VIII. And be it enacted, That all Receipts in Writing signed at any Meeting of the said Committee by the Chairman and any Two of the Members present thereat, and countersigned by the Secretary, shall be full Discharges for all Monies to be payable to the said Committee under this Act, and that the said Committee shall have and exercise all requisite Powers and Authorities for effecting and carrying out the Objects and Purposes for which the said Sum of Four thousand Pounds and the Accumulation and Increase thereof is and are hereby made applicable, and especially the Power to hold to them and their Successors the said Bridge, Ferry, Messuage and Toll House, Lands and Hereditaments, and Real Estate.

Indemnity for Commissioners.

IX. And be it enacted, That, notwithstanding anything in the said recited Act and Agreement or Arrangement, or either of them, contained to the contrary, the said Inclosure Commissioners may and they are hereby required to pay and apply so much of the said Sum of Twenty thousand Pounds and the Interest and Dividends and the Accumulations thereof as has not been yet applied under the Provisions of the said Act or the said Arrangement or Agreement in the Manner and for the Purposes in this Act directed, and that the said last-mentioned Commissioners or the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any or either of them, shall not be bound to see to the Application or be answerable for the Misapplication or Nonapplication of any Monies to be paid by them under the Directions in this Act contained.

Indemnity to Persons acting under this Act.

X. And be it enacted, That every Commissioner, Trustee, or Person acting under this Act shall be charged only for such Monies as he shall actually receive by virtue of this Act, notwithstanding his giving or signing or joining in giving or signing any Receipt for the sake of Conformity or Compliance with this Act, and no One or more of such Commissioners, Trustees, or Persons shall be answerable or accountable for the other or others of them or for any involuntary Losses; and all such Commissioners, Trustees, or Persons may, out of the Monies which shall come to their Hands by virtue of this Act, retain to and reimburse themselves or himself respectively all Costs and Expenses which he, they, or any of them may pay or be put unto in or about the Discharge of the Duties by this Act reposed on him or them.

For Purposes of this Act Commissioners of Woods, &c. to be a Body Corporate.

XI. And be it enacted, That for the Purposes of this Act, and of all Matters and Things hereby authorized to be done under the Authority of this Act by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, they the said Commissioners for the Time being shall be and they are hereby constituted a Corporation by the Name and Style of "The Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings," and by that Name, for the Purposes of this Act, they the said Commissioners shall and may have perpetual Succession, and use a Common Seal to be by them from Time to Time provided and altered as they shall think fit, and shall and may sue and be sued, plead and be impleaded, and take Lands and Hereditaments to them and their Successors for ever for the Purposes of this Act.

Provision in recited Act as to any Estate or Interest in common to extend to this Act.

XII. And be it enacted, That the Provision contained in the said recited Act relating to Cases where Parties entitled to Rights or Interests in the said Common or Commonable Lands are so entitled for limited Interests only shall be applicable to all Cases under this Act and the said recited Act, Agreement, and Award, or either of them, where the Sum payable in respect of any Estate or Interest shall exceed the Sum of Twenty Pounds, and shall extend to all Cases where any such Sum shall be payable in respect of any Estate, Right, or Interest belonging to Parties under any Disability or Incapacity.

As to Sums payable in respect of Lands not exceeding 20*l.*

XIII. And be it enacted, That in all Cases where the Sum payable by virtue of this Act, or the said recited Act, Agreement, and Award, or either of them, in respect of any Estate, Right, or Interest, shall not exceed Twenty Pounds, and the Person entitled to such Estate, Right, or Interest shall be under any Disability or Incapacity, such Sum shall and may be paid to the Guardian, Committee, or Husband of such Person; and where any such Person shall have a limited Interest only in such Estate, Right, or Interest the whole of such Sum shall and may nevertheless be paid to the Person having such limited Interest, to his or her Guardian, Committee, or Husband, as the Case may be.

Public Act.

XIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and "shall be judicially noticed as such."

Cap. i.

An Act for carrying into effect an Agreement entered into between "The *Suffolk and General Country Amicable* Insurance Office" and "The *Alliance British and Foreign* Life and Fire Assurance Company." [17th *May* 1850.]

Cap. ii.

An Act to authorize the *Bristol* Waterworks Company to raise a further Sum of Money.* [17th *May* 1850.]

£100,000.

Cap. iii.

An Act to give further Powers to the *Birkenhead* Improvement Commissioners for purchasing the *Woodside Ferry*, and for regulating their Mortgage Debt and facilitating the Sale of their Lands at *Birkenhead*. [17th *May* 1850.]

Cap. iv.

An Act for better assessing and collecting the Poor's Rates, Highway Rates, the County, Shire Hall, Police, and other County Rates in the Parish of *West Bromwich* in the County of *Stafford*, and the Township of *Oldbury* in the Parish of *Hales Owen* in the County of *Worcester*, and which Parish of *West Bromwich* and Township of *Oldbury* are situate within the *West Bromwich* Poor Law Union. [17th *May* 1850.]

Cap. v.

An Act to enable the Commissioners acting under an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, for better regulating, paving, improving, and managing the Town of *Brighthelmston* in the County of *Sussex*, and the Poor thereof, to purchase, improve, and manage the Royal Pavilion at *Brighton*, and the Grounds thereof, and to enlarge, extend, and apply the Powers and Provisions of the same Act with reference thereto. [17th *May* 1850.]

Cap. vi.

An Act to authorize an Alteration in the Line of the *Buckinghamshire* Railways at *Oxford*. [17th *May* 1850.]

Cap. vii.

An Act to extend the Time for the Purchase of certain Lands required for the *South Wales* Railway, and to amend the Acts relating thereto. [17th *May* 1850.]

Cap. viii.

An Act to authorize the *Wakefield* Borough Market Company to purchase certain Lands for a Market Place, and to make Approaches thereto. [17th *May* 1850.]

Cap. ix.

An Act for better enabling the Clerical, Medical, and General Life Assurance Society to sue and be sued; and to alter certain Provisions of their Deed of Constitution; and to give further Powers to the Society. [17th *May* 1850.]

Cap. x.

An Act to change the Name of "The Architects, Civil Engineers, Builders, and General Fire and Life Insurance, Annuity, and Reversionary Interest Company;" and for other Purposes relating to the Company. [17th *May* 1850.]

[*Name of the Company changed to that of "The British Assurance Company,"* § 1.]

Cap. xi.

An Act to extend the Time for the Purchase of Lands required for the Completion of the *Dublin and Belfast Junction* Railway, and to amend the Acts relating to such Railway. [17th *May* 1850.]

Cap. xii.

An Act for the more effectual Drainage and Improvement of certain Lands in the Parishes of *Ramsey*, *Upwood*, and *Great Raveley*, all in the County of *Huntingdon*. [17th *May* 1850.]

Cap. xiii.

An Act for improving the *Glasgow and Shotts* Turnpike Roads. [17th *May* 1850.]

Cap. xiv.

An Act to enable the *Londonderry and Enniskillen* Railway Company to extend their Line of Railway from *Strabane* to *Omagh*; and to amend the Acts relating to the said Company. [31st *May* 1850.]

Cap. xv.

An Act to amend the *Walsall* Improvement and Market Act, 1848, and for other Purposes. [31st *May* 1850.]

Cap. xvi.

An Act for extinguishing the Vicarial Tithes in the Parishes of *Kew* and *Petersham* in the County of *Surrey*; for confirming and regulating the Pew Rents of the Churches of the said Parishes; for authorizing the Division of the Vicarage of *Kew* and *Petersham*; and for other Purposes relating to such Vicarage. [31st *May* 1850.]

Cap. xvii.

An Act for completing the Line of the *Londonderry and Coleraine* Railway, with Branch to *Newtownlimavady*, and for amending the Acts relating thereto. [31st *May* 1850.]

Cap. xviii.

An Act to change the Name of the Licensed Victuallers and General Fire and Life Assurance Company to the *Monarch* Fire and Life Assurance Company, and for better enabling the said Company to sue and be sued; and to give additional Powers to the said Company. [10th *June* 1850.]

Cap. xix.

An Act to authorize the Transfer of the Undertaking and Powers of "The *Carlisle* Gaslight and Coke Company" to the Mayor, Aldermen, and Citizens of the City of *Carlisle*; to enable them to light the said City and the Environs thereof, and to raise Money for such Purposes; to repeal or amend and extend the Powers of the several Acts for lighting the said City and Environs; and for other Purposes. [10th *June* 1850.]

Cap. xx.

An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of *Glasgow*, and amending their Charter of Incorporation. [10th *June* 1850.]

Cap. xxi.

An Act for incorporating the Colonization Assurance Company, and conferring certain Privileges on the said Company. [10th *June* 1850.]

Cap. xxii.

An Act to incorporate the Society of the Guildry Fund of *Elgin*; to enable the said Society to sue and be sued; to regulate the said Society; and for other Purposes relating thereto. [10th *June* 1850.]

Cap. xxiii.

An Act for enabling Her Majesty to grant a new Charter to the Royal College of Surgeons of *Edinburgh*, and for conferring further Powers on the said College. [10th *June* 1850.]

Cap. xxiv.

An Act to enable the *Exeter and Crediton* Railway Company to enlarge their *Cowley Bridge* Station, and to raise a further Amount of Capital.* [10th *June* 1850.]

* £20,000.

Cap. xxv.

An Act for better enabling the *Guardian* Fire and Life Assurance Company to sue and be sued, and to alter certain Provisions of their Deed of Settlement, and to give further Powers to the Company. [25th *June* 1850.]

Cap. xxvi.

An Act to amend the Act relating to the *Shrewsbury and Hereford* Railway Company. [25th *June* 1850.]

Cap. xxvii.

An Act to extend the Time for the Sale of such Lands belonging to the Company of Proprietors of the *Forth and Clyde* Navigation as may not be required for the Purposes of the said Navigation, and to amend the Acts relating thereto. [25th *June* 1850.]

Cap. xxviii.

An Act for better supplying *Childwall, Thingwall, Little Woolton, Much Woolton,* and *Gateacre,* all in the County of *Lancaster,* with Water. [25th *June* 1850.]

Cap. xxix.

An Act to amend the Acts relating to the *Waterford and Limerick* Railway, and for other Purposes. [25th *June* 1850.]

Cap. xxx.

An Act for granting Facilities for the Use of certain Portions of the *Eastern Counties* Railways by the *London and Blackwall* Railway Company; and for amending the Acts relating to the *London and Blackwall* Railway. [25th *June* 1850.]

Cap. xxxi.

An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money.* [25th *June* 1850.]

* £1,200,000.

Cap. xxxii.

An Act to explain and amend the *New North Road* Act, 1849. [25th *June* 1850.]

Cap. xxxiii.

An Act for regulating legal Proceedings by or against the Committee of Railway Companies associated under the Railway Clearing System, and for other Purposes. [25th *June* 1850.]

'WHEREAS for some Time past Arrangements have subsisted between several Railway Companies 'for the Transmission without Interruption of the through Traffic in Passengers, Animals, 'Minerals, and Goods passing over different Lines of Railway, for the Purpose of affording, in respect to 'such Passengers, Animals, Minerals, and Goods, the same or the like Facilities as if such Lines had 'belonged to One Company, which Arrangements are commonly known as and in this Act are designated 'as "the Clearing System," and which Arrangements are conducted under the Superintendence of a 'Committee appointed by the Boards of Directors of such several Railway Companies, which Committee 'is in this Act designated "the Committee," and the Business of such Committee has heretofore been 'and is now carried on at a Building appropriated for the Purpose in *Seymour Street,* adjoining the '*Euston* Station of the *London and North-western* Railway Company: And whereas the Clearing 'System has been productive of great Convenience to the Public, and of a considerable Saving of 'Expense in the Transmission of Passengers, Animals, Minerals, and Goods over the Lines of the several 'Railway Companies Parties to such Association; but considerable Difficulty has been experienced in 'carrying into effect the Objects of the Association, in consequence of the Committee not possessing the 'Power of prosecuting or defending Actions or Suits, or taking other legal Proceedings: And whereas '*George Carr Glyn* Esquire is the present Chairman, and *Kenneth Morison* is the present Secretary 'of the Committee: And whereas the Purposes aforesaid cannot be effected without the Authority of 'Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Companies which at the Time of the passing of this Act are Parties to the Clearing System, and every other Company which shall in manner hereafter mentioned become Party to the same, shall be subject to the Provisions of this Act.

Companies Parties to the Clearing System to be subject to the Provisions of this Act.

II. And be it enacted, That if any Company which may not be a Party to the Clearing System shall, by Writing sealed with the Common Seal of such Company, request the Committee to admit such Company to be a Party to the Clearing System, and the Committee shall assent to such Request, such Company shall from the Time of such Assent being given, or at such other Time as may be specified in the said Request, become a Party to the Clearing System.

Other Companies may join, with Assent of Committee.

III. And be it enacted, That if any Company shall, by Writing sealed with the Common Seal of such Company, give Notice to the Committee of the Desire of such Company to cease to be a Party to the Clearing System, such Company shall, at the Expiration of One Calendar Month from the Time when such

Companies may retire, on giving Notice.

such Notice shall be given, or if a more distant Time shall be stated in such Notice then at the Time so stated, cease to be a Party to the Clearing System.

Committee may give Company Notice to retire.

IV. And be it enacted, That if not less than Two Thirds of the Committee present at a Meeting specially summoned shall, by Writing signed by their Secretary, or by Two Members of the Committee, give Notice to any Company that such Company shall cease to be a Party to the Clearing System at a Time named in such Notice, not being less than One Calendar Month from the Time of giving such Notice, such Company shall at the Time so named cease to be a Party to the Clearing System.

Each Company to appoint a Member of the Committee.

V. And be it enacted, That each Company Party to the Clearing System shall at all Times be entitled to be represented on the Committee by One Delegate appointed by the Board of Directors of such Company from Time to Time, such Appointment to be certified in Writing by the Secretary or any Two Directors of such Company: Provided always, that, notwithstanding any Company may happen to be unrepresented by a Delegate at any Meeting, the Acts of the Committee shall be valid.

Meetings of the Committee, Quorum, &c.

VI. And be it enacted, That the Committee shall meet at One of the Clock in the Afternoon of the Second *Wednesday* in the Months of *March*, *June*, *September*, and *December* in every Year, or so soon thereafter as a Quorum shall be assembled, and at any other Times whereof the Secretary shall, at the written Request of the Chairman for the Time being, or any Two Members of the Committee, give at least Ten Days Notice in Writing to every Company Party to the Clearing System, or the Secretary of every such Company; and every such Meeting may be adjourned from Time to Time and from Place to Place as the Committee shall think proper; and Meetings and adjourned Meetings of the Committee shall be held at the said Building in *Seymour Street*, except when the Committee shall have appointed some other Place, and then at such other Place; and in order to constitute a Meeting of the Committee there shall be present at least Ten Members; and, except where otherwise provided, all Questions at every Meeting shall be determined by the Majority of Votes of the Committee present, and in case of an equal Division of Votes the Chairman of the Meeting shall have a casting Vote, in addition to his Vote as One of the Committee; and Notice of the Business to be brought before any Meeting shall, at least Six Days before the Day of such Meeting, be given to every Company Party to the Clearing System, or the Secretary of every such Company.

Appointment of the Chairman.

VII. And be it enacted, That until the First Meeting of the Committee which shall be held after the passing of this Act the said *George Carr Glyn*, or other the Chairman of the Committee for the Time being, shall continue in Office; and at the First Meeting of the Committee which shall be held after the passing of this Act, and in the Month of *March* in each succeeding Year, the Committee present at the Meeting shall, if they think fit, either continue in Office the Chairman for the Time being, or choose another Chairman; and a General Meeting of the Committee specially summoned shall have Power to remove any Chairman; and if any Chairman shall die, or resign, or be removed, the Committee shall have Power, as soon as may be, to choose some other Person to fill the Vacancy thereby occasioned; but every Chairman elected to supply a Vacancy other than at a General Meeting in the Month of *March* in any Year shall continue in Office so long only as the Person in whose Place he shall be so elected would have been entitled to continue if such Death, Resignation, or Removal had not happened: Provided always, that it shall not be necessary that the Person chosen as Chairman be a Delegate of any of the Companies Parties to the Clearing System; but in case he shall not be a Delegate he shall not be entitled to vote on any Question unless in the Case of an Equality of Votes, when he shall be entitled to give the casting Vote.

Election of Chairman.

VIII. And be it enacted, That if at any Meeting of the Committee the Chairman shall not be present the Committee present shall choose One of their Members to be Chairman of such Meeting.

Appointment of Secretary.

IX. And be it enacted, That the said *Kenneth Morison* shall be the Secretary to the Committee until he die, or resign, or be removed; and that the Committee shall have the Power to remove him and all future Secretaries; and that in the event of the Resignation, or Death, or such Removal as aforesaid of any Secretary, the Committee shall appoint a Secretary to the Committee.

Appointment of Treasurer.

X. And be it enacted, That the Committee may from Time to Time appoint a Treasurer, and remove such Treasurer from his Appointment, and prescribe and alter the Duties of the Office of Treasurer, and take from the Treasurer such Security as they shall think fit, which Security may be taken in the Name or Names of such Person or Persons as the Committee approve of.

As to Monies received by Committee.

XI. And be it enacted, That any Money which shall be received by the Committee shall be held by the Committee as Trustees for the Company or Companies to whom the Committee shall decide such Money to be payable; but no Member of the said Committee shall be answerable for any such Money as may be lost or withheld by reason of the Misconduct, Default, or Insolvency of the Treasurer, or of any Banker or Agent in whose Hands the same may be, or by reason of any Cause other than the personal Misconduct of such Member.

Accounts to be settled, and Balance ascertained and declared by the Committee.

XII. And be it enacted, That the Accounts of the Clearing System, and the Balances due to and from the several Companies Parties thereto, shall be settled and adjusted by the Secretary of the Committee for the Time being, which Secretary shall also settle and determine the Amount to be from Time to Time contributed to the Funds of the Clearing System by the Companies Parties thereto; and in case of any Difference respecting such Accounts the Decision of the Committee, to the Effect that any Balance or Sum is payable by any Company then or theretofore Party to the Clearing System, shall be final and conclusive, and such Sum or Balance shall be a Debt due to the said Committee.

Expenses to be paid out of the Funds of the Clearing System.

XIII. And be it enacted, That the Committee shall, out of the Funds of the Clearing System, pay all the Expenses of the Clearing System, and all Costs, Charges, Damages, and Expenses which the Members of the Committee, or any or either of them, shall as such Members or Member, or which the Secretary as nominal

nominal Plaintiff or Defendant, or other Party, on behalf of the Committee, bear, sustain, or be put to, and that the Members of the Committee and Secretary shall be completely indemnified and saved harmless out of the Funds of the Clearing System, and by the Companies Parties to the Clearing System, of, from, and against all Action and Actions, Suit and Suits, Proceeding and Proceedings, of any Sort, Costs, Charges, Damages, and Expenses, to which they or any or either of them may in any way be subjected, as Members or Member of the Committee, by reason of anything which they or he may *bonâ fide* do or omit to do, whether such Deed or Omission be within their Powers or not.

Committee may sue for Balances or Sums due.

XIV. And be it enacted, That the Committee may, by Action of Debt in the Name of their Secretary, recover from any Company any Balance or Sum which such Committee shall decide to be payable by such Company, whether to any other Company or on account of the Clearing System, and whether such Company be still at the Time of such Decision or has then ceased to be a Party to the Clearing System, and whether such Sum or Balance shall or shall not have been previously ascertained by the Secretary to be payable.

Form of Action for Recovery of Balances, &c.

XV. And be it enacted, That the Declaration for the Recovery of such Sum or Balance may be in the Form or to the Effect of the Form given in the Schedule (A.) to this Act annexed, and that the Directions contained in the said Schedule for the Use of the same shall be taken as Part of this Act.

Evidence.

XVI. And be it enacted, That if the Defendants in such Action shall plead that they never were indebted, then, on Proof that the Committee decided the Sum in question to be payable by the Defendants, and that the Defendants were either at the Time of such Decision or at some previous Time a Party to the Clearing System, and in the latter Case upon further Proof that such Sum was decided to be payable in respect of some Transactions, Matters, or Expenses which happened or were sustained whilst the Defendants were Parties to the Clearing System, the Plaintiff shall be entitled to a Verdict on that Plea.

Plea.

XVII. And be it enacted, That the Defendants in such Action may plead any Matter showing that they have since the Time of the Decision discharged the Sum or Balance so decided to be payable, and shall not plead any Plea with a Plea denying the Plaintiff to be Secretary.

Entries in Books.

XVIII. And be it enacted, That the Committee shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, to be duly entered in Books to be kept by them for that Purpose; and every such Entry shall be signed by the Chairman of the Meeting at which such Appointments, Contracts, Orders, or Proceedings respectively took place, who shall add the Word "Chairman" to his Signature, and which Entries may be made and signed either at or after the Meetings to which they respectively relate; and every Entry purporting to be so signed shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the Committee, or of the Signature of such Chairman, or of the Fact of his having been Chairman, all which last-mentioned Matters shall be presumed, till the contrary be proved.

Books of Committee to be Evidence, and Committee, &c. competent Witnesses.

XIX. And be it enacted, That on the Trial of any such Action, after it is proved to the Satisfaction of the Court or Judge trying the Cause that such Company is or had once been such a Party, the Books kept by the Committee shall be *primâ facie* Evidence of the Truth of the Matters therein stated and contained; and the Secretary, although the nominal Plaintiff, and the Members of the Committee, shall be competent Witnesses, either for the Plaintiff or for the Defendants.

Committee may sue or be sued in the Name of their Secretary.

XX. And be it enacted, That the Committee may in all Cases sue and be sued in the Name of the Secretary to the Committee; and that in all Proceedings at Law and in Equity, and in Bankruptcy, or of any other Sort, whether civil or criminal, the Name of the Secretary may be used instead of the Names of the Members of the Committee; and Proofs, in Cases of Bankruptcy, Insolvency, or in Winding-up Affairs, may be made by the Secretary for the Committee.

In Criminal Proceedings Property of Committee to be deemed the Property of Secretary.

XXI. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be necessary to state the Ownership of any Property whatsoever, whether Real or Personal, and the same shall either belong to the Committee or be in their Custody, or in the Custody or Possession of any Officer, Clerk, or Servant of the Committee, or of any Person employed for the Purpose or in the Capacity of Clerk or Servant by the Committee, or in or on any Building or Land used for the Purposes of the Clearing System, or shall be used or intended to be used for the Purposes of the Clearing System, it shall be sufficient to state such Property to belong to the Secretary of the Committee.

Criminal Proceedings to be prosecuted in Name of Secretary.

XXII. And be it enacted, That in any Indictment for Embezzlement, wherein it shall be necessary to state the Party charged with the Embezzlement to have been the Clerk or Servant of some Master or Masters, or to have been employed for the Purpose or in the Capacity of Clerk or Servant by some Master or Masters, and such Masters shall have been the Committee, it shall be sufficient in such Indictment to name the Secretary of the Committee in every Place in such Indictment where the Names of the Members of the Committee would but for this Enactment be required to be inserted.

Service of Notices.

XXIII. And be it enacted, That every Notice or Requisition on the Business of the Clearing System, or given pursuant to this Act, shall be sufficient if it be in Writing signed by the Secretary of the Committee, or Secretary or other Officer of the Company giving the same, and if it be sent by the General Post addressed to the Secretary of the Company for whom the same is intended, in case such Notice or Requisition be intended for any Company, or to the Secretary at the principal Office of the Clearing System, in case such Notice or Requisition be intended for the Committee; and Proof of such Notice or

Requisition

Requisition being deposited in any public Letter Box or Receiving House for Letters, intended to be forwarded by the General Post, shall be deemed Proof of the due Service of such Notice or Requisition; and Notices or Requisitions for each Member of the Committee shall be sufficient if sent in manner aforesaid, addressed to him at the principal Office of the Company whom he represents.

Description of Companies and Committee in legal Proceedings.

XXIV. And be it enacted, That in all Pleadings or Proceedings, civil or criminal, when it shall be required to mention all the Companies Parties to the Clearing System, or the Committee, it shall be sufficient to mention the Companies by the Description of "The Companies Parties to the Clearing System mentioned in the Railway Clearing Act, 1850," and to describe the Committee by the Description of "The Clearing Committee mentioned in the Railway Clearing Act, 1850," without stating the Names of the individual Companies and Members.

Description of the Secretary.

XXV. And be it enacted, That in all Cases where the Name of the Secretary to the Committee shall be used under the Authority of this Act it shall be sufficient to name and describe him, and to state the Authority for using his Name, as in the Form of Declaration in Schedule (A.)

Actions, &c. not to abate on Death or Removal of Secretary.

XXVI. And be it enacted, That upon the Death or Removal of any Secretary no Action or Suit or other Proceeding pending in his Name, as Plaintiff or Defendant or otherwise, either on behalf of or against the Committee, shall abate or be stayed, but as soon as another Secretary shall be appointed the Name of such new Secretary shall be therein-after used; and in an Action at Law such Name shall, whether it be before or after Judgment, be introduced by Suggestion, to which no Plea or Demurrer shall be allowed; and the Omission to make such Suggestion, and an erroneous Suggestion, shall be mere Irregularities, and shall, on the Application of the Committee or of the Party opposed to the Committee, be rectified, but shall not otherwise be taken advantage of.

Expenses of Act.

XXVII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act or incident thereto shall be paid by the said Committee out of the first Monies which shall come to their Hands after the passing of this Act.

Short Title and Public Act.

XXVIII. And be it enacted, That this Act may be called "The Railway Clearing Act, 1850," and shall be deemed to be a Public Act, and as such shall be judicially noticed.

SCHEDULE (A.)

to wit. } *A.B.*, Secretary to the Clearing Committee, and now named by virtue of the Railway Clearing Act, 1850, by *C.D.* his Attorney, complains of *X.Y.*, who have been summoned to answer the said *A.B.* in an Action of Debt, for that the Clearing Committee have decided that the Sum of *100l.* is payable by the Defendants, as Parties to the Clearing System, by means whereof an Action has accrued to the said Committee to demand in the Name of their Secretary the said Sum of *100l.*, yet the Defendants have not paid the same, to the Damage of the said Committee of *10l.*, and thereupon the Plaintiff, by virtue of the said Act, brings Suit.

Directions for using the above Form.

Substitute for A.B. the Name of the Secretary, and for C.D. the Name of his Attorney, and for X.Y. the Name of the Company Defendant, and for the Sums such Sums as the Case may require, and add the Venue. Several Counts may be inserted on the above Model where several Sums are sought to be recovered.

Cap. xxxiv.

An Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water. [25th *June* 1850.]

Cap. xxxv.

An Act to authorize Deviations in the Line of the *South Yorkshire, Doncaster, and Goole* Railway, the Extension of the *Elsecar* Branch of the said Railway to *Tankersley*, and the Amendment of the Acts relating to the said Railway. [15th *July* 1850.]

Cap. xxxvi.

An Act to enable the *East and West India Docks and Birmingham Junction* Railway Company to make certain Branch Railways, and to amend the Act relating to the said Company, and to authorize the Lease of the said Undertaking, and for other Purposes. [15th *July* 1850.]

Cap. xxxvii.

An Act for regulating the Markets and Fairs held within the Borough of *Cambridge*, and at *Reach* in the County of *Cambridge*, and for enlarging the Market Place, and for rebuilding or altering the Guildhall of the said Borough, and for the Improvement of the said Borough, and the better Regulation of the Police within the same. [15th *July* 1850.]

Cap. xxxviii.

An Act to alter the Terms of Issue of the Shares in the Capital of the *York and North Midland* Railway Company, called the "*Hull and Selby* Purchase, &c. Shares;" to enable the said Company to hold Shares in the *Hull and Selby* Railway Company and in the *Malton and Driffield Junction* Railway Company; to alter, amend, and extend the Acts relating to the *York and North Midland* Railway Company; and for other Purposes. [15th *July* 1850.]

Cap. xxxix.

An Act to enable the *Dundee and Perth and Aberdeen* Railway Junction Company to raise a further Sum of Money*, and for other Purposes. [15th *July* 1850.]

* £ 150,000.

Cap. xl.

An Act for establishing Markets in and otherwise improving the Borough of *Bolton* in the County Palatine of *Lancaster*, and for extending the Provisions of the Acts relating to the *Bolton* Waterworks, and for other Purposes. [15th *July* 1850.]

Cap. xli.

An Act to enable the Corporation of *Swansea*, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to subscribe for Shares in the *Swansea* Dock Company, and to raise Money for that Purpose, and to purchase the Interests of certain Lessees of Property belonging to the said Corporation; and for other Purposes. [15th *July* 1850.]

Cap. xlii.

An Act for providing, regulating, and maintaining a Cattle Market in the Borough of *Reading* in the County of *Berks*, and for constructing a convenient Market Place therein. [15th *July* 1850.]

Cap. xliii.

An Act to amend the Act relating to the Harbour of *Montrose*, and to enable the Trustees to borrow a further Sum of Money.* [15th *July* 1850.]

* £ 7,000.

Cap. xliv.

An Act to grant further Powers to the *South Wales* Railway Company with reference to the Creation of Shares and the Regulation of their Capital; and for other Purposes. [15th *July* 1850.]

Cap. xlv.

An Act to grant further Powers to the *Dublin and Drogheda* Railway Company for raising Money by the Creation of Shares, in lieu of borrowing on Mortgage; and to amend the Acts relating to the *Dublin and Drogheda* Railway. [15th *July* 1850.]

Cap. xlvi.

An Act for better assessing and collecting the Poor Rates, Highway Rates, and other Parochial Rates, the County, Shirehall, Police, and other County and local Rates, on Small Tenements, in the several Parishes, Townships, and Hamlets of *Stourbridge*, *Upper Swinford*, *Wollaston*, the *Lye*, *Wollescote*, *Cradley*, the Borough of *Halesowen*, *Hawn*, *Hasbury*, *Illy*, *Lutley*, the *Hill*, *Cakemore*, *Ridgacre*, and *Lapal*, in the County of *Worcester*, and *Kingswinford* and *Amblecote* in the County of *Stafford*, situate within and forming the *Stourbridge* Poor Law Union. [15th *July* 1850.]

[*Owners of Tenements not exceeding Five Pounds rateable Value to be rated, but such rating not to affect the Parochial or Municipal Franchises of the Occupiers*, § 1. *Act not to affect Agreement between Landlord and Tenant*, § 10. *Lords of Manors within the Union exempted from the Payment of Rates in respect of Cottages, &c. belonging to them, for which a nominal Rent only is paid by the Occupiers*, § 11.]

Cap. xlvii.

An Act for extending the Times limited by "The *Swansea* Dock Act, 1847," for the compulsory Purchase of Lands and Execution of Works; and for other Purposes. [15th *July* 1850.]

Cap. xlviii.

An Act for uniting the Townships of *Snaith* and *Cowick* in the Parish of *Snaith* in the West Riding of the County of *York*, and for other Parochial or Township Purposes. [15th *July* 1850.]

Cap. xlix.

An Act for managing and repairing the Road leading from *Foxley Hatch* in the Parish of *Croydon* to the Town of *Reigate* in the County of *Surrey*. [15th *July* 1850.]

[7 & 8 *G.* 4. *c.* xii. *repealed*, § 1. *Toll to be paid only once a Day at the same Gate*, § 15. *No Gate to be erected between Reigate and the present Road*, § 20. *No Money to be laid out on any Road comprised in the Act within the Limits of any Act for the Improvement of any Town, nor any Money to be collected therein*, § 28. *Act to commence on the Fourth Monday after the passing of it, and to continue in force for Twenty-one Years, and to the End of the then following Session*, § 32.]

Cap. l.

An Act for lighting with Gas the Town of *Pontypridd* and the Neighbourhood thereof in the County of *Glamorgan*. [15th *July* 1850.]

Cap. li.

An Act to authorize the Construction of a Dock on the North Side of the River *Thames*, to be called "The *Victoria* (*London*) Dock." [15th *July* 1850.]

[*Dock to be constructed between Bow Creek and Gallions Reach*, § 1. *Capital*, 400,000*l.*, § 5., *and to be divided into* 20,000 £20 *Shares*, § 6. *Dock to be completed within Seven Years after the passing of the Act*, § 22. *Saving the Rights of the Corporation of London*, § 25. *Rates payable on Vessels using the Dock not to exceed the Rates payable on Vessels using Docks in the Port of London, surrounded with Walls*, § 42. *Rates on Goods not to exceed the Rates payable on like Goods in the Port of London*, § 43. *Rights of the Corporation of London, in respect of Metage and Porterage protected*, § 47. *Saving the Rights of Her Majesty*, § 48. *Dock to form Part of the Port of London*, § 49.]

Cap. lii.

An Act for supplying the City of *Norwich* and the Neighbourhood thereof with Water. [15th *July* 1850.]

Cap. liii.

An Act to amend "The *Great North of England* Railway Purchase Act, 1846," and to enable the *York, Newcastle, and Berwick* Railway Company to complete the Purchase of the said Railway. [15th *July* 1850.]

Cap. liv.

An Act for extending the Time and continuing the Powers granted by "The *Eastern Union and Harwich* Railway and Pier Act, 1847," for the compulsory Purchase of Lands and Houses, and for the Completion of Works, and for enabling "The *Eastern Union* Railway Company" to create new Shares, with certain Privileges attached, for paying off their Mortgage Debt; and for other Purposes. [15th *July* 1850.]

Cap. lv.

An Act to extend the Time for the Purchase of Lands required for certain Branches of the *North Staffordshire* Railway to *Newcastle-under-Lyme, Silverdale*, and the *Apedale* Ironworks. [15th *July* 1850.]

Cap. lvi.

An Act for making a new Street from the West Side of *Queen Street* to the South Side of *Saint Paul's Churchyard*, in continuation of the new Street from *Cannon Street* to the East Side of *Queen Street*, and for effecting other Improvements in the City of *London*. [15th *July* 1850.]

[*The Rights of Her Majesty and of the Corporation of London not to be affected*, § 13.]

Cap. lvii.

An Act to authorize the abandoning of certain Portions of the *South Yorkshire, Doncaster, and Goole* Railway, a Deviation thereof near *Doncaster*, and the Amendment of the Acts relating thereto. [15th *July* 1850.]

Cap. lviii.

An Act to enable the *South Staffordshire* Railway Company to lease their Undertaking, and for other Purposes. [15th *July* 1850.]

Cap. lix.

An Act to enable the Company of Proprietors of the *Kent* Waterworks to raise a further Sum of Money*, and to alter and amend the former Acts relating thereto. [15th *July* 1850.]

* £100,000.

Cap. lx.

An Act for amending and extending the Powers and Provisions of the Act of the Seventh Year of the Reign of King *William* the Fourth, relating to the *Southampton* Waterworks, and for other Purposes. [15th *July* 1850.]

Cap. lxi.

An Act to amend the Acts relating to the *Great Northern* Railway, to authorize a Deviation at *Doncaster* and Two short Curves at *Peterborough*, and to alter the Tolls of the *Great Northern* and *East Lincolnshire* Railways. [15th *July* 1850.]

Cap. lxii.

An Act to enable the *Waterford and Kilkenny* Railway Company to raise further Capital*, and for other Purposes. [15th *July* 1850.]

* £200,000.

Cap. lxiii.

An Act for the Improvement and Regulation of the River *Tyne* and the Navigation thereof, and for other Purposes. [15th *July* 1850.]

Cap. lxiv.

An Act to amend an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for more effectually repairing the Road leading from* Heronsyke *to* Kirkby in Kendal, *and from thence through* Shap *to* Eamont Bridge, *in the County of* Westmoreland, *and for making a new Road from the said Road at a Place called* Far Cross Bank *near* Kirkby in Kendal, *to communicate with the intended Canal from* Lancaster *to* Kirkby in Kendal, *and to join the said Road at or near a Place called the* Lound *near* Kirkby in Kendal *aforesaid;* and to continue the Term by the same Act granted. [15th *July* 1850.]

[55 *Geo.* 3. *c.* vii. *repealed,* § 1. *No more than Five Tolls to be taken for passing and repassing on same Day through all the Toll Gates,* § 14. *Persons having paid Toll to return free on same Day,* § 16. *No more Money to be expended on any Road comprised in the Act than shall be collected thereon,* § 24. *No Money to be taken or laid out on Roads in Towns,* § 25. *Act to commence on the* 31*st of October* 1850, *and to continue in force for Twenty-one Years, and to the End of the then next Session,* § 29.]

Cap. lxv.

An Act to amend an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from* Ulverstone *to* Kendal *into the Turnpike Road leading from* Millthorp *to* Kendal, *and a Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from* Lancaster *to* Kendal, and to continue the Term thereby granted. [15th *July* 1850.]

[58 *Geo.* 3. *c.* lxx. *repealed,* § 1. *Turf exempted from Toll in certain Cases,* § 12. *Only One Penny to be paid for a Cart laden with Turf or Peat for Sale,* § 13. *Only Four full Tolls to be taken on same Day,* § 15. *Persons having paid Toll to return free on same Day,* § 16. *No Money to be laid out on Roads in Towns,* § 25. *Act to commence on* 31*st October* 1850, *and to continue in force for Twenty-four Years,* § 29.]

Cap. lxvi.

An Act for continuing the Term of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building a Bridge over the River* Severn, *at or near to the* Mythe Hill *within the Parish and near to the Town of* Tewkesbury *in the County of* Gloucester, *to the opposite Side of the said River in the Parish of* Bushley *in the County of* Worcester, *and for making convenient Roads and Avenues to communicate with such Bridge within the Counties of* Gloucester *and* Worcester, and of another Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for altering, amending, and enlarging the Powers and Provisions of an Act relating to the* Tewkesbury Severn *Bridge and Roads,* for the Purpose of paying off the Debt now due on the said Bridge and Roads. [15th *July* 1850.]

[*Act to commence from the passing, and to continue in force till the Principal and Interest owing on the Credit of the Tolls shall be paid, but not to continue in force longer than Twenty-one Years, and to the End of the then next Session,* § 13.]

Cap. lxvii.

An Act for continuing and enlarging the Term and Powers of Three Acts, passed in the Reign of His Majesty King *George* the Third, for repairing and widening several Roads leading to and from the Towns of *Bala* and *Dolgelley* in the County of *Merioneth,* and other Roads therein mentioned, in the Counties of *Montgomery, Denbigh,* and *Salop,* and for repairing several other Roads in the Counties of *Merioneth* and *Denbigh.* [15th *July* 1850.]

[*Act to commence from the passing, and to continue in force for Twenty-one Years and to the End of the then next Session,* § 30.]

Cap. lxviii.

An Act for the better supplying with Water the Town of *Reading* and the Hamlet of *Whitley* in the County of *Berks.* [15th *July* 1850.]

Cap. lxix.

An Act for supplying with Water the Town and Port of *Cardiff* and the Neighbourhood thereof, in the County of *Glamorgan.* [15th *July* 1850.]

Cap. lxx.

An Act to provide for the Erection of public Slaughter-houses for the City of *Edinburgh,* and for the Regulation of the same. [15th *July* 1850.]

Cap. lxxi.

An Act to amend and extend the Provisions of the Act relating to the *Garstang and Hering Syke* Turnpike Road. [15th *July* 1850.]

Cap. lxxii.

An Act to extend the Powers of the *Newcastle-upon-Tyne and Carlisle* Railway Company, and to amend Acts relating to their Railway. [29th *July* 1850.]

Cap. lxxiii.

An Act to incorporate the Members of the Shipwrecked Fishermen and Mariners Royal Benevolent Society, and to enable them better to carry into effect their charitable Designs. [29th *July* 1850.]

Cap. lxxiv.

An Act to extend the *Wolverhampton* Waterworks, and to amend the Act relating thereto. [29th *July* 1850.]

Cap. lxxv.

An Act for better supplying with Water the Borough of *Salford*, and for the further Improvement of the said Borough. [29th *July* 1850.]

Cap. lxxvi.

An Act to extend the Powers of the *Dundalk and Enniskillen* Railway Company for the Purchase of Lands and Completion of Works on Part of their Railway, and for other Purposes. [29th *July* 1850.]

Cap. lxxvii.

An Act for extending and amending the Acts for regulating and improving the Borough of *Newcastle-upon-Tyne*. [29th *July* 1850.]

Cap. lxxviii.

An Act for enabling the *Aberdeen* Railway Company to raise a further Sum of Money, and to alter their Station and the Levels of their Railway at and near *Aberdeen;* for repealing "The *Great North of Scotland* Railway Act, 1847;" for altering, amending, and extending the Acts relating to the *Aberdeen* Railway; and for other Purposes. [29th *July* 1850.]

Cap. lxxix.

An Act for repealing an Act relating to the Borough of *Bradford* in the County of *York*, and for better paving, lighting, watching, draining, and otherwise improving the said Borough, and for the better Regulation and Management thereof. [29th *July* 1850.]

Cap. lxxx.

An Act to extend the Time limited by the *Liverpool* Corporation Waterworks Act, 1847, for purchasing Lands and constructing the Works authorized by such Act, and for other Purposes. [29th *July* 1850.]

Cap. lxxxi.

An Act for continuing the Term of the *Cromford and Newhaven* Turnpike Road Act, and for other Purposes. [29th *July* 1850.]

[6 *Geo.* 4. *c.* lxxxix. *continued for Twenty-one Years from the passing of this Act or until the Debt of* 4,181*l. shall be paid off*, § 3.]

Cap. lxxxii.

An Act for confirming an Agreement for the Sale of the Freehold and Leasehold Hereditaments and Premises, Works, Property, Gear, and Fixtures, of the *Poplar* Gaslight Company, to the *Commercial* Gas Company, and for the Dissolution of the *Poplar* Gaslight Company. [29th *July* 1850.]

Cap. lxxxiii.

An Act to enlarge the Powers of the *Lancashire and Yorkshire* Railway Company, and to amend the Acts relating to their Undertakings. [29th *July* 1850.]

Cap. lxxxiv.

An Act for continuing the *Godstone and Highgate* Turnpike Trust for a limited Period, for the Purpose of paying off the Mortgage Debt. [29th *July* 1850.]

[9 *G.* 4. *c.* cx. *repealed*, § 1. *Act to commence on the Fourth Saturday after the passing, and to continue in force for Nine Years*, § 21.; *but to cease if the Debt is paid off before*, § 22.]

Cap. lxxxv.

An Act for repairing the Road leading from a certain Point in the *Kennington Road* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to *Highgate* in the County of *Sussex*, and thence to *Witchcross* in the same County, and several other Roads therein mentioned. [29th *July* 1850.]

[*Chalk not exempted from Toll*, § 20. *Footpaths to be deemed Part of Roads*, § 36. *Act to commence on the Fourth Saturday after the passing, and to continue in force for Eleven Years, and to the End of the then next Session*, § 46.]

Cap. lxxxvi.

An Act for forming and regulating the *British* Electric Telegraph Company, and to enable the said Company to work certain Letters Patent. [29th *July* 1850.]

Cap. lxxxvii.

An Act for more effectually repairing and improving the Road from *Rochdale*, through *Bamford* and *Birtle* to *Bury*, and several other Roads therein mentioned, all in the County Palatine of *Lancaster*. [29th *July* 1850.]

[7 & 8 *G.* 4. *c.* lxiii. *repealed*, § 1. *Only Two full Tolls to be paid between Rochdale and Bury*, § 11. *Only Three full Tolls to be paid on all the Roads*, § 11. *Persons having paid Toll to return free*, § 13. *No Money to be laid out or collected in Towns*, § 21. *Act to commence on the Third Thursday after the passing, and to continue in force for Twenty-one Years, or until the Payment of the Debt of* 7,000*l.* *therein mentioned*, § 26.]

Cap. lxxxviii.

An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make certain Deviations in the Line of their Railway, and for other Purposes. [29th *July* 1850.]

Cap. lxxxix.

An Act for extending and amending the Powers of the Timber Preserving Company's Acts; and to enable the Company to buy, improve, and sell Substances to be preserved, and to work Mills and Machinery. [29th *July* 1850.]

Cap. xc.

An Act for continuing the Term of "The *Birmingham and Pershore* Turnpike Road Act," and for other Purposes. [5th *August* 1850.]

[6 *G.* 4. *c.* cxlii. *continued for Twenty-one Years from the passing of this Act, and to the End of the then next Session*, § 3.]

Cap. xci.

An Act for constructing a Bridge across the River *Clyde*, opposite to *South Portland Street, Laurieston, Glasgow*. [5th *August* 1850.]

Cap. xcii.

An Act to amend "The *Gorbals* Gravitation Water Company Act, 1846," to authorize the Extension of the Works, and the Construction of new Works to supply the Town or Royal Burgh of *Rutherglen* and other Places with Water. [5th *August* 1850.]

Cap. xciii.

An Act for better paving, lighting, watching, cleansing, and otherwise regulating and improving the City and Township of *Peterborough* in the Liberty of *Peterborough* in the County of *Northampton*, and for establishing a Cemetery therein. [5th *August* 1850.]

Cap. xciv.

An Act to make better Provision for raising Funds to complete the Railway and Dock Undertakings of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and for other Purposes. [5th *August* 1850.]

Cap. xcv.

An Act to authorize certain Alterations in the Line of the *Liverpool, Crosby, and Southport* Railway, and for other Purposes. [5th *August* 1850.]

Cap. xcvi.

An Act for paving, draining, cleansing, lighting, and otherwise improving the Township of *Bilston* in the County of *Stafford*, and for establishing a Local Board of Health in that Township; and also for better supplying with Water and Gas the said Township of *Bilston*, and for constructing Cemeteries there, and for purchasing, improving, maintaining, and regulating the Market and Market Place therein; and for other Purposes. [14th *August* 1850.]

Cap. xcvii.

An Act for the Dissolution of the *East of Fife* Railway Company, and for the Abandonment of the Railway. [14th *August* 1850.]

Cap. xcviii.

An Act to enable the *West Cornwall* Railway Company to make a Deviation in and a Branch Railway from their authorized Line of Railway, and for other Purposes. [14th *August* 1850.]

Cap. xcix.

An Act to enable the *Liverpool, Crosby, and Southport* Railway Company to sell or lease their Railway to the *Lancashire and Yorkshire* Railway Company. [14th *August* 1850.]

Cap. c.

An Act to carry into effect Arrangements made between the Commissioners of Her Majesty's Woods and the Trustees of the *Birkenhead* Docks; to amend the Acts relating to the said Docks, and to extend the Time for Completion of Works; and for other Purposes. [14th *August* 1850.]

Cap. ci.

An Act for the Extension and better Regulation and Management of the Markets and Slaughter-houses in the City of *Glasgow*. [14th *August* 1850.]

Cap. cii.

An Act for amending and enlarging the Powers and Provisions of "The *Westminster* Improvement Act, 1845," and "The *Westminster* Improvement Act, 1847," to extend the Time for the compulsory Purchase of Lands, and for other Purposes. [14th *August* 1850.]

Cap. ciii.

An Act for continuing the Term of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Saint John's *Chapel in the Parish of* Saint Marylebone *to the North-east End of* Ballard's Lane, *abutting upon the* North Road *in the Parish of* Finchley, *with a Branch therefrom, in the County of* Middlesex, for the Purpose of paying off the Debt now due on the said Roads, and providing for the future Management thereof. [14th *August* 1850.]

[*Act to commence on 1st November* 1850, *and to continue in force until all Principal Monies and Interest for which Mortgages are therein directed to be given, and also the Sum of* £2,773 2*s. therein mentioned, shall be paid off*, § 17.]

Cap. civ.

An Act for better constituting the District Church of *Saint Michael, Chester Square*, in the County of *Middlesex*. [14th *August* 1850.]

Cap. cv.

An Act to give Effect to certain Securities upon the Rates authorized to be levied under the *Wolverhampton* Improvement Act. [14th *August* 1850.]

Cap. cvi.

An Act for incorporating "The Class A. Shareholders of the *St. Andrew's and Quebec* Railroad Company," and conferring on them certain Powers. [14th *August* 1850.]

Cap. cvii.

An Act for facilitating the Erection of a Church to be called "*St. Gabriel's*" in the District Parish of *St. Peter Pimlico* in the County of *Middlesex*, and for other Purposes. [14th *August* 1850.]

Cap. cviii.

An Act for better improving the Borough of *Belfast*. [14th *August* 1850.]

Cap. cix.

An Act to alter and amend the Acts relating to the Navigation of the River *Lee* in the Counties of *Hertford, Essex*, and *Middlesex*; and to enable the Trustees further to improve the Navigation and to dispose of the surplus Water; and for other Purposes. [14th *August* 1850.]

Cap. cx.

An Act to amend the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company, and to confer additional Powers upon the same Company and upon certain other Companies, and for other Purposes. [14th *August* 1850.]

Cap. cxi.

An Act to enable the *Hartlepool* West Harbour and Dock Company to alter and improve their Harbour and construct additional Works; and for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, called "The *Hartlepool* West Harbour and Dock Act, 1847." [14th *August* 1850.]

Cap. cxii.

An Act to enable the Commissioners of *Westminster Bridge* to build a temporary Bridge across the River *Thames* from *Bridge Street* in the City of *Westminster* to the opposite Shore in the County of *Surrey*. [14th *August* 1850.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be printed by the several Printers to the Queen's "most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy "thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, "and others."

Cap. 1.

AN Act for the Management of the Allotments made to the Freemen of *Nottingham* by virtue of certain Acts for inclosing Lands in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*. [10th *June* 1850.]

Cap. 2.

An Act to authorize the granting of Building and Improvement Leases of the settled Estates of *Elizabeth Lydia Brigstocke*, situate in the Town of *Ryde* in the *Isle of Wight*. [15th *July* 1850.]

Cap. 3.

An Act to authorize the Purchase by the *Prussian* Minister of a Residence in *England* for the Use of the *Prussian* Legation, and to regulate the future holding of the same. [15th *July* 1850.]

Cap. 4.

An Act to authorize the Sale of certain Real Estates situate at *Hoddesdon* in the County of *Hertford*, and in the Parish of *Saint James Westminster* in the County of *Middlesex*, and in *Tottenham Court Road* in the said County of *Middlesex*, which belonged to the late *Renè Briand* deceased. [15th *July* 1850.]

Cap. 5.

An Act for authorizing certain Agreements between the Chancellor and Council of Her Majesty's Duchy of *Lancaster* and Sir *Peter Hesketh Fleetwood* Baronet to be carried into effect; and for other Purposes. [15th *July* 1850.]

Cap. 6.

An Act for confirming and carrying into effect an Exchange heretofore made or attempted to be made between the Right Honourable *George* late Earl of *Shrewsbury* and *John Grace* of *Whitby* in the County of *Chester* deceased. [29th *July* 1850.]

Cap. 7.

An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward* late King of *England* the Sixth, of *St. Thomas the Apostle*, commonly called *St. Thomas*'s Hospital, and for enabling them to grant Building and other Leases of their Estates. [29th *July* 1850.]

Cap. 8.

An Act for carrying into effect a Contract for the Sale of Messuages and Lands situate in the Parish of *Barford* in the County of *Warwick* belonging to the Rectory of the same Parish, and for vesting in Trustees certain Cottages and Lands situate in the Parish of *Barford* aforesaid, being Part of the Real Estate devised by the Will of *Jane Mills* Widow, deceased, upon trust to complete a Contract for the Sale thereof. [14th *August* 1850.]

Cap. 9.

An Act for creating Powers of Sale in the Freehold and Copyhold Estates comprised in the Marriage Settlement of *William Bernard Harcourt*, deceased, with *Elizabeth Georgiana Harriet* his Wife. [14th *August* 1850.]

Cap. 10.

An Act for establishing a School for Orphans of Freemen of the City of *London*. [14th *August* 1850.]

Cap. 11.

An Act to authorize the Trustees of certain Estates called the *Chandos* Estates, settled by a Deed dated the Third Day of *May* One thousand eight hundred and twenty-eight on the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos* and his Issue, to lay out the Monies produced by Sales of Parts of the same Estates in the Purchase of the Family Estates of the said Duke of *Buckingham and Chandos* called the *Buckingham* Estates, notwithstanding certain Family Charges thereon either with an Indemnity against such Charges, to be approved by the Court of Chancery, or with a proportionate Deduction from the Purchase Money; to extend the Powers of reinvesting a Part of the same Monies; and to authorize the granting of Building Leases of Parts of the first-mentioned Estates; and for other Purposes. [14th *August* 1850.]

Cap. 12.

An Act to enable the Trustees of the Will of the late Sir *John Lowther Johnstone* Baronet, deceased, to grant Building and Repairing Leases for Ninety-nine Years of the Estate devised by the said Will situate in the Boroughs of *Weymouth* and *Melcombe Regis* and in the Parish of *Radipole* in the County of *Dorset*, and for other Purposes. [14th *August* 1850.]

Cap. 13

An Act for giving Effect to a Compromise relating to the Estate of the Right Honourable *George Alan* Viscount *Midleton*, deceased, and, with a view thereto, for vesting the Estates in *England* and *Ireland* late of the said Viscount *Midleton* in Trustees; and for other Purposes. [14th *August* 1850.]

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An Act to enable the Trustees of the Will of the Right Honourable *Henry* Earl of *Thanet* deceased to raise Money upon the Security of his Estates, for the Repair and Improvement of the Buildings thereon. [14th *August* 1850.]

Cap. 15.

An Act to enable the Right Honourable *Henry* Earl of *Effingham* and others to grant Building, Mining, and other Leases of certain Freehold Estates in the Townships of *Rotherham* and *Kimberworth* in the County of *York*, devised by the Will of the Right Honourable *Richard* late Earl of *Effingham*; and for other Purposes. [14th *August* 1850.]

Cap. 16.

An Act for authorizing the Sale of Estates in the County of *York* devised by the Will of Sir *Henry Maghul Mervin Vavasour* Baronet, deceased, and for other Purposes. [14th *August* 1850.]

Cap. 17.

An Act to authorize the Trustees of the Will of *William Mellish* Esquire, deceased, to invest a Portion of the Funds subject to the Trusts of the Will of the said *William Mellish* in the Purchase of the Family Estates in *Ireland* of the Right Honourable *Richard* Earl of *Glengall*. [14th *August* 1850.]

Cap. 18.

An Act to enlarge and consolidate the Provisions of Two Acts of Parliament relating to the Estates of *John Bowes* late Earl of *Strathmore*. [14th *August* 1850.]

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THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Decimo Quarto & Decimo Quinto.

'AT the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, *Anno Domini* 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: And from thence continued, by several Prorogations, to the Fourth Day of *February* 1851; being the Fourth Session of the Fifteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to amend the Passengers Act, 1849. [1st *April* 1851.]

'WHEREAS it is expedient to amend the Passengers Act, 1849, as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That,

Commissioners may fix different Lengths of Voyage for Steam and Sailing Vessels.

I. The Power given by the Twentieth Section of the said Act to the Colonial Land and Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time to declare what shall be deemed the Length of Voyage from the United Kingdom to any of the therein-mentioned Places, or to any other Port or Place whatsoever, shall be extended so as to authorize the said Commissioners, acting by and under the Authority aforesaid, from Time to Time, by such Notice and to be published in such Manner as in the same Section mentioned, to declare such a Number of Weeks or Days to be deemed to be the Length of Voyage of a Steam Vessel, different from the Number of Weeks or Days to be deemed to be the Length of Voyage of a Sailing Vessel, and to distinguish, where they think fit, between Vessels having Steam Engines to be used occasionally, or in aid of their Sails, and Vessels having Engines of full Power for constant Use, and to fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels.

Power to substitute different Dietary extended.

II. The Power given by the Twenty-fifth Section of the said Act to the said Commissioners, acting under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time to substitute for any of the Articles of Food mentioned in the said Act any other Articles of Food, as to the said Commissioners shall seem meet, shall be extended so as to authorize the said Commissioners, by such Notice and to be published in such Manner as in the said Twenty-fifth Section mentioned, from Time to Time to determine and specify such Quantity or Quantities of One or more Articles of Food to be substituted for a given Quantity of any Article of Food specified in the said Act as the Commissioners may think necessary to secure to each Passenger an equivalent Amount of wholesome Nutriment, and the said Commissioners may in such Notice authorize the Supply by the Master of any Passenger Ship of the substituted Articles or any of them in the Quantities specified in this Behalf, or of the Articles of Food mentioned in the said Act in the Quantities therein mentioned, at his Option, during all or any Part of a Voyage.

Notices may be amended or revoked.

III. Any Notice issued and published under either of the Powers herein-before referred to of the said Act, or under either of such Powers as extended by this Act, may be altered, amended, or revoked as Occasion may require by the said Commissioners, acting under the Authority aforesaid, by Notice to be issued and published in like Manner.

Passenger Ships putting into Port damaged not to proceed without a Cer-

IV. No Passenger Ship putting into or touching at any Port of the United Kingdom after having sustained any Damage shall again put to Sea until such Damage has been effectually repaired, nor until the Master of such Ship has obtained from the Emigration Officer or his Assistant, or where there is no such Officer, or in his Absence, from the Officer of Customs at such Port or Place, a Certificate that such Ship

tificate of Fitness.

Ship is fit in all respects to proceed on her Voyage; and in case of any Default herein the Master of such Ship shall be liable to a Penalty not exceeding One hundred Pounds, to be sued for and recovered, with Costs, and applied as a Penalty imposed by the said Act.

Powers of Governors of Colonies and Governor General of India in Council, as to Length of Voyage and Dietary, extended.

V. The Powers given by the Sixty-second and Sixty-fourth Sections of the said Act to the Governor of any of Her Majesty's Possessions abroad and to the Governor General of *India* in Council respectively to declare the Rule of Computation of the Length of any Voyage, or to substitute or authorize the Substitution for the Articles of Food and Provisions specified in the said Act other Articles of Food, shall be extended so as to enable such Governor and Governor General in Council respectively by Proclamation or Act (as the Case may require), subject to the Provisions of the said Passengers Act concerning Confirmation or Disallowance and Disallowance and Repeal respectively, to make, do, and authorize all such Declarations, Acts, and Matters with respect to any Voyage to which such Powers respectively extend as the Land and Emigration Commissioners, acting under the Authority aforesaid, may, under the Powers given by the Twenty-first and Twenty-fifth Sections of the said Act as extended by this Act, make, do, and authorize with respect to any Voyage to which their Powers extend.

Bond to be given by Masters of British and Foreign Passenger Ships.

VI. Before any "Passenger Ship" shall clear out or proceed on any Voyage to which the said Act shall extend, the Owner or Charterer, or, in the event of the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, in lieu of the Bond required by the Forty-third Section of the said Act, enter into a joint and several Bond, in the Sum of One thousand Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (A.) hereto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that all and every the Requirements of the said Act and of this Act, and of the said Commissioners acting in the Manner prescribed by the said Act, and of any Order which may at the Date of such Bond have been passed by Her Majesty in Council in virtue of the said Act, shall in all respects be well and truly fulfilled and performed, and, in the Case of any Foreign Passenger Ship which shall proceed to any of Her Majesty's Possessions abroad, that the Master thereof shall submit himself in like Manner as a *British* Subject, being the Master of a *British* Passenger Ship, to the Jurisdiction of such Courts and Magistrates in Her Majesty's Possessions abroad as are by the said Act empowered to adjudicate on Offences committed against the said Act, and moreover that the Master, whether of a *British* or Foreign Passenger Ship, shall well and truly pay all Penalties, Fines, and Forfeitures which he may be adjudged to pay, either in the United Kingdom or by any such Tribunal abroad, for or in respect of the Breach or Non-performance of any of the Requirements of the said Act: Provided always, that such Bond shall not be liable to Stamp Duty, and shall be executed in duplicate.

Counterpart of Bond to be certified, and sent to the Colony to which Ship bound, and to be received in Evidence without further Proof of Execution.

VII. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any such Passenger Ship to certify on One Part of such Bond that it has been duly executed by the said Master and the other Obligor, and to forward the same by Post to the Colonial Secretary of the Colony to which such Foreign Passenger Ship may be bound; such Certificate shall, in any Colonial Court of Judicature in which the Bond may be put in suit, be deemed conclusive Evidence of the due Execution of the Bond by the said Master and the other Obligor, and it shall not be necessary to prove the Handwriting of the Officer of Customs who may have signed such Certificate, nor that he was at the Time of signing it Chief Officer of Customs at the Port of Clearance; provided, that no such Bond shall be put in suit in any of Her Majesty's Possessions abroad after the Expiration of Three Calendar Months next after the Arrival therein of the said Ship, nor in the United Kingdom after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

This and recited Act One.

VIII. The said Act and this Act shall be construed together as One Act.

SCHEDULE (A).

FORM of BOND to be given by OWNER or CHARTERER and MASTER.

KNOW all Men by these Presents, That we, are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Passengers Act, 1849," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed on any Voyage to which the Provisions of the Passengers Act, 1849, shall extend, the Owner or Charterer, or, in the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a Bond to Majesty, Heirs and Successors, in the Sum of One thousand Pounds.

Now

Now the Condition of this Obligation is such, that if the Ship whereof is Master, bound to is in all respects seaworthy, *[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Passenger for the Period of Weeks on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if all and every the Requirements of the said Passengers Act, 1849, and of the said recited Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Passengers Act, 1849, and of any Order in Council passed in virtue of the said last-mentioned Act, shall in all respects be well and truly performed, †[and if the Master for the Time being of the said Ship shall submit himself in like Manner as a British Subject, being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Passengers Act of 1849 to adjudicate on Offences committed against the said Act,] and if, moreover, all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any such Requirements as aforesaid shall be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above-bounden in the Presence of‡

§[I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said].

(*Signature*)_____ { Chief Officer of Customs for the Port of .

(*Date*)_____

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water, as provided by s. 23. of the Act.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

‡ Insert Names and Addresses in full of the Witnesses.

§ Certificate to be signed by the Chief Officer of Customs in case of a Foreign Passenger Ship.

CAP. II.

An Act to authorize the Inclosure of certain Lands in pursuance of the Sixth Annual Report of the Inclosure Commissioners. [1st *April* 1851.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution, of the Powers of General and Local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in the Annual General Report of their Proceedings certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

8 & 9 Vict c. 118.

Inclosures mentioned in Schedule may be proceeded with.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Inclosure Act, 1851."

Short Title.

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Tanworth	Warwick	12th July 1850.
Bromsberrow Heath	Gloucester	20th June 1850.
Abergwilly	Carmarthen	11th October 1850.
Cellan Mountain	Cardigan	13th November 1850.
Kington	Hereford	25th November 1850.
Roggiet and Minutes Common	Monmouth	20th June 1850.
Blaenpenal	Cardigan	20th June 1850.
Colby Moor	Westmorland	21st August 1850.
Meppershall	Herts and Beds	20th June 1850.
Twyford Down	Southampton	21st August 1850.
Owslebury	Southampton	21st August 1850.
Lurkenhope Common	Salop	21st August 1850.
Ash	Surrey	6th August 1850.
Marshfield	Gloucester	23d September 1850.
Smallridge	Devon	11th October 1850.
Ipplepen	Devon	23d September 1850.
Towednack	Cornwall	20th December 1850.

Inclosure.	County.	Date of Provisional Order.
Ludgershall	Wilts	11th October 1850.
Compton Abbas	Dorset	16th January 1851.
Droxford	Southampton	13th November 1850.
Stourpaine and Ash	Dorset	14th January 1851.
Whitley	Berks	4th January 1851.
Shinfield Greens	Berks	4th January 1851.
Scaleby Moss	Cumberland	4th January 1851.
Newton	Cambridge	27th January 1851.

CAP. III.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-one. [1st *April* 1851.]

CAP. IV.

An Act to enable Her Majesty to appoint a Vice Chancellor in the Room of Sir *James Wigram*, resigned. [1st *April* 1851.]

'WHEREAS by an Act passed in the Fifth Year of the Reign of Her present Majesty, Session One, Chapter the Fifth, Her Majesty was by Section Nineteen empowered to appoint by Letters Patent under the Great Seal Two fit Persons to be additional Judges Assistant to the Lord Chancellor in the Discharge of the Judicial Functions of his Office, each of such additional Judges to be called Vice Chancellor; and by Section Twenty-one it was provided that nothing therein contained should authorize the Appointment of a Successor to the Vice Chancellor secondly appointed under the Authority of the said Act: And whereas the Right Honourable Sir *James Wigram* Knight was the Vice Chancellor secondly appointed under the said Act: And whereas the said Sir *James Wigram* has, by reason of ill Health, resigned the Office of Vice Chancellor to which he had been so appointed: And whereas the State of Business in the Court of Chancery renders it expedient that a Vice Chancellor should be appointed in the Place of the said Sir *James Wigram*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of additional Vice Chancellor.

I. It shall be lawful for Her Majesty to appoint, by Letters Patent under the Great Seal of the United Kingdom, a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to be an additional Judge Assistant to the Lord Chancellor in the Discharge of the Judicial Functions of his Office, in the Place of the said Sir *James Wigram*, and to be called Vice Chancellor.

Rank, &c. of additional Vice Chancellor.

II. The Vice Chancellor to be appointed under this Act shall have all the same Powers and Privileges, and the same Rank, and shall be subject to the same Provisions, Duties, and Observances, as the said Sir *James Wigram* had or was subject to under the said Act of the Fifth Year of Her present Majesty, Session One, Chapter the Fifth, excepting that he shall have Rank and Precedence next after the Vice Chancellors that now are.

To have a Secretary, Usher, and Trainbearer.

III. He shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by him at his Pleasure; and the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend such Vice Chancellor when sitting for the Lord Chancellor, and also when sitting in his separate Court, as Circumstances shall require, and as the Lord Chancellor shall order or direct.

Salaries.

IV. The Salary of such Vice Chancellor, and the Salaries of his Secretary, Usher, and Trainbearer, shall be of the same Amounts, and paid out of the same Funds, and in like Manner as the Salaries of the said Sir *James Wigram*, his Secretary, Usher, and Trainbearer, were and were directed to be paid under the said Act of the Fifth Year of Her present Majesty, Chapter the Fifth.

Retiring Pension.

V. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to such Vice Chancellor, on his Resignation of or ceasing to execute his Office, an Annuity of the same Amount, after the same Period of Service, under the same Circumstances, subject to the same Conditions, and payable out of the same Fund as the Annuity authorized to be granted to each of the Vice Chancellors appointed under the said Act of the Fifth Year of Her present Majesty, Chapter the Fifth.

Lord Chancellor may appoint Persons to keep Order in Court.

VI. It shall be lawful for the Lord Chancellor to appoint One or more Person or Persons, removable at Pleasure, for the Purpose of keeping Order in the Court of the Vice Chancellor to be appointed under the Authority of this Act; and the Salaries of the Persons appointed or to be appointed under this Act, or under any Act or Acts now in force, to keep Order in the Court of the Vice Chancellor to be appointed under the Authority of this Act, shall be of such Amount, not exceeding the yearly Sum of Eighty Pounds,

Pounds, as the Lord Chancellor may think reasonable, and such Salaries shall be paid to each such Person so to be appointed out of the same Funds, and at the same Time, and in like Manner as the Salaries of such Persons have heretofore been paid.

VII. Nothing herein contained shall authorize the Appointment of a Successor to the Vice Chancellor appointed under the Authority of this Act. Successor not to be appointed.

CAP. V.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[11th *April* 1851.]

[*This Act is the same, except as to the Preamble and the Sections here inserted, as* 13 & 14 *Vict. c.* 6.]

'WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in Her Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on shore, or sent to do Duty or be on board Transport Ships or Merchant Ships or Vessels, or Ships or Vessels of Her Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any kind of Punishment within this Realm by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors, or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands. Act to extend to Jersey, &c.

IV. Nothing in this Act shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or of Misdemeanor committed with Violence to the Person, Estate, or Property of any of Her Majesty's Subjects punishable by the well-known Laws of the Land; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty. The ordinary Course of Law not to be interfered with.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Marines to be subject to the Discipline of the Navy while on board Ship.

Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

General Courts-martial.

VIII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Courts-martial in special Cases out of the Queen's Dominions.

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful

lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

Swearing and summoning Witnesses.

XVII. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made.

Crimes punishable with Death.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XXII. No Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present, being Members of the Court, shall concur therein.

Commutation of Death for Transportation.

XXIII. Whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him

him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Embezzlement punishable by Transportation.

XXIV. Every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Power to inflict Corporal Punishment.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXXI. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Marine, whether at the Instance of such other Marine or not, with Intent thereby to render himself or such other Marine unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. Every Marine who shall be found guilty of Desertion by a Court-martial, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement;

XXXIII. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which

his

his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself; and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Marine shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to his Trial, and until such Decision has been pronounced: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

or during Absence on Commitment under a Charge, or in arrest for Debt; or when Prisoner of War;

or when convicted of Desertion or Absence without Leave; or when absent without Leave not exceeding Five Days.

Forfeiture of Pay for Drunkenness on Duty.

XXXV. A General, District, or Garrison Court-martial may sentence any Marine for being drunk on Duty, and any Court-martial may sentence any Marine for being drunk when on or for Duty or on Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Stoppages.

XXXVI. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good —

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power of Imprisonment by different Kinds of Courts-martial.

XXXIX. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months the Court-martial shall imperatively order that the proper Proportion only of the Sentence of

Solitary Confinement shall be inflicted within the first Three Months, and a similar Proportion only within each of the succeeding Three Months, of the Imprisonment awarded; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XL. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced; and where such Offender shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XLI. Save as herein specially provided, every Term of Transportation or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Apprehension of Deserters.

L. Upon reasonable Suspicion that a Person is a Deserter, it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a Descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

LVI. Any

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor committed with Violence to the Person, Property, or Effects of any of Her Majesty's Subjects, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable to be summoned before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Capias, Writ, Summons, Order, Judgment, Process, or Execution issued by or by the Authority of any Court or Inferior Court for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for deserting or having deserted, or for leaving or having left chargeable to any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or other Relation which such Marine would, if not in Her Majesty's Service, be liable by Law to support or maintain, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, as herein prescribed.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards:

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

LVIII. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Officers not to be Sheriffs or Mayors.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours, after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required

Enlisting and swearing of Recruits.

to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart-Money, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay all such Money and Pay as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained, before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to the Militia, or any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished, or prosecuted, tried, and convicted, for any such Offence,

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed taken by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist into the Marines who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Marine to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Rates for Carriages.

LXXII. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of

the Union with *England:* Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Exemption from Tolls.

LXXVI. All Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Penalty on unlawful recruiting.

LXXXIII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Duration of Act.

XCII. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-two inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-one until the First Day of *May* One thousand eight hundred and fifty-two inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-two inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-two inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and fifty-one until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-two inclusive.

PART OF SCHEDULE referred to by this Act.

NOTICE to be given to a RECRUIT, or left at his Place of Abode, agreeably to the Provisions of the Marine Mutiny Act, within Forty-eight but not sooner than Twenty-four Hours after his Enlistment, the Hours of Sunday not being counted.

[*Date*] 185

you enlisted with at o'Clock*

on the Day of 185 , for the Royal Marines, and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested, or to release yourself from your Engagement by repaying the Enlisting

* A.M. or P.M., as the Case may be.

Shilling

Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Marine without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. _____

Name of the Recruit _____

Residing at _____

DESCRIPTION RETURN of committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
Name and Occupation and Address of the Person by whom apprehended	
* Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

_____ *Signature and Address of Magistrate.*

_____ *Signature of Prisoner.*

_____ *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

_____ *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

CAP. VI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [11th *April* 1851.]

[*This Act is the same, except as to the Preamble, and the Sections here inserted, as* 13 & 14 *Vict. c.* 5.]

'WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: 'And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a Body of 'Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions 'of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole 'Number of such Forces should consist of Ninety-eight thousand seven hundred and fourteen Men, Numbers. 'exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions 'of the *East India* Company, but including the Officers and Men of the Troops and Companies 'recruiting for those Regiments: And whereas no Man can be forejudged of Life or Limb, or 'subjected in Time of Peace to any kind of Punishment within this Realm, by Martial Law, or in any 'other Manner than by Judgment of his Peers and according to the known and established Laws of

'this

'this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in 'their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up 'Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice 'of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than 'the usual Forms of the Law will allow:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Act to extend to Jersey, Guernsey, &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds, in the said Islands.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and the Articles of War to Justice Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles* as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being, however, below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

General Courts-martial.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishment as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Courts-martial in special Cases out of the Queen's Dominions.

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding

manding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixed Courts-martial in case of Marines and East India Company.

XII. Where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial, together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of an Act passed in the Twelfth and Thirteenth Years of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

Swearing and summoning Witnesses.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made.

Crimes punishable with Death.

XIX. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being relieved; or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Commutation of Death for Transportation.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such

Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Execution of Sentences of Transportation in the United Kingdom.

XXIII. Whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender, in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for disgraceful Conduct, as herein-after mentioned, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent thereby to render himself or such other Soldier unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. Every

XXIX. Every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award. Forfeiture of Pay on Conviction of Desertion or Felony.

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as hereinafter provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Soldier shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to Trial, and until such Decision had been pronounced: Provided also, that it shall be lawful for Her Majesty's Secretary-at-War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay when in Confinement under Sentence; or during Absence on Commitment under a Charge, or in arrest for Debt; or when Prisoner of War; or when convicted of Desertion, or of Absence without Leave; or when absent without Leave, not exceeding Five Days.

XXXI. A General, District, or Garrison Court-martial may sentence any Soldier for being drunk on Duty, and any Court-martial may sentence any Soldier for being drunk when for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award. Forfeiture of Pay for Drunkenness on Duty.

XXXIII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good— Stoppages.

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or any Loss or Destruction of, or Damage or Injury to, the Arms, Horse, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the proper Proportion only of the Sentence of Solitary Confinement shall be inflicted within the first Three Months, and a similar Proportion only within each of the succeeding Three Months of the Imprisonment awarded; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. Whenever Sentence shall be passed by a Court-martial on an Offender already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced, and where such Offender shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XXXVIII. Save as herein-before specially provided, every Term of Transportation or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Apprehension of Deserters in the United Kingdom.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall

shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner, who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of the same; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

LI. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

No Person acquitted or convicted by the Civil Magistrate, or by a Jury, to be tried by Court-martial for the same Offence.

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor committed with Violence to the Person, Property, or Effects of any of Her Majesty's Subjects, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable to be summoned before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service, by any Capias, Writ, Summons, Order, Judgment, Process, or Execution issued by or by the Authority of any Court or Inferior Court, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for deserting or having deserted, or for leaving or having left chargeable to any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or other Relation, which such Soldier or Person would, if not in Her Majesty's Service, be liable by Law to support or maintain, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided, that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, as herein-after prescribed.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

LVI. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said

Dissent and Relief from Enlistment.

said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary-at-War shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction, for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed, taken by the Recruit on his Attestation, and the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary-at-War or Deputy Secretary-at-War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted: Provided always, that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided, as aforesaid, that it shall be lawful for Her Majesty's Secretary-at-War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary-at-War.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXIV. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight, loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made,

made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England;* provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Tolls.

LXXVIII. All Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order, or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

LXXXII. Nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony or of Misdemeanor committed with Violence to the Person, Estate, or Property of any of Her Majesty's Subjects, punishable by the well-known Laws of the Land, and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate thereof, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty on unlawful recruiting.

LXXXVI. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXXIX. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles,

or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours, in addition to his original Sentences; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend, or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Gaol Acts to apply to Military Prisons.

XCII. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Twelve Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled, or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

CIV. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-two; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-one inclusive until the First Day of *May* One thousand eight hundred

Duration of the Act.

hundred and fifty-two; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty-one inclusive until the First Day of *August* One thousand eight hundred and fifty-two; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty-one inclusive to the First Day of *September* One thousand eight hundred and fifty-two; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-two inclusive until the First Day of *January* One thousand eight hundred and fifty-three; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-three inclusive until the First Day of *February* One thousand eight hundred and fifty-four: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full force, anything herein stated to the contrary notwithstanding.

PART OF SCHEDULE referred to by the foregoing Act.

No.

DESCRIPTION RETURN of committed to Confinement at on the
Day of as a Deserter from the Regiment of .

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above mentioned Corps.

——————— *Signature and Address of Magistrate.*
——————— *Signature of Prisoner.*
——————— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————— *Signature of Military Medical Officer, or of ‖ Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

CAP. VII.

An Act to amend an Act of the Parliament of *Ireland* of the Twenty-fifth Year of King *George* the Third, for explaining and amending several Laws for the Encouragement of Agriculture, so far as relates to Leases for the Erection of Mills. [11th *April* 1851.]

'WHEREAS by an Act of the Parliament of *Ireland* of the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain and amend several Laws now in force for the Encouragement of Agriculture*, it is amongst other things enacted, that it shall and may be lawful for every Archbishop and Bishop, and for every Dean, Dean and Chapter, Archdeacon, Dignitary, Prebendary, Rector, Vicar, and Ecclesiastical Person whatsoever, with the Consent of the Archbishop or Bishop of their respective Diocese, signified under the Hand and Seal of such Archbishop and Bishop respectively, and for the Master and Governors and Fellows of Colleges and Hospitals, and for every Person or Persons whatsoever, being seised in possession in Law or Equity of an Estate in Fee Tail or for his Life, with immediate Remainder over to or in trust for his Issue, to make One or more Lease or Leases for any Term or Number of Years, or for One, Two, or Three Lives, with Covenant of perpetual Renewal, of any Part or Parts of Land to them respectively belonging, not being any Part of the Demesne usually occupied with his or their Mansion House, and not exceeding Three Acres Plantation Measure in any One such Lease, to any Person or Persons, for the Purpose of building Corn Mills, making Mill Ponds or Mill Dams, and that all Grants or Leases so made shall be good and effectual against the Successors of every such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Dignitary, Prebendary, Rector, Vicar, and other Ecclesiastical Person respectively, and against the Successors of the Masters, Governors, and Fellows of Colleges and Hospitals respectively, subject to certain Provisoes, Restrictions, and Conditions in the said Act contained relating thereto; and it is by the said Act further enacted, that like Leases, with like Powers, Restrictions, Reservations, and Covenants, may be made respectively and be valid for the Purpose of erecting Mills and making Mill Dams or Ponds for any Machinery of Manufacture to be turned or employed by Water: And whereas it is expedient to extend the like Provisions to Mills or Factories with Machinery to be turned or employed by Steam or otherwise than by Water:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 25 G. 3. (I.)

Like Leases of Lands may be made for erecting Mills with Steam Machinery, &c. as under recited Act may be made as to Mills turned by Water.

I. That like Leases of Lands, with like Powers, Restrictions, Reservations, and Covenants, may be made respectively, by like Persons, Bodies Politic, Corporate, or Collegiate, Dignitaries, Ecclesiastical Persons, and other Bodies as aforesaid, and shall be valid for the Purpose of erecting Mills or Factories in *Ireland* for any Machinery of Manufacture to be turned or employed by Steam or otherwise than by Water, as under the Provisions of the said recited Act may be made and be valid for the Purpose of erecting Mills or making Mill Dams or Ponds for any Machinery of Manufacture to be turned or employed by Water.

CAP. VIII.

An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one. [11th *April* 1851.]

'WHEREAS it is expedient that such Protection as herein-after mentioned should be afforded to Persons desirous of exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inventions may be exhibited without Prejudice to Letters Patent to be thereafter granted.

Invention to be provisionally registered, and not to be used before granting of the Letters Patent.

I. Any new Invention for which Letters Patent might lawfully be granted may at any Time during the Year One thousand eight hundred and fifty-one, but not afterwards, be publicly exhibited in any Place previously certified by the Lords of the Committee of Privy Council for Trade and Foreign Plantations to be a Place of Exhibition within the Meaning of the Designs Act, 1850, without Prejudice to the Validity of any Letters Patent to be thereafter, during the Term of the provisional Registration herein-after mentioned, granted for such Invention to the true and first Inventor thereof: Provided always, that such Invention have previously to such public Exhibition thereof been provisionally registered in manner herein-after mentioned; and provided also, that the same be not otherwise publicly exhibited or used by or with the Consent of the Inventor prior to the granting of any such Letters Patent as aforesaid, except as herein-after mentioned: Provided also, that no Sale or Transfer, or Contract for Sale or Transfer, of the Right to or Benefit of any Invention so provisionally registered, or of the Rights acquired under this Act, or to be acquired under any Letters Patent to be granted for such Invention, shall be deemed a Use of such Invention; and the Publication of any Account or Description of such Invention, in any Catalogue, Paper, Newspaper, Periodical, or otherwise shall not affect the Validity of any Letters Patent to be during such Term granted as aforesaid.

Public Trial of agricultural or horticultural Implements not to prejudice Letters Patent.

II. The public Trial or Exhibition of any such Invention as aforesaid (being an Invention for Purposes of Agriculture or Horticulture), which shall be certified by the Lords of the said Committee to have taken place under the Direction of the Commissioners for the Exhibition of 1851 for Purposes connected with the Exhibition thereof, in such Place of public Exhibition as aforesaid, whether such Trial or Exhibition

Exhibition take place before or after the passing of this Act, shall not prevent the provisional Registration of such Invention under this Act, nor prejudice or affect the Validity of any Letters Patent to be granted for such Invention during such Term as aforesaid.

Certificate of Invention to be granted for provisional Registration.

III. Her Majesty's Attorney General, or such Person or Persons as he may from Time to Time appoint to issue Certificates under this Act, on being furnished with a Description in Writing, signed by or on behalf of the Person claiming to be the true and first Inventor within this Realm of any new Invention intended to be exhibited in such Place of public Exhibition as aforesaid, and on being satisfied that such Invention is proper to be so exhibited, and that the Description in Writing so furnished describes the Nature of the said Invention so intended to be exhibited, and in what Manner the same is to be performed, shall give a Certificate in Writing, under the Hand or Hands of such Attorney General or the Person or Persons appointed as aforesaid, for the provisional Registration of such Invention.

Certificate of Invention to be registered.

IV. The Registrar of Designs acting under the Designs Act, 1850, upon receiving such Certificate, and being furnished with the Name and Place of Address of the Person by or on whose Behalf the Registration is desired, shall register such Certificate, Name, and Place of Address, and the Invention to which any Certificate so registered relates shall be deemed to be provisionally registered, and the Registration thereof shall continue in force for the Term of One Year from the Time of the same being so registered, and the Registrar shall certify, under his Hand and Seal, that such Invention has been provisionally registered, and the Date of such Registration, and the Name and Place of Address of the Person by or on whose Behalf the Registration was effected: Provided always, that if any Invention so provisionally registered be not actually exhibited in such Place of public Exhibition as aforesaid, or if the same Invention be in use by others at the Time of the said Registration, or if the Person by or on whose Behalf the said Registration has been effected be not the first and true Inventor thereof, such Registration shall be absolutely void.

Description to be preserved, and Invention to be marked.

V. The Description in Writing of any Invention so provisionally registered shall be preserved in such Manner and subject to such Regulations as the Attorney General shall direct, and any Invention so provisionally registered, and exhibited at such Place of public Exhibition as aforesaid, shall have the Words "Provisionally registered" marked thereon or attached thereto, with the Date of the said Registration.

Provisional Registration to confer same Benefits as under the Designs Act, 1850.

VI. Such provisional Registration as aforesaid shall during the Term thereof confer on the Inventor of such Invention, with respect thereto, all the Protection against Piracy and other Benefits which by the Designs Act, 1850, are conferred upon the Proprietors of Designs provisionally registered thereunder with respect to such Designs; and so long as such provisional Registration continues in force the Penalties and Provisions of the Designs Act, 1842, for preventing the Piracy of Designs shall extend to the Acts, Matters, and Things next herein-after mentioned, as fully and effectually as if those Penalties and Provisions had been re-enacted in this Act, and expressly extended to such Acts, Matters, and Things; that is to say, to the making, using, exercising, or vending the Invention so provisionally registered, to the practising the same or any Part thereof, to the counterfeiting, imitating, or resembling the same, to the making Additions thereto or Subtraction from the same, without the Consent in Writing of the Person by or on whose Behalf the said Invention was so provisionally registered.

Letters Patent thereafter granted to be as valid as if Inventions were not registered or exhibited.

VII. All Letters Patent to be during the Term of any such provisional Registration granted in respect of any Invention so provisionally registered shall, notwithstanding the Registration thereof, and notwithstanding the Exhibition thereof in such Place of public Exhibition or otherwise as aforesaid, be of the same Validity as if such Invention had not been so registered or exhibited; and it shall be lawful for the Lord High Chancellor, if he think fit, on the Grant of any Letters Patent to any Inventor in respect of any Invention provisionally registered under this Act, to cause such Letters Patent to be sealed as of the Day of such provisional Registration, and to bear Date the Day of such provisional Registration, the Act of the Eighteenth Year of King *Henry* the Sixth or any other Act notwithstanding.

Proprietors of new and original Designs exhibited to be entitled to Benefits of Designs Acts, although Designs have been previously published, &c.

VIII. Notwithstanding anything contained in the Designs Act, 1850, and the Two Acts therein referred to, and called the Designs Act, 1842, and the Designs Act, 1843, the Protection intended to be by those Acts extended to the Proprietors of new and original Designs shall be extended to the Proprietors of all new and original Designs which shall be provisionally registered and exhibited in such Place of public Exhibition as aforesaid, notwithstanding that such Designs may have been previously published or applied elsewhere than in the United Kingdom of *Great Britain* and *Ireland;* provided that such Design or any Article to which the same has been applied have not been publicly sold or exposed for Sale previously to such Exhibition thereof as aforesaid.

The Designs Act, 1850, and this Act to be construed as One Act.

IX. All the Provisions of the Designs Act, 1850, and the Provisions incorporated therewith, relating or applicable to the Designs to be provisionally registered thereunder, or to the Proprietors of such Designs, except the Provision for extending the Term of any such provisional Registration, shall, so far as the same are not repugnant to or inconsistent with the Provisions of this Act, apply to the Inventions to be provisionally registered under this Act, and to the Inventors thereof; and the said Designs Act and this Act shall be construed together as One Act.

Short Title.

X. This Act may be cited as The Protection of Inventions Act, 1851.

CAP. IX.

An Act for raising the Sum of Seventeen millions seven hundred and fifty-six thousand six hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-one. [20th *May* 1851.]

CAP. X.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [20th *May* 1851.]

[*This Act is the same, except as to Dates, as* 13 *&* 14 *Vict. c.* 12.]

CAP. XI.

An Act for the better Protection of Persons under the Care and Control of others as Apprentices or Servants; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases. [20th *May* 1851.]

'WHEREAS it is expedient to make Provision for the better Protection of Persons who are under the Care and Control of others as Apprentices or Servants:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Persons refusing or neglecting to supply necessary Food to Apprentices or Servants, or unlawfully assaulting them, guilty of a Misdemeanor.

I. That where the Master or Mistress of any Person shall be legally liable to provide for such Person, as an Apprentice or as a Servant, necessary Food, Clothing, or Lodging, and shall wilfully and without lawful Excuse refuse or neglect to provide the same, or where the Master or Mistress of any such Person shall unlawfully and maliciously assault such Person whereby the Life of such Person shall be endangered, or the Health of such Person shall have been or shall be likely to be permanently injured, such Master or Mistress shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without Hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years.

Costs of Prosecution.

II. That the Costs and Expenses of the Prosecution of any such Misdemeanor as aforesaid may be allowed and ordered by the Court before which the Indictment shall be tried, in like Manner as the Costs of the Prosecution in certain Cases of Misdemeanor under the Act of the Seventh Year of the Reign of King *George* the Fourth, Chapter Sixty-four, or may be allowed and ordered by the Court of Queen's Bench, in case the Indictment shall have been removed into that Court, to be paid by the Treasurer of the County or other Officer who would have been liable to pay under the Order of the Court in which, but for such Removal, the Indictment would have been tried.

Register to be kept of young Persons hired or taken as Servants from any Workhouse. Not to supersede Obligation to keep Register as required by 42 G. 3. c. 46. and 7 & 8 Vict. c. 101.

III. That the Guardians of every Union and of every separate Parish under the Management of a Board of Guardians, and the Overseers of every Parish not in Union or under the Management of a Board of Guardians, shall provide and keep a Book or Books, and shall cause to be registered therein the Name of every young Person under the Age of Sixteen who shall hereafter be hired or taken as a Servant from the Workhouse of such Union or Parish, together with the several other Particulars specified in the Schedule hereunto annexed; and every such Entry shall be signed by the presiding Chairman of such Board of Guardians at an Ordinary Meeting thereof, or by some One of such Overseers; provided that nothing herein contained shall be taken to supersede or affect the Obligation to keep such Register of poor Children apprenticed by Overseers or Guardians as is required by the Statute of the Forty-second Year of King *George* the Third, Chapter Forty-six, and the Statute of the Eighth Year of Queen *Victoria*, Chapter One hundred and one.

Young Persons hired from Workhouses or bound out as Pauper Apprentices to be visited periodically by Officer of Guardians or Overseers.

IV. That where any young Person under the Age of Sixteen shall have been or shall be hired or taken as a Servant from the Workhouse of any Union or Parish, or shall have been or shall be bound out as an Apprentice by the Guardians of any Union, or the Guardians or Overseers of any Parish, it shall be lawful for such Guardians or Overseers respectively, and they are hereby required, so long as such young Person shall be under the Age of Sixteen, and shall be known to them to reside as Servant or Apprentice in the same Service into which such young Person shall have so gone as a Servant from such Workhouse or as such Apprentice within such Union or Parish respectively, or within Five Miles of any Part of such Union or Parish, to cause the Relieving Officer, or, where there is no Relieving Officer, then some other Officer duly authorized for the Purpose, to visit such young Person at least twice in every Year, and to report to them in Writing whether he has found Reason to believe that such young Person is not supplied with necessary Food, or is subjected to cruel or illegal Treatment in any respect.

As to young Persons hired or bound to Masters residing at a Distance from Unions or Parishes.

V. That where any young Person under the Age of Sixteen shall hereafter be hired or taken as a Servant from the Workhouse of any Union or Parish, or shall be bound out as an Apprentice by the Guardians of any Union, or by the Guardians or Overseers of any Parish, and the Residence of the Master or Mistress shall be more than Five Miles from any Part of such Union or Parish, then a written Notice of such hiring, taking, or binding, specifying the Name and Age of the Apprentice or Servant, and the Name, Description, and Residence of such Master or Mistress, shall be forthwith sent from such Guardians or Overseers to the Guardians or Overseers of the Union or Parish in which such Master

or Mistress shall reside; and thereupon it shall become the Duty of such last-mentioned Guardians or Overseers to cause the Particulars contained in such Notice to be registered in some Book or Books, to be provided by them for the Purpose, together with the Name of the Union or Parish from which such Notice shall have been received; and such last-mentioned Guardians or Overseers shall cause such young Person to be visited as frequently and in the same Manner in all respects as if such young Person had been hired or taken from their own Workhouse, or had been bound out as an Apprentice by themselves.

Guardians and Overseers authorized and required to prosecute in certain Cases.

VI. That where any Complaint shall be made of an Offence against this Act, or of any bodily Injury inflicted upon any poor Person under the Age of Sixteen Years, for which the Party committing it is liable to be indicted, and the Circumstances of which Offence amount in point of Law to a Felony or an Attempt to commit a Felony, or an Assault with Intent to commit a Felony, and Two Justices of the Peace before whom the Examination is taken shall certify under their Hands that they deem it necessary for the Purposes of public Justice that the Prosecution should be conducted by the Guardians of the Union or of the Parish, or where there are no Guardians by the Overseers of the Parish, in which the Offence shall have been committed, such Guardians or Overseers, as the Case may be, shall, upon personal Service of such Certificate or a Duplicate thereof upon the Clerk of such Guardians, or upon any One of such Overseers, conduct the Prosecution, and shall pay the Costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any Order of the Court trying the Indictment, or of the Court of Queen's Bench), out of the Common Fund of the Union, or out of the Funds in the Hands of the Guardians or Overseers (as the Case may be) of such Parish.

Costs of Prosecution.

Justice empowered to bind over Officer of Guardians, &c. to prosecute.

VII. That in the Case of a Union or Parish under a Board of Guardians the Clerk or some other Officer of such Union or Parish, and in the Case of a Parish not under a Board of Guardians One of the Overseers thereof, may, if such Two Justices of the Peace before whom the Examination is taken shall deem it necessary for the Purposes of public Justice, and shall certify as herein-before mentioned, be bound over to prosecute.

Interpretation of Terms.

VIII. That the Words "Guardians," "Union," "Overseers," "Justice of the Peace," "Officer," "Poor," "Parish," and "Workhouse," used in this Act, shall be construed in like Manner as in the Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Seventy-six.

Extent of Act.

IX. That this Act shall extend only to *England* and *Wales*.

SCHEDULE.

Form of Register.

Name of Child.	Age.	Date of hiring or taking as Servant.	Name of Master or Mistress.	Trade or other Description of Master or Mistress.	Residence of Master or Mistress.

CAP. XII.

An Act to continue the Duties on Profits arising from Property, Professions, Trades, and Offices, and to amend the Act imposing the same. [5th *June* 1851.]

'Most Gracious Sovereign,

'WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices until the Sixth Day of* April *One thousand eight hundred and forty-five*, certain Rates and Duties arising from Property, Professions, Trades, and Offices were granted to Your Majesty for a Term therein limited and now expired; and by Two several Acts passed respectively in the Eighth and Eleventh Years of Your Majesty's Reign the same Rates and Duties were continued for Two several and successive Terms, the latter of such Terms expiring with the Fifth Day of *April* One thousand eight hundred and fifty-one:' We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after limited; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent

5 & 6 Vict. c. 35.

8 & 9 Vict. c. 4.
11 & 12 Vict. c. 8.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Rates and Duties granted by first-recited Act further continued for One Year.

I. The several Rates and Duties by the said first-recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *April* One thousand eight hundred and fifty-one, for the Term of One Year thence next ensuing, and until the Assessments made or which ought to be made for the last Year of the said Term, or for any preceding Year, shall be completed, collected, levied, and paid.

First-recited Act and the several other Acts continued in force.

II. The said first-recited Act, and all and every other Act and Acts in force upon or immediately before the Fifth Day of *April* One thousand eight hundred and fifty-one, in relation to the Duties granted by the said first-recited Act, shall severally be continued and remain in full Force and Effect in relation to the Duties hereby continued and granted as aforesaid; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall (so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act) severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof respectively, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties and all Arrears thereof, and for re-assessing the same in default of Payment, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby continued and granted as aforesaid.

Abatement to be made from Assessments on Tenant Farmers where Profits fall short of such Assessments.

III. That if at the End of the Year of Assessment of the said Duties under this Act any Person occupying Lands for the Purposes of Husbandry only, and obtaining his Livelihood principally from Husbandry, who shall have been assessed in the said Year to the Duties chargeable under Schedule (B.) of the said first-recited Act in respect of such Lands, shall find, and shall prove to the Satisfaction of the Commissioners by whom the Assessment was made, that his Profits and Gains arising from the Occupation of such Lands during the said Year fell short of the Sum on which the Assessment was made, it shall be lawful for the said Commissioners, upon Appeal made to them in that Behalf within Three Calendar Months after the Expiration of the said Year, and of which Notice in Writing shall be given to the Surveyor of Taxes for the District, to cause an Abatement to be made from the Amount of the said Duties charged on such Appellant proportionate to the Deficiency of his said Profits and Gains; and in case the whole Sum assessed shall have been paid, the Amount of the Sum overpaid shall be certified and repaid in like Manner as is provided by Section 133. of the said first-recited Act in the Case of any Overpayment of the Duties assessed under Schedule (D.) of the same Act.

CAP. XIII.

An Act to regulate the Sale of Arsenic. [5th *June* 1851.]

WHEREAS the unrestricted Sale of Arsenic facilitates the Commission of Crime: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On every Sale of Arsenic, Particulars of Sale to be entered in a Book by the Seller in Form set forth in Schedule to this Act.

I. Every Person who shall sell any Arsenic shall forthwith, and before the Delivery of such Arsenic to the Purchaser, enter or cause to be entered in a fair and regular Manner, in a Book or Books to be kept by such Person for that Purpose, in the Form set forth in the Schedule to this Act, or to the like Effect, a Statement of such Sale, with the Quantity of Arsenic so sold, and the Purpose for which such Arsenic is required or stated to be required, and the Day of the Month and Year of the Sale, and the Name, Place of Abode, and Condition or Occupation of the Purchaser, into all which Circumstances the Person selling such Arsenic is hereby required and authorized to inquire of the Purchaser before the Delivery to such Purchaser of the Arsenic sold, and such Entries shall in every Case be signed by the Person making the same, and shall also be signed by the Purchaser, unless such Purchaser profess to be unable to write (in which Case the Person making the Entries hereby required shall add to the Particulars to be entered in relation to such Sale the Words "cannot write"), and, where a Witness is hereby required to the Sale, shall also be signed by such Witness, together with his Place of Abode.

Restrictions as to Sale of Arsenic.

II. No Person shall sell Arsenic to any Person who is unknown to the Person selling such Arsenic, unless the Sale be made in the Presence of a Witness who is known to the Person selling the Arsenic, and to whom the Purchaser is known, and who signs his Name, together with his Place of Abode, to such Entries, before the Delivery of the Arsenic to the Purchaser, and no Person shall sell Arsenic to any Person other than a Person of full Age.

Provision for colouring Arsenic.

III. No Person shall sell any Arsenic unless the same be before the Sale thereof mixed with Soot or Indigo in the Proportion of One Ounce of Soot or Half an Ounce of Indigo at the least to One Pound of the Arsenic, and so in proportion for any greater or less Quantity: Provided always, that where such Arsenic is stated by the Purchaser to be required, not for Use in Agriculture, but for some other Purpose for which such Admixture would, according to the Representation of the Purchaser, render it unfit, such

such Arsenic may be sold without such Admixture in a Quantity of not less than Ten Pounds at any One Time.

Penalty for offending against this Act.

IV. If any Person shall sell any Arsenic, save as authorized by this Act, or on any Sale of Arsenic shall deliver the same without having made and signed the Entries hereby required on such Sale, or without having obtained such Signature or Signatures to such Entries as required by this Act, or if any Person purchasing any Arsenic shall give false Information to the Person selling the same in relation to the Particulars which such last-mentioned Person is hereby authorized to inquire into of such Purchaser, or if any Person shall sign his Name as aforesaid as a Witness to a Sale of Arsenic to a Person unknown to the Person so signing as Witness, every Person so offending shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace in *England* or *Ireland*, or before Two Justices of the Peace or the Sheriff in *Scotland*, be liable to a Penalty not exceeding Twenty Pounds.

Not to prevent Sale of Arsenic in Medicine under a Medical Prescription.

V. Provided, That this Act shall not extend to the Sale of Arsenic when the same forms Part of the Ingredients of any Medicine required to be made up or compounded according to the Prescription of a legally qualified Medical Practitioner, or a Member of the Medical Profession, or to the Sale of Arsenic by Wholesale to Retail Dealers, upon Orders in Writing in the ordinary Course of Wholesale Dealing.

"Arsenic" to include Arsenious Compounds.

VI. In the Construction of this Act the Word "Arsenic" shall include Arsenious Acid and the Arsenites, Arsenic Acid and the Arseniates, and all other colourless poisonous Preparations of Arsenic.

The SCHEDULE.

Day of Sale.	Name and Surname of Purchaser.	Purchaser's Place of Abode.		Condition or Occupation.	Quantity of Arsenic sold.	Purpose for which required.
1 September 1851.	*John Thomas.*	*He ndon*	*Elm Farm.*	*Farm Labourer.*	*5 lbs.*	*To steep Wheat.*

(*Purchaser's Signature.*) *John Thomas.*
Or, if Purchaser cannot write, Seller to put here the Words, "cannot write."

Witness, *James Stone,* *Grove Farm, Hendon.*

(*Seller's Signature.*) *George Wood.*

CAP. XIV.

An Act to amend the Law for the Registration of certain Persons commonly known as "Compound Householders," and to facilitate the Exercise by such Persons of their Right to vote in the Election of Borough Members to serve in Parliament. [3d *July* 1851.]

2 & 3 W. 4. c. 45.

'WHEREAS by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* England *and* Wales, it is enacted, that no Person shall be registered to vote for Members to serve in Parliament in any Year in respect of the Occupation of Premises in any City or Borough unless such Person shall have been rated in respect of such Premises to all Rates for the Relief of the Poor in the Parish or Township where the same are situated made during the Time of such his Occupation, nor unless such Person shall have paid on or before the Twentieth of *July* in such Year all the Poor's Rates and Assessed Taxes which shall become payable from him in respect of such Premises previously to the Sixth Day of *April* then next preceding: And whereas the said Act was amended, in so far as relates to the Period when such Rates and Taxes shall be required to be paid, by an Act passed in the Session held in the Eleventh and Twelfth Years of Her present Majesty, intituled *An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors:* And whereas by the said firstly-recited Act it is further enacted, that it shall be lawful for any Person occupying Premises in any City or Borough which shall return a Member or Members to serve in any future Parliament to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof, and upon such Occupier so claiming, and actually paying or tendering the full Amount of the Rate or Rates, if any, then due in respect of such Premises, the Overseers of the Parish or Township in which such Premises are situated are thereby required to put the Name of such Occupier upon the Rate for the Time being, and in case such Overseer shall neglect or refuse so to do such Occupier shall nevertheless for the Purposes of the said Act be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: And whereas it is often inconvenient or impracticable for such Persons to make continual Claim in respect of each Rate, and many Persons are consequently deprived of the Franchise:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Person so claiming to be rated, and paying or tendering on or before the Twentieth

11 & 12 Vict. c. 90.

Persons having once claimed to

Twentieth Day of *July* in each Year the full Amount of the Rate or Rates (if any) due in respect of such Premises on the Fifth Day of *January* preceding, shall be required to make any further Claim in regard to any future Rate upon the Premises in respect whereof his Right to vote in any such Election as aforesaid shall arise, but shall be entitled to be put on the List and to be registered as a Voter, provided he shall have occupied the Premises in the Manner and for the Time required by the said firstly-recited Act, and provided the Poor's Rates and Assessed Taxes chargeable upon the same shall have been paid for the Period and up to the Time required by Law in respect of all Persons entitled to vote in the Election of Members of Parliament for any Borough under the Provisions of the said firstly-recited Act.

be rated, and paying or tendering on or before 20th July the Rates due 5th Jan. preceding, not required to renew such Claim.

II. Provided always, and be it enacted, That every Person so claiming as aforesaid who shall be registered as a Voter in respect of the Premises to which his Claim relates shall, in respect of every Rate for the Relief of the Poor made and published after such Claim as aforesaid, while he continues to occupy the same Premises and to be a registered Voter in respect thereof, be liable to the same Extent and in the same Manner as in respect of the Rate published next before the making of such Claim.

Liability of Claimant to Rates to continue so long as he occupies the Premises, &c.

III. Provided always, and be it enacted, That in Cases where by any Composition with the Landlord a less Sum shall be payable than the full Amount of Rate which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such Composition.

Compositions with Landlord to determine Rate to which Tenant is liable.

CAP. XV.

An Act to amend the Court of Chancery (*Ireland*) Regulation Act, 1850. [3d *July* 1851.]

'WHEREAS by the Court of Chancery (*Ireland*) Regulation Act, 1850, certain Enactments are contained for the making of Regulations and general Orders by the Lord Chancellor of *Ireland*, with the Assistance of the Master of the Rolls, but it is doubtful whether by the said Act the Consent and Signature of the Master of the Rolls are necessary to the Validity of any such Regulations or Orders, and it is expedient to remove such Doubt:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 & 14 Vict. c. 89.

I. That all Regulations and general Orders to be made by the Lord Chancellor under and for the Purposes of the said Act, or under any other Act of Parliament enabling him to make Orders, by and with the Advice and Assistance of the Master of the Rolls, and which shall have been previously laid before the Master of the Rolls for his Concurrence, but which shall not be consented to or signed by him, shall be of the same Force and Effect as general Regulations and Orders of the said Court as if the same had been consented to and signed by the Master of the Rolls, but subject in every such Case to all such Directions as are in the said Act of the Thirteenth and Fourteenth Years of Her present Majesty contained for having such Regulations and Orders laid before both Houses of Parliament, and for the Resolution of either House of Parliament thereon.

Regulations, &c. by Lord Chancellor, but which have not been consented to by Master of the Rolls, to be of same Force as if they had such Consent.

CAP. XVI.

An Act for the better Management and Control of the Highways in *South Wales*. [3d *July* 1851.]

'WHEREAS under an Act passed in the Eighth Year of Her present Majesty, to consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*, a Board is constituted in each of the Counties of *South Wales* for the Superintendence, Control, and Management of the Turnpike Roads in such Counties, and styled the County Roads Board: And whereas it is expedient that Provision should be made for the more effective Control and Management of the Highways in *South Wales* which are not under the Superintendence of the said Boards:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the County Roads Board of each County in *South Wales* shall, at their First General Annual Meeting after the passing of this Act, or at some Adjournment thereof, proceed, with such Advice and Assistance as they may deem necessary, to divide the County into so many Districts, for the separate Management of the several Highways situated therein respectively as shall in their Judgment be most convenient; and in order to enable the said Board the better to determine respecting the Boundaries and Arrangements of such Districts, the said Board is hereby authorized to require, and all Surveyors of Highways in every County respectively are hereby directed to afford and furnish to the County Roads Board thereof, all such Information and Evidence, and to transmit to them all such Books, Accounts, Returns, Documents, and other Papers in their Possession or Power, as the Chairman of such Board, by any Order under his Hand, and addressed to any of such Parties respectively, may require; and the said County Roads Board shall make an Order for the Formation of such Districts, and shall cause such Order, together with a Description or Statement of the Boundaries of such Districts, or of the Parishes comprised therein respectively, to be published by Advertisement in One or more of the Newspapers circulating in their County One Month at least before the Twenty-fifth of *March* next: Provided always, that any One Parish now maintaining its own Highways may constitute any One of such Districts: Provided also, that it shall be lawful for the said County Roads Board from Time to Time, if they shall see Occasion, to alter the Limits of any

7 & 8 Vict. c. 91.

County Roads Board to divide County into Districts for separate Management of the Highways situated therein.

Power to County Roads Board to alter

Limits of Districts from Time to Time.

any such District, and thereafter to make such Orders, according to the Powers vested in them by this Act, as may be found necessary in consequence of such Alterations; and every Order by which such Alteration is made shall, within One Month after such Order is made, be published in like Manner as the Order for the Formation of the District.

Power to place Highways under the Care, &c. of local Boards, to be styled Highway Boards.

II. That the Maintenance and Repairs of the several Highways situate and being within the several Districts which shall be formed according to the Provisions herein-before contained shall, subject to the Authority of the said County Roads Board, be placed under the Care and Management of local Boards, to be styled Highway Boards, which shall be constituted in manner following; that is to say, all Persons who are now elected or who shall hereafter be elected Guardians of the Poor for the Parish or Parishes contained in such District during the Period they are such Guardians, and all Her Majesty's Justices residing within or acting at any Petty Sessions within the District, shall constitute the Highway Board for such District; and such Justices shall not by reason of being Members of such Highway Board be incapable of acting as Justices of the Peace in the Execution of this Act, or in any Matters relating to the Highways under the Care or Management of such Board.

First Meeting of Highway Board.

Quorum.

III. That the First Meeting of every Highway Board under this Act shall be held on such Day and at such Place as the County Roads Board for the County shall appoint; and Meetings of the said Highway Board shall after such First Meeting be held at such Periods as such Highway Board shall at their First Meeting and afterwards from Time to Time fix and appoint; and all Acts, Matters, and Things executed or done by the Highway Board in pursuance of this Act at any such Meeting, the whole Number present at the Time being not less than Three, shall be valid and effectual; and the Highway Board shall at their First Meeting in the first place elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board; and the said Chairman, or in case of his Absence at the Commencement of any Meeting the said Vice Chairman, shall preside at all Meetings of such Board, and shall have a Casting Vote in addition to his own Vote; and in case at the Commencement of any Meeting such Chairman and Vice Chairman shall both be absent, then such other Member as shall be chosen by the major Part of the Members present for the Time being shall preside as Chairman of such Meeting, with the like Casting Vote; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse or become incapable to act, such Board shall, at their regular Meeting to be held next after such Death, Resignation, Refusal, or Incapacity, elect and appoint some other Member of the Board in his Stead.

Appointment of Chairman and Vice Chairman.

Powers and Duties of Highway Board.

IV. That the Highway Board for each District respectively shall, subject to the Provisions, Restrictions, and Exceptions in this Act contained, and to the Authorities and Powers of the County Roads Board, superintend the Expenditure of all Monies that shall be raised and collected for the Purposes of such Highways, or for the other Purposes of this Act, as herein-after provided; and the Acts, Orders, Regulations, and Proceedings of every such Highway Board as to all the Matters and Things aforesaid shall be valid, binding, and effectual; and such Board shall cause Accounts to be kept of the Expenditure and Application of all Monies and Materials for the Purposes aforesaid; and the Highway Board for each District respectively shall once in every Quarter examine, check, and verify all the Charges and Items of Expenditure, and when they shall have so audited the several Accounts submitted to them the presiding Chairman shall write a Certificate of such Audit at the Foot of every such Account; and every such Board shall have full Power to disallow any illegal or excessive Item or Charge in such Account, and the presiding Chairman shall report every such Disallowance to the County Roads Board; and the Clerk of the Highway Board, being duly authorized to do so by any Order of the County Roads Board, certified to him by the Clerk of the aforesaid Board, shall recover every Sum so disallowed from the accounting Party, by Application to Two Justices, who shall be authorized to enforce the Payment of the same in like Manner as Penalties under the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter 50.

Highway Board of each District to hold an Annual General Meeting for examining Accounts, &c.

V. That the Highway Board for each of the said Districts respectively shall and they are hereby required to hold One General Annual Meeting for receiving and examining the Accounts relating to the several Highways within their District on some Day to be appointed by the County Roads Board of each County in which the aforesaid Districts are respectively situated, and to transmit a Copy of the Accounts, so examined, and signed by the Chairman or Vice Chairman of the said Board, to the Clerk of the County Roads Board, together with any Report or Observations which they may think fit to make.

Power to County Roads Board to appoint District Surveyors.

VI. That every County Roads Board acting in and for each of the said Counties respectively shall, at their Meeting to be held next after the Division of such County into Districts for the Management of the Highways shall have been determined and declared, by Writing, upon which no Stamp or other Duty shall be payable, appoint One Surveyor for each District declared as aforesaid, to overlook the Management and Repairs of the several Highway Districts in their County, and shall also determine the Salaries to be paid to such Surveyors respectively; and the Board may from Time to Time remove the said Surveyors, and, so often as the said Offices or any of them shall become vacant, shall appoint other fit and proper Persons for the same; and the Salaries of all such Surveyors shall be paid out of the Highway Rate, and shall be, by an Order made by the County Roads Board, apportioned amongst and charged upon the Parishes within each respective District, in the same Manner and in the same Proportions as the County Rate is now chargeable.

Duties of the District Surveyor.

VII. That it shall be the Duty of the Surveyor of every District, subject to the Direction and Control of the Highway Board, to provide for the keeping of the said Highways in a good and sound State of Repair, and to cause all Works necessary for that Purpose to be executed in a competent and efficient Manner,

Manner, and to receive, and hold to the Account of such Board, all Monies paid to him by the Surveyors of the Highways of the several Parishes, and to pay and disburse such Monies from Time to Time according to the Directions which shall be prescribed by the Highway Board, and to keep a true and exact Account of all Receipts and Disbursements received or made in respect to the Highways within his District, to be produced before the said Board at the regular Meetings thereof, or at such other Times as the said Board may direct, and to transmit Copies of all Entries in such Account to the Clerk of the said Highway Board at such periodical or other Times as the said Board shall direct, and to attend the Meetings of such Board, and to prepare from Time to Time such Estimates, Surveys, Reports, and Accounts as may be required by this Act or by any Order of such Board or of the said County Roads Board; and every such District Surveyor when so appointed shall, for all the Purposes of this Act, except the making, assessing, and levying the Rate, have, as far as the same are applicable, the same Powers, and be liable to the same Duties, Penalties, and Forfeitures, as any Surveyor appointed under the Act of the Sixth Year of King *William* the Fourth, "to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*," and shall have the laying out of all Monies levied and received by the Surveyors of the several Parishes within his District, and such Penalties and Forfeitures shall be recovered in manner provided by such Act in relation to Penalties and Forfeitures thereby authorized to be imposed: Provided nevertheless, that such District Surveyor shall not expend any Monies levied in any One of the Parishes within his District, except for the Use and Benefit of the Parish in which it is so levied, unless with the Consent of the Inhabitants of such Parish in Vestry assembled, for the Purpose of carrying on Repairs or beneficial Improvements for the common Benefit of the Parishes aforesaid, and shall keep separate and distinct Accounts for each Parish within his District, and such Accounts shall specify the different Sums, and the Persons to whom and by whom the same shall have been paid.

5 & 6 W. 4. c. 50.

District Surveyors to contract for Materials, &c.

VIII. That every District Surveyor may and is hereby authorized to contract for the purchasing, getting, and carrying the Materials required for the Repair of the Highways within his District; and no Member of any County Roads Board or Highway Board, and no Parochial or District Surveyor, shall, except as herein-after excepted, on his own Account, directly or indirectly, be interested or concerned in any Contract or Bargain for Work or Materials, Tools or other Things, for making or repairing or in any way relating to the Highways for which they respectively act; and if any such Member of any County Roads Board or Highway Board, or any Parochial or District Surveyor, be so interested or concerned in any Contract or Bargain as aforesaid, he shall for every such Offence forfeit the Sum of Fifty Pounds; and any Person may sue for the same by Action of Debt on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit, and shall, from and after the Conviction of any such Offence, be incapable of acting as a Member of any County Roads Board or Highway Board, or as a Surveyor of the Highways of any Parish, or of any District created by this Act; and every such Contract and Bargain shall be void: Provided always, that no Act done by any such Member of any County Roads Board, Highway Board, or Surveyor, previously to his being convicted of any such Offence, shall be thereby rendered invalid: Provided also, that nothing in this Enactment contained shall be construed to extend to any Purchase Money, Damages, Rent, Recompence, or Satisfaction agreed upon or awarded to such Member of any County Roads Board or Highways Board, or to any such Surveyor, for Lands, Tenements, or Hereditaments purchased or taken for the Purpose of diverting or altering or for the Use of any Highway, or for a Repository for Materials to be used thereon, or for the Damage done to any inclosed or private Grounds of any such Member of any County Board or of any Highways Board, or Surveyor, in taking Materials therefrom, or in carrying or conveying them over the same, nor to prevent any such Member of any Roads Board or Surveyor from selling or disposing of, for the Use of any Highway, any Materials dug or gotten in or from or any Timber grown or growing on the Land of such Member of any Roads Board or Surveyor, nor shall any such Member of any Roads Board or Surveyor be liable to or incur any such Forfeiture or Incapacity as aforesaid by reason only of his being Proprietor or Holder of any Share in any Canal or Railway Company which shall contract with the District Surveyor for the Carriage or Conveyance of any Materials for the Repair of the Highway.

Existing Surveyors of Highways to continue.

IX. That nothing contained in this Act shall be construed to repeal any of the Provisions of the said Act of the Sixth Year of King *William* the Fourth with regard to the Appointment of a Surveyor of Highways in each Parish as heretofore, and such Surveyor shall make, assess, and levy the Rate for the Repair of the Highways as heretofore, and shall, from Time to Time as the Highway Board shall direct, pay over all Monies arising therefrom to the District Surveyor of the District in which such Parish is situate, and all Money so payable to the District Surveyor may be recovered from the Parochial Surveyor in like Manner as Balances due from a Surveyor are recoverable under the said Act of the Sixth Year of King *William* the Fourth.

Power to Highway Board to appoint a Clerk, and, with Consent of County Roads Board, fix Salary.

X. That every Highway Board shall at their First Meeting, by Writing, upon which nevertheless no Stamp or other Duty shall be payable, appoint a fit and competent Person to be Clerk to such Board, and shall also, with the Consent of the County Roads Board, determine the Amount of Salary to be paid to such Clerk, and the Portion to be paid by each Parish within the District of such Highway Board of such Salary; and such Salary shall be paid by an Order of the Highway Board upon the District Surveyor out of the Highway Rate; and the said Board may at any Time, with the Consent of the County Roads Board, but not otherwise, dismiss any Person so appointed; and so often as the said Office shall become vacant by such Dismissal, or by Death, Resignation, or otherwise, the said Highway Board shall at their next regular Meeting, or as soon after as conveniently may be, appoint some other fit and proper Person to the same.

XI. That

Duties of Clerk.

XI. That the Clerk to such Board shall attend all Meetings thereof, and shall conduct all Correspondence of such Board, and shall keep all Papers and Documents committed to his Care, and shall give such Notices and perform such other Duties as he may be required to perform by the Orders of such Board.

District Surveyor to give Security.

XII. That every County Roads Board shall and they are hereby required to take sufficient Security from every District Surveyor to be appointed by them under the Powers of this Act for the due and faithful Execution of his Office before such Surveyor shall enter upon his Office.

Highway Board to cause Orders, &c. to be entered in Books, which shall be Evidence, and be open to Inspection.

XIII. That every Highway Board shall cause Notes, Minutes, or Copies, as the Case may require, of all the Orders and Proceedings of such Board at the several Meetings thereof to be duly entered in Books to be from Time to Time provided for that Purpose; and such Books shall be Evidence, in all Proceedings in Law or in Equity, of the Orders and Proceedings therein entered, without further Proof; and such Books, and also the Copies of the District Surveyors Accounts which shall be transmitted to the said Clerk, shall at all seasonable Times be open to the Inspection of all Members of such Boards, and of every Person rated or liable to be rated to the Highway Rate in any Parish of the District, without Fee for such Inspection; and all such Members and Persons respectively shall be entitled at seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of any Highway Board shall not permit any of such Members or Persons respectively to inspect any such Books or Copies of Accounts, or to take Copies or Extracts therefrom as aforesaid, such Clerk shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, forfeit and pay a Sum not exceeding Five Pounds.

Penalty for refusing to allow Inspection, &c.

Secretary of State to cause Forms of Accounts to be prepared.

XIV. That One of Her Majesty's Principal Secretaries of State may cause to be prepared such Forms of Accounts and Estimates, and of such Statement or Abstract as herein-after mentioned, as he may deem proper, for the Use of the several Highway Boards and District Surveyors and Clerks; and an annual Statement or Abstract of the Accounts of every such Highway Board and of their Surveyor shall be framed by the Clerk to such Board, and transmitted to One of Her Majesty's Principal Secretaries of State.

Regulations as to the Adoption of new Roads to be maintained as public Roads under this Act.

XV. And with respect to the Adoption of new Roads to be maintained as public Roads under this Act, be it enacted, That no Road or Occupation Way made or hereafter to be made by or at the Expense of any Individual or private Person, Body Politic or Corporate, shall be deemed or taken to be a public Road, to be repaired and maintained according to the Provisions of this Act, unless the Person, Body Politic or Corporate, proposing to dedicate such Road to the Use of the Public, shall give Three Calendar Months previous Notice in Writing to the District Surveyor of the District of his Intention to dedicate such Road to the Use of the Public, describing its Situation and Extent; and the said District Surveyor, upon receiving such Notice, shall view the same, and shall report to the Highways Board of the District whether such Road is well and properly laid out and made, and whether the same is of sufficient public Utility to justify its being kept in repair and maintained as One of the Highways of such District; and if the said Board shall be satisfied, upon such Report or otherwise, that the said Road ought to be so kept in repair and maintained, they shall certify in Writing accordingly; and such Certificate, signed by the Chairman of the Highway Board for the Time being, shall be transmitted by him to the County Roads Board of such County; and thereupon, after the said Road shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, the same shall thenceforth become One of the Highways of such County, and shall thereafter be repaired and maintained according to the Provisions of this Act.

Proceedings in case Highways are not kept in repair.

XVI. That from and after the passing of this Act, if any Highway is out of repair, or is not well and sufficiently repaired and amended, and Information thereof on the Oath of One credible Witness is given to any Justice of the Peace, it shall and may be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the District in which such Highway is situated, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned to be held within the Division in which the said Highway may be situate, and the said Justices shall either appoint some competent Person to view the same, and report thereon to the Justices in Special Sessions assembled on a certain Day and Place then and there to be fixed, at which the said District Surveyor or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Special Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the Person so appointed by them to view, or on the View of the said Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Special Sessions shall make an Order or Orders on the Parochial Surveyor or Surveyors within whose Parish or Parishes the aforesaid Highway is situate, or other Person or Bodies Politic or Corporate liable to the Repair of such Highways, by which Order they shall limit and appoint a Time for the repairing of the same, and shall make an Order requiring the Parochial Surveyor or Surveyors aforesaid, or other Party or Body Politic or Corporate liable to the Repair of the said Highway, to pay to the District Surveyor, at such Time as they shall direct, a Sum of Money to be therein stated, which shall be equal in Amount to the Sum which the said Justices shall on the Evidence produced before them judge requisite for the repairing such Highway; and in default of such Money being paid within the Time so limited the paid Parochial Surveyor or Surveyors shall forfeit and pay to the District Surveyor a Sum of Money, to be stated in a Second Order, which shall be equal in Amount to the Amount stated in the First Order as requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under the Act of the Fifth and Sixth Years of King *William* the Fourth, for consolidating and amending the Laws relating to Highways in *England*, and

Power to Justices to order Highways to be repaired at the Expense of the Parties liable.

Money for repairing Highways recoverable under 5 & 6 W. 4. c. 50.

and such Money, when recovered, shall be applied to the Repair of such Highway; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their Order what Proportion shall be paid by each of the said Parties: Provided nevertheless, that the said Justices shall not have Power to make such Orders as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

5 & 6 W. 4. c. 50. in force, except, &c.

XVII. That, except as herein otherwise provided, all the Provisions of the said Act of the Sixth Year of King *William* the Fourth shall remain in force, and be applicable to the Highways to be managed under this Act, and the said Act and this Act shall be construed together as One Act.

South Wales to include Six Counties.

XVIII. That in the Construction of this Act *South Wales* shall include and comprise the Six Counties following, and no others; *viz.*, the Counties of *Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke,* and *Cardigan.*

Interpretation of Terms.

XIX. That in construing this Act the Words and Expressions following shall have the several Meanings herein assigned to them, unless such Meaning shall be inconsistent with the Context; that is to say, Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; the Word "Person" shall include Corporation, whether sole or aggregate; Words importing the Masculine Gender shall include the Feminine; the Word "Lands" shall include all Messuages, Tenements, and Hereditaments; the Word "Parish" shall include any Township, Tithing, Vill, or other Place or District maintaining its own Highway; the Word "Highways" shall mean all public or common Roads, Bridges (not being County Bridges), Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, and Pavements; the Word "Justices" shall mean Justices of the Peace for the County, Riding, Division, City, Town, Borough, Liberty, or Place in which the Highway may be situate (or in which the Offence may be committed); the Words "Quarter Sessions" shall include General or Quarter Sessions, or any Adjournment thereof; the Words "Petty Sessions" shall mean the Petty Sessions held for the Division or Place in which the Highway may be situate, or in which the Offence may be committed; the Word "Month" shall mean Calendar Month; and where any Number of Days is specified, the same shall be reckoned exclusively of the Days to and from which Computation is directed to be made.

CAP. XVII.

An Act further to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland.* [3d *July* 1851.]

13 & 14 Vict. c. 18. s. 25.

'WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in* Ireland, it is, amongst other 'things, enacted, that it shall and may be lawful for the said Judges of the Superior Courts of Common 'Law, and they are thereby required, to cause a Revision to be made and continued from Term to Term 'of the Practice and Pleading of the said Courts, and on or before the First Day of *January* next following the passing of the said Act to make such General Orders, as to them shall seem fit, so that 'thenceforth there shall be Uniformity of Practice and Pleading in the said Courts and the Offices thereof; 'and any Code of Practice and Pleading consistent with the Provisions of the said Act which shall be 'agreed upon and adopted by the said Judges, or by any Seven or more of them, of whom Two shall 'be Chief Judges, and notified by General Order under their Hands, shall thenceforth be the uniform 'Practice and Pleading to be observed in each of the said Courts and the Offices thereof, any Law or 'Usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Judges or 'any Seven or more of them, of whom Two shall be Chief Judges, from Time to Time and at all Times, 'in like Manner, to vary, alter, and amend the said Code of Practice and Pleading as to them shall seem 'fit: And whereas under the Provisions of the said Act certain General Orders have been made by the 'Judges of the Superior Courts of Common Law in *Ireland,* regulating the Practice and Pleading in the 'Courts of Queen's Bench, Common Pleas, and Exchequer, and the Court of Exchequer Chamber in '*Ireland;* but Doubts have arisen whether the said recited Provision of the said Act extends to the said 'Court of Exchequer Chamber; and it is expedient that such Doubts should be removed:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The recited Provision to extend to the Court of Exchequer Chamber in Ireland.

I. That the said recited Provision shall extend and shall be construed to extend and to have extended to the said Court of Exchequer Chamber in *Ireland;* and that any General Rules and Orders heretofore made, or which shall hereafter be made, by the Judges of the Superior Courts of Common Law in *Ireland,* relating to the said Court of Exchequer Chamber, and purporting to be made under and pursuant to the said Provisions of the said Act, shall be, and be deemed to be and to have been, as good and valid to all Intents and Purposes as if the same related to any other of the said Superior Courts of Common Law, subject nevertheless to the Power of Revision or Alteration of the same, as by the said recited Act provided.

Recited Act extended to Exchequer Chamber, and Time for Claims for Compensation to Officers of

II. 'And whereas by the Thirty-seventh Section of the said recited Act it is provided, that every Person 'holding any Office or Employment in the said several Courts who shall by the Operation of the said Act 'be deprived of such Office or Employment, or any Emolument arising therefrom, shall be entitled to make 'a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months 'from the passing of the said recited Act, and the said Commissioners are empowered to award to such

'Persons

the Exchequer Chamber extended to Six Months after the passing of this Act.

'Persons such Compensation as they shall think just, and Provision is made for the Payment of such Com-'pensation in the Manner therein mentioned:' Be it declared and enacted, That the said Provision shall extend and be deemed and construed to extend and to have extended to any Person holding any Office or Employment in the said Court of Exchequer Chamber in *Ireland* who by the Operation of the said Act and this Act, or either of them, has been or shall be deprived of such Office or Employment, or any Emolument arising therefrom: Provided always, that such Person shall be entitled to make a Claim for Compensation to the said Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act.

CAP. XVIII.

An Act to continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same. [3d *July* 1851.]

'Most Gracious Sovereign,

5 & 6 Vict. c. 82.

'WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and managing the same until the Tenth Day of* October *One thousand eight hundred and forty-five*, certain Rates and Duties denominated Stamp Duties were granted to Your Majesty for a Term therein limited and now expired; and by Two Acts, passed respectively in the Eighth and Eleventh Years of Your Majesty's Reign, the same Rates and Duties were continued for Two several and succes-sive Terms, the latter of which will expire on the Tenth Day of *October* One thousand eight hundred and fifty-one:' We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

8 & 9 Vict. c. 2. 11 & 12 Vict. c. 9.

Duties continued for One Year.

I. All the several Sums of Money and Duties and Composition for Duties granted by the said first-recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of One Year, to commence on and to be computed from the Tenth Day of *October* One thousand eight hundred and fifty-one.

Recited Acts and other Acts continued in force.

II. The said first-recited Act, and all and every other Act and Acts now in force in relation to the Duties and Composition for Duties which are continued by this Act, shall severally be continued and remain in full Force in all respects in relation to the said Duties and Composition for Duties hereby continued and granted, and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties and Composition for Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said Duties and Composition for Duties, and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties and Composition for Duties hereby granted.

CAP. XIX.

An Act for the better Prevention of Offences. [3d *July* 1851.]

'WHEREAS it is expedient to make further Provision for the Prevention of Burglary and other Offences in the Night:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That—

Any Person found by Night armed, &c. with Intent to break into any House and commit Felony, or having Housebreaking Implements, or being disguised, &c. guilty of a Misdemeanor.

I. If any Person shall be found by Night armed with any dangerous or offensive Weapon or Instrument whatsoever with Intent to break or enter into any Dwelling House or other Building whatsoever and to commit any Felony therein, or if any Person shall be found by Night having in his Possession without lawful Excuse (the Proof of which Excuse shall lie on such Person) any Picklock Key, Crow, Jack, Bit, or other Implement of Housebreaking, or if any Person shall be found by Night having his Face blackened or otherwise disguised, with Intent to commit any Felony, or if any Person shall be found by Night in any Dwelling House or other Building whatsoever with Intent to commit any Felony therein, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable at the Discretion of the Court to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

II. If

Any Person convicted of such Misdemeanor after a previous Conviction, &c. guilty of Misdemeanor, &c.

II. If any Person shall be convicted of any such Misdemeanor as aforesaid committed after a previous Conviction, either for Felony or such Misdemeanor as aforesaid, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years and not exceeding Ten Years, or imprisoned, with or without Hard Labour, for any Term not exceeding Three Years; and in any Indictment for such Misdemeanor committed after a previous Conviction as aforesaid it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony or Misdemeanor against "The Act for the better Prevention of Offences, 1851," (as the Case may be,) without otherwise describing the previous Felony or Misdemeanor; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony or Misdemeanor, purporting to be signed by the Clerk of the Court or other Officer, having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Form of Indictment.

Certificate of previous Conviction.

Persons using Chloroform, &c. in order to commit a Felony, guilty of Felony.

III. 'And whereas it is expedient to make further Provision for the Punishment of Persons using Chloroform or other stupifying Things in order the better to enable them to commit Felonies:' Be it enacted, That if any Person shall unlawfully apply or administer, or attempt to apply or administer, to any other Person any Chloroform, Laudanum, or other stupifying or overpowering Drug, Matter, or Thing, with Intent thereby to enable such Offender or any other Person to commit, or with Intent to assist such Offender or other Person in committing, any Felony, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported for Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Persons inflicting grievous bodily Harm guilty of a Misdemeanor, &c.

IV. 'And whereas it is expedient to make further Provision for the Punishment of aggravated Assaults:' Be it enacted, That if any Person shall unlawfully and maliciously inflict upon any other Person, either with or without any Weapon or Instrument, any grievous bodily Harm, or unlawfully and maliciously cut, stab, or wound any other Person, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years: Provided however, that nothing herein contained shall be deemed or taken to repeal the Provisions of the Twenty-ninth Section of the Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Thirty-four.

Not to repeal s. 29. of 10 G. 4. c. 34.

On any Trial for feloniously cutting, &c. the Jury may acquit of the Felony, and convict of unlawfully cutting, &c.

V. If upon the Trial of any Indictment for any Felony, except Murder or Manslaughter, where the Indictment shall allege that the Defendant did cut, stab, or wound any Person, the Jury shall be satisfied that the Defendant is guilty of the cutting, stabbing, or wounding charged in such Indictment, but are not satisfied that the Defendant is guilty of the Felony charged in such Indictment, then and in every such Case the Jury may acquit the Defendant of such Felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such Defendant shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for the Misdemeanor of cutting, stabbing, or wounding.

Persons wilfully placing Wood, &c. on Railways, taking up Rails, &c., turning Machinery, or showing Signals, &c., with Intent to injure Railway or to endanger Passengers, guilty of Felony.

VI. If any Person shall wilfully and maliciously put, place, cast, or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall wilfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall wilfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall wilfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall wilfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any Engine, Tender, Carriage, or Truck using such Railway, or to endanger the Safety of any Person travelling or being upon such Railway, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Persons casting Wood, &c. on Railway Carriage with Intent to endanger the Safety of any one therein, guilty of Felony.

VII. If any Person shall wilfully and maliciously cast, throw, or cause to fall or strike against, into, or upon any Engine, Tender, Carriage, or Truck used upon any Railway, any Wood, Stone, or other Matter or Thing, with Intent to endanger the Safety of any Person being in or upon such Engine, Tender, Carriage, or Truck, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Any Person wilfully setting fire to any Railway Station, &c. guilty of Felony.

VIII. If any Person shall wilfully and maliciously set fire to any Station, Engine House, Warehouse, or other Building belonging or appertaining to any Railway, Dock, Canal, or other Navigation, every such Person shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years; and if any Person shall wilfully and maliciously set fire to any Goods or Chattels being in any Building, the setting fire to which is made Felony by this or any other Act of Parliament, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court,

Court, to be transported beyond the Seas for any Term not exceeding Ten Years nor less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

On Trial of Persons for subsequent Offences under 12 & 13 Vict. c. 11. and this Act the previous Conviction not to be stated to the Jury or given in Evidence until after a Verdict of Guilty of the subsequent Offence, unless Defendant gives Evidence of Character.

IX. 'And whereas Provision is made in a certain Act of Parliament passed in the Twelfth Year of the 'Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws in* England *and* 'Ireland *relative to Larceny and other Offences connected therewith*, and also in this Act, for the more 'exemplary Punishment of Persons who shall commit certain Offences after One or more previous 'Conviction or Convictions for the like or other Offences, and it is expedient to define the Time of charging 'the Jury to inquire as to such previous Conviction or Convictions:' Be it enacted, That it shall not be lawful on the Trial of any Person for any subsequent Offence, where a Plea of Not Guilty shall have been entered on his Behalf, to charge the Jury to inquire concerning any previous Conviction until they shall have inquired concerning such subsequent Offence, and shall have found such Person guilty of the same; and whenever in any Indictment any previous Conviction shall be stated the reading of such Statement shall be deferred until after such Finding as aforesaid: Provided, that if upon the Trial of any Person for any such subsequent Offence as aforesaid such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences, before such Verdict of Guilty shall have been returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

Any one may apprehend Persons offending against this Act, &c.; also Persons committing indictable Offences in the Night.

X. It shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any Offence against the Provisions of this Act, and to convey him or deliver him to some Constable or other Peace Officer, in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law.

XI. 'And whereas Doubts have been entertained as to the Authority to apprehend Persons found 'committing indictable Offences in the Night:' For Remedy thereof be it enacted, That it shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any indictable Offence in the Night, and to convey him or deliver him to some Constable or other Peace Officer, in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law.

Persons assaulting others, &c. guilty of a Misdemeanor.

XII. If any Person liable to be apprehended under the Provisions of this Act shall assault or offer any Violence to any Person by Law authorized to apprehend or detain him, or to any Person acting in his Aid and Assistance, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

What shall be deemed Night.

XIII. The Time at which the Night shall commence and conclude in any Offence against the Provisions of this Act shall be the same as in Cases of Burglary.

Costs of Prosecutions.

XIV. In all Prosecutions for any Offence against the Provisions of this Act, it shall be lawful for the Court before which any such Offence shall be prosecuted or tried to allow the Expenses of the Prosecution in all respects as in Cases of Felony.

Nothing in this Act to repeal 5 G. 4. c. 83.

XV. Nothing in this Act contained shall be deemed to repeal wholly or in part the Fifth of *George* the Fourth, Chapter Eighty-three, intituled *An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds, in that Part of* Great Britain *called* England, but no Person shall be liable to be punished for the same Offence both under the said last-mentioned Act and under this Act.

Extent of Act.

XVI. Nothing in this Act shall extend to *Scotland*.

CAP. XX.

An Act to extend the Remedies provided by the Renewable Leasehold Conversion Act, for the Recovery of Fee-farm Rents under that Act, to all other Fee-farm Rents, and to other Rents in *Ireland* reserved upon Grants of Land in which the Grantors have no Reversion.

[3d *July* 1851.]

12 & 13 Vict. c. 105. ss. 20, 21.

'WHEREAS by an Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and five, Sections Twenty and Twenty-one, certain Remedies were provided for the 'Recovery of Fee-farm Rents made payable by Grants under the Provisions of that Act; and it is 'expedient to extend such Remedies and Powers to all Fee-farm Rents, and also to all other Rents payable 'under Grants or written Instruments granting or containing Agreements for granting Land, and 'reserving or purporting to reserve thereout upon such Grants or Agreements Rent payable to the Grantor 'where the Person to whom such Rent is payable has no Reversion in such Land:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same.

Recited Act extended to Fee-farm and other Rents under Leases for Lives or for Years, save as excepted.

I. That all the Powers, Remedies, Provisions, and Enactments referred to and contained in the said herein-before mentioned Sections of the said recited Act shall henceforth extend and be applicable to all Fee-farm Rents, and also to other Rents reserved and payable under any Grants, Conveyances, or written Instruments granting or containing Agreements for granting any Lands, Tenements, or Hereditaments in Fee Simple, or for a Life or Lives, or for Years, or for a Life or Lives and a Term of Years, or for a Life or Lives concurrent with a Term of Years, and reserving or purporting to reserve thereout Rent payable to the Grantor or Party agreeing to make such Grant, or to his or their respective Representatives

tives, where the Person to whom such Rent is or shall be payable has or shall have no Reversion in such Land; save and except that nothing in this Act contained shall give or confer or be deemed to give or confer any Remedy by Ejectment for Nonpayment of Rent, in the Case of any Fee-farm Rent or Rent reserved upon any Grant or Agreement for a Grant in Fee (other than a Fee-farm Rent under the said recited Act); and save and except that nothing herein contained shall extend or refer to or include the Provisions contained in the said Twenty-first Section of the said recited Act relating to the Lien or Charge in the said Section mentioned: Provided always, that in any Avowry or Cognizance in pursuance of the Provisions of this Act for any Rent it shall not be necessary to describe any such Grant or Instrument as aforesaid as a Grant or Instrument made under or after the passing of the said recited Act.

CAP. XXI.

An Act to amend an Act of the Sixth and Seventh Years of Her Majesty, to amend an Act of the Nineteenth and Twentieth Years of King *George* the Third for empowering Grand Juries in *Ireland* to present Bridges, and Tolls to be paid for passing the same, in certain Cases.

[3d *July* 1851.]

'WHEREAS by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Nineteenth and Twentieth Years of King* George *the Third, for empowering Grand Juries in* Ireland *to present Bridges, and Tolls to be paid for passing the same, in certain Cases*, it is amongst other things enacted, that it shall and may be lawful for the Grand Jury or the Grand Juries of any County and County of a City or Town in *Ireland*, and they are thereby authorized and empowered, to agree with the Companies, Commissioners, Corporations, or Persons possessed of and interested in and having any Lien or Incumbrance on the Tolls payable on any Bridge upon which Toll is charged, situate in such Counties or Cities or Towns, or within Five Miles thereof, for the Purchase thereof, and the said Companies, Commissioners, Corporations, and Persons are hereby authorized to agree with the said Grand Jury or Grand Juries for the Sale thereof, subject to the Regulations and Provisions in the said Act contained: And whereas it is expedient to extend the Provisions of said recited Act by enabling Persons having limited Estates or Interests in such Tolls, and Persons having Estates or Interests in the same, being under legal Disability, to agree with the Grand Jury or Grand Juries of any County, County of a City, or County of a Town as aforesaid, for the Sale of the absolute and entire Interest in such Tolls:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 6 & 7 Vict. c. 42.

Parties having limited Interests, or being under Disability, enabled to sell and convey to Grand Juries in Ireland the Tolls of Bridges.

I. That it shall and may be lawful for all or any of the Parties herein-after enumerated, having Estates or Interests in such Tolls upon any Bridge as aforesaid, to agree with the Grand Jury or Grand Juries of the County, County of a City, or County of a Town in which or within Five Miles of which such Bridge is situated, or if such Bridge is situated in Two Counties, with the Grand Juries of the said Counties, for the Sale of the entire and absolute Estate and Interest in such Tolls, that is to say, all Tenants in Tail or for Life, or other partial or qualified Estates or Interests, married Women seised in their own Right, Guardians, Committees of Lunatics and Idiots, Trustees, or any Feoffees in Trust for Charitable or other Purposes, Executors, or Administrators, for the Time being entitled to the Receipt of such Tolls; and the Power so to agree for such Sale may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeasance of the Estates of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians, on behalf of their Wards, and as to such Committees, on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Power if they had respectively been under no Disability.

Purchase Money of such Parties to be deposited in Bank, subject to the Order of the Court of Chancery.

II. It shall be lawful for such Grand Jury or Juries, and they are respectively hereby authorized and empowered, to enter into such Agreements with such Person or Persons as if he, she, or they were entitled to an absolute Estate or Estates in the said Tolls, and were legally competent to contract for the Sale of the same; subject nevertheless to the Proviso contained in said recited Act in relation to the Manner and Conditions of Presentments to be made in pursuance thereof; and the Amount of the Purchase for such Tolls, upon Agreements made under this Act, shall be ascertained by a Notary Public, to be chosen and appointed for that Purpose by the said contracting Parties to such Agreements, and such Amount shall be estimated upon an Average of the Sum received for Tolls upon such Bridge for Three Years immediately preceding such Agreement; and the Purchase Money which shall be payable in respect of the said Tolls, or any Interest therein, purchased by the Grand Jury or Grand Juries of any such County or Counties, County of a City or Town, as aforesaid, from any Tenant for Life or in Tail, married Woman seised in her own Right, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Persons having a partial or qualified Interest only in such Tolls, and not entitled to sell the same except under the Provisions of this Act, shall be paid into the Bank of *Ireland* in the Name and with the Privity of

of the Accountant General of the Court of Chancery in *Ireland* (but free from any Charge for Ushers Poundage), to be placed to the Account there of such Accountant General, *ex parte* such Grand Jury or Grand Juries of any County, Counties or County of a City or Town, purchasing as aforesaid, pursuant to the Provisions prescribed by any Act for the Time being in force for regulating Monies paid in as aforesaid; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Discharge of any Debt or Incumbrance affecting the Tolls in respect of which such Money shall have been paid;

In the Purchase of Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes and in the same Manner as the Tolls in respect of which such Money shall have been paid stood settled;

Or in Payment to any Party becoming absolutely entitled to such Money:

Provided always, that in every Case where any Person having an Estate or Interest in such Tolls shall only be entitled for an Estate for Life in the same, it shall and may be lawful for such Court (if it shall so think fit) to allocate the said Purchase Money to and amongst the several Persons entitled thereto, whether in possession, remainder, or reversion, and to order Payment to such Tenant for Life of the Principal of such Share of the Purchase Money as may be so allocated to him or her as aforesaid, or to make such other Order in the Premises as to such Court shall seem meet and just and reasonable.

Order for Application and Investment of such Monies.

III. Such Money may be so applied as aforesaid upon an Order of the Court of Chancery in *Ireland* made upon the Petition of any Party who would have been entitled to the Tolls in respect of which such Money shall have been deposited, or any Part thereof, and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Government Stock, and the annual Proceeds thereof paid to the Party who would for the Time being have been entitled to the Receipt of the said Tolls.

The Tolls to cease from Time of such Payment into Bank.

IV. From and after the Payment of the said Purchase Money into the Bank of *Ireland* as aforesaid the said Tolls in respect of which such Purchase shall have been made shall cease, and the Passage of such Bridge in respect of which such Toll shall have been payable shall be open and free to all Cattle, Carriages, and Persons whatsoever.

Certain Presentments already made for the Purchase of Tolls of Bridges may be proceeded in and executed under this Act.

V. 'And whereas under and by virtue of the Provisions of the said recited Act certain Grand Juries of 'Counties have, before the passing of this Act, entered into Agreements for the Purchase of certain of such 'Tolls of Bridges as aforesaid from the Parties possessed of and interested in the same, and Presentments 'have been already made by such Grand Juries for the Purchase of such Tolls, and for raising and levying 'the Amount of the Purchase Money thereof under the Provisions of the said Act; and it is expedient that 'such Proceedings should be rendered effectual and capable of being carried into execution under the Pro-'visions of this Act:' Be it therefore enacted, That in any Case where any Agreement has been already made by any such Grand Jury or Grand Juries of a County or Counties for the Purchase of any such Tolls of a Bridge as aforesaid, from the Party or Parties possessed of or interested in the same, and where any Presentment has been made by any such Grand Jury or Grand Juries for the Purchase of such Tolls, and for raising and levying the Purchase Money for the same, under the Provisions of the said recited Act, such Proceedings and Presentment or Presentments heretofore had and made for or relating to the Purchase and Sale of such Tolls shall be and be deemed valid and effectual for the Purposes of this Act; and it shall be lawful for the respective Grand Jury or Grand Juries of such County or Counties, and the respective Parties possessed of and interested in such Tolls, to complete such Purchase and Sale, and to cause the same to be carried into execution under the Provisions of the said recited Act and this Act, and the same shall and may be carried into execution accordingly, and shall be within and subject to the Provisions of the said recited Act and this Act as fully and effectually in all respects as if the said Proceedings and Presentment or Presentments had been had and made in pursuance of and after the passing of this Act.

Extent of Act.

VI. This Act shall extend only to that Part of the United Kingdom called *Ireland*.

CAP. XXII.

An Act to continue the Survey of *Great Britain, Berwick-upon-Tweed,* and the *Isle of Man.*

[24th *July* 1851.]

[4 & 5 *Vict. c.* 30. *continued until* 31*st December* 1856.]

CAP. XXIII.

An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor.

[24th *July* 1851.]

57 G. 3. c. 34.
57 G. 3. c. 124.
1 G. 4. c. 60.
1 & 2 G. 4. c. 111.
3 G. 4. c. 86.

'WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King *George* 'the Third, Chapter Thirty-four: And whereas another Act was passed in the same Session of 'Parliament, Chapter One hundred and twenty-four: And whereas another Act was passed in the First 'Year of the Reign of His Majesty King *George* the Fourth, Chapter Sixty: And whereas another Act 'was passed in the First and Second Years of the Reign of His said Majesty King *George* the Fourth, 'Chapter One hundred and eleven: And whereas another Act was passed in the Third Year of the

'Reign

'Reign of His said last-mentioned Majesty, Chapter Eighty-six: And whereas another Act was passed 4 G. 4. c. 63.
'in the Fourth Year of the Reign of His said last-mentioned Majesty, Chapter Sixty-three: And whereas 5 G. 4. c. 36.
'another Act was passed in the Fifth Year of the Reign of His said last-mentioned Majesty, Chapter
'Thirty-six: And whereas another Act was passed in the same Year, Chapter Seventy-seven: And 5 G. 4. c. 77.
'whereas another Act was passed in the Sixth Year of the Reign of His said last-mentioned Majesty, 6 G. 4. c. 35.
'Chapter Thirty-five: And whereas another Act was passed in the Seventh Year of the Reign of His 7 G. 4. c. 30.
'said last-mentioned Majesty, Chapter Thirty: And whereas another Act was passed in the Seventh and 7 & 8 G. 4. c. 12.
'Eighth Years of the Reign of His said last-mentioned Majesty, Chapter Twelve: And whereas another 7 & 8 G. 4. c. 47.
'Act was passed in the same Year, Chapter Forty-seven: And whereas another Act was passed in the 1 & 2 W. 4. c. 24.
'First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Twenty-
'four: And whereas another Act was passed in the Third and Fourth Years of the Reign of His said 3 & 4 W. 4. c. 32.
'late Majesty, Chapter Thirty-two: And whereas another Act was passed in the Fourth and Fifth Years 4 & 5 W. 4. c. 72.
'of the Reign of His said late Majesty, Chapter Seventy-two: And whereas another Act was passed in 7 W. 4. &
'the First Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Fifty-one: And whereas 1 Vict. c. 51.
'another Act was passed in the First and Second Years of the Reign of Her present Majesty, Chapter 1 & 2 Vict. c. 88.
'Eighty-eight: And whereas another Act was passed in the Third Year of the Reign of Her present 3 & 4 Vict. c. 10.
'Majesty, Chapter Ten: And whereas another Act was passed in the Second Session of the Fifth Year 5 & 6 Vict. c. 9.
'of the Reign of Her present Majesty, Chapter Nine: And whereas another Act was passed in the Ninth 9 & 10 Vict.
'and Tenth Years of the Reign of Her present Majesty, Chapter Eighty: And whereas sundry Advances c. 80.
'or Loans have been made by the Commissioners of the said recited Acts, for the Purposes in the same
'Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or
'Loans are required for the like Objects; and it is deemed expedient to make further Advances of Money
'out of the Consolidated Fund for the Purposes of such Loans:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

360,000*l.* per Annum to be charged upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

I. That for the Purposes of such Advances or Loans as aforesaid the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after providing for all preceding Charges, but having Preference of all future Charges), and to direct the Issue or the Payment thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt, of a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and fifty-two.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.

II. That the Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and the said Commissioners for the Reduction of the National Debt shall continue and keep, or cause to be continued and kept, in their Office, a Book or Books in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act for the Purposes of such Loans and Advances, and otherwise, as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made.

Bank to continue the Account already opened with the Commissioners for executing this Act.

III. That the Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, &c.," to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of *England* upon such or the like Certificates under the Hands of the said Commissioners of the said recited Acts and of this Act as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans, as directed by the said recited Acts or some or One of them, in such or the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid *into the Bank to the Account of Commissioners for executing* this Act to make

IV. That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's

Part of the Consolidated Fund.

Majesty's Exchequer, and, when so transferred, shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners for executing recited Acts to be Commissioners, together with others, for executing this Act.

V. That the several Persons who in and by the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, together with *Henry Berens* Esquire, and *Henry Allan Harrison* Esquire, who have been appointed Commissioners for the Execution of the said recited Acts under the Authority of the same, or some or One of them, and also together with *Henry Lewis Wickham* Esquire shall be, and they, and all future Parties so constituted, are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration.

VI. That the said Commissioners named in and by the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A. B.* do declare, That, according to the best of my Judgment, I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act, intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act, and the Acts therein recited, and other Acts having reference thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced under this Act to be certified to the Commissioners for the Reduction of the National Debt.

VII. That when and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England*; and such Cashiers or One of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively; provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

Commissioners for Reduction of National Debt to furnish annual Account of Fund for Audit.

VIII. That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place*.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

IX. That all and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall not be affected nor be deemed to have been affected by any Act or Acts of Parliament already passed or to be passed, except so far as the same may by any such Act, passed or to be passed, be altered, varied, or repealed by express Reference to the said recited Acts or this Act, and all and every the same several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable, and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

CAP. XXIV.

An Act to amend the Acts for the granting of Sites for Schools. [24th *July* 1851.]

'WHEREAS by the Statute Fourth and Fifth *Victoria*, Chapter Thirty-eight, Power is given to divers Persons therein mentioned to grant, convey, and enfranchise a certain Portion of Land for the Purpose of a Site for a School for the Education of poor Persons, or for the Residence of a Schoolmaster or Schoolmistress, or otherwise for the Education of poor Persons in religious and useful Knowledge, and Provisions are contained therein for facilitating the Conveyance of such Sites and perpetuating

'the Trusts of the Deeds: And whereas the Persons therein mentioned having been authorized to grant 'any Number of Sites for distinct and separate Schools, and Residences for the Master or Mistress 'thereof, it is provided that the Site of each School and Residence should not exceed the Extent of One 'Acre, and it is also provided that not more than One such Site should be in the same Parish: And 'whereas by the Twelfth and Thirteenth *Victoria*, Chapter Forty-nine, it is declared and enacted, that 'nothing in the last-recited Act contained should prevent any Person or Corporation from granting any 'Number of Sites for separate and distinct Schools in the same Parish, provided the aggregate Quantity 'of Land granted by such Person in the same Parish should not exceed the Extent of One Acre: And 'whereas by reason of the great Extent of some Parishes, wherein the Population is very large, this 'Limitation is found to be productive of Inconvenience, and to prevent the Extension of the Education 'of the Poor; and it is desirable to make further Provision in this Behalf:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

"Parish" in the 4 & 5 Vict. c. 38. s. 9. and 12 & 13 Vict. c. 49. s. 3. to signify Ecclesiastical District.

I. The Word Parish in the Sections of the Statutes herein referred to shall, in the Case of any Parish which has heretofore been or shall hereafter be divided by lawful Authority into Two or more Ecclesiastical Districts, whether confined to such Parish, or comprising also any Part of another Parish, be construed with reference to such Parish to signify each such Ecclesiastical District.

Incorporation of this Act with recited Acts.

II. This Act shall be construed as and be deemed to be a Part of the said recited Acts, except so far as it amends the same.

CAP. XXV.

An Act to improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures. [24th *July* 1851.]

'WHEREAS it is expedient to amend the Law to prevent or lessen the Evils of the Right to Emblements, and the Loss and Injury arising therefrom, and also the Law relating to growing Crops 'seized under Executions, and to Agricultural Fixtures:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

On Determination of Leases or Tenancies under Tenant for Life, &c., instead of Emblements Tenant to hold until Expiration of current Year, &c.

I. That where the Lease or Tenancy of any Farm or Lands held by a Tenant at Rackrent shall determine by the Death or Cesser of the Estate of any Landlord entitled for his Life, or for any other uncertain Interest, instead of Claims to Emblements, the Tenant shall continue to hold and occupy such Farm or Lands until the Expiration of the then current Year of his Tenancy, and shall then quit, upon the Terms of his Lease or Holding, in the same Manner as if such Lease or Tenancy were then determined by Effluxion of Time or other lawful Means during the Continuance of his Landlord's Estate; and the succeeding Landlord or Owner shall be entitled to recover and receive of the Tenant, in the same Manner as his Predecessor or such Tenant's Lessor could have done if he had been living or had continued the Landlord or Lessor, a fair Proportion of the Rent for the Period which may have elapsed from the Day of the Death or Cesser of the Estate of such Predecessor or Lessor to the Time of the Tenant so quitting, and the succeeding Landlord or Owner and the Tenant respectively shall, as between themselves and as against each other, be entitled to all the Benefits and Advantages, and be subject to the Terms, Conditions, and Restrictions, to which the preceding Landlord or Lessor and such Tenant respectively would have been entitled and subject in case the Lease or Tenancy had determined in manner aforesaid at the Expiration of such current Year: Provided always, that no Notice to quit shall be necessary or required by or from either Party to determine any such Holding and Occupation as aforesaid.

Growing Crops seized and sold under Execution to be liable for accruing Rent.

II. That in case all or any Part of the growing Crops of the Tenant of any Farm or Lands shall be seized and sold by any Sheriff or other Officer by virtue of any Writ of Fieri facias or other Writ of Execution, such Crops, so long as the same shall remain on the Farms or Lands, shall, in default of sufficient Distress of the Goods and Chattels of the Tenant, be liable to the Rent which may accrue and become due to the Landlord after any such Seizure and Sale, and to the Remedies by Distress for Recovery of such Rent, and that notwithstanding any Bargain and Sale or Assignment which may have been made or executed of such growing Crops by any such Sheriff or other Officer.

Tenant may remove Buildings and Fixtures erected by him on Farms, unless Landlord elect to take to them.

III. That if any Tenant of a Farm or Lands shall, after the passing of this Act, with the Consent in Writing of the Landlord for the Time being, at his own Cost and Expense, erect any Farm-building, either detached or otherwise, or put up any other Building, Engine, or Machinery, either for Agricultural Purposes or for the Purposes of Trade and Agriculture, (which shall not have been erected or put up in pursuance of some Obligation in that Behalf,) then all such Buildings, Engines, and Machinery shall be the Property of the Tenant, and shall be removable by him, notwithstanding the same may consist of separate Buildings, or that the same or any Part thereof may be built in or permanently fixed to the Soil, so as the Tenant making any such Removal do not in anywise injure the Land or Buildings belonging to the Landlord, or otherwise do put the same in like Plight and Condition, or as good Plight and Condition, as the same were in before the Erection of anything so removed: Provided nevertheless, that no Tenant shall, under the Provision last aforesaid, be entitled to remove any such Matter or Thing as aforesaid without first giving to the Landlord or his Agent One Month's previous Notice in Writing of his Intention so to do; and thereupon it shall be lawful for the Landlord, or his Agent on his Authority, to elect to purchase the Matters and Things so proposed to be removed, or any of them, and the Right to remove

the

the same shall thereby cease, and the same shall belong to the Landlord; and the Value thereof shall be ascertained and determined by Two Referees, One to be chosen by each Party, or by an Umpire to be named by such Referees, and shall be paid or allowed in account by the Landlord who shall have so elected to purchase the same.

Tenant leaving Tithe Rentcharge unpaid, Landlord, &c. may pay the same, and recover as if it were a simple Contract Debt.

IV. That if any occupying Tenant of Land shall quit, leaving unpaid any Tithe Rentcharge for or charged upon such Land which he was by the Terms of his Tenancy or Holding legally or equitably liable to pay, and the Tithe Owner shall give or have given Notice of proceeding by Distress upon the Land for Recovery thereof, it shall be lawful for the Landlord, or the succeeding Tenant or Occupier, to pay such Tithe Rentcharge, and any Expenses incident thereto, and to recover the Amount or Sum of Money which he may so pay over against such first-named Tenant or Occupier, or his legal Representatives, in the same Manner as if the same were a Debt by simple Contract due from such first-named Tenant or Occupier to the Landlord or Tenant making such Payment.

Act not to extend to Scotland.

V. Nothing in this Act shall extend to *Scotland*.

CAP. XXVI.

An Act to amend the Acts relating to the *British* White Herring Fishery. [24th *July* 1851.]

'WHEREAS the following Acts were passed for the Encouragement and Regulation of the *British* White Herring Fishery; *viz.*, an Act of the Forty-eighth Year of King *George* the Third, Chapter One hundred and ten; an Act of the Fifty-first Year of His said Majesty, Chapter One hundred and one; an Act of the Fifty-second Year of His said Majesty, Chapter One hundred and fifty-three; an Act of the Fifty-fourth Year of His said Majesty, Chapter One hundred and two; an Act of the Fifty-fifth Year of His said Majesty, Chapter Ninety-four; an Act of the First Year of King *George* the Fourth, Chapter One hundred and three; an Act passed in the Session of Parliament holden in the First and Second Years of His said Majesty, Chapter Seventy-nine; an Act of the Fifth Year of His said Majesty, Chapter Sixty-four; an Act of the Seventh Year of His said Majesty, Chapter Thirty-four; an Act of the First Year of His Majesty King *William* the Fourth, Chapter Fifty-four; an Act of the Session of Parliament holden in the Sixth and Seventh Years of Her present Majesty, Chapter Seventy-nine; and an Act of the Sesson of Parliament holden in the Tenth and Eleventh Years of Her said Majesty, Chapter Ninety-one: And whereas it is expedient that the said recited Acts should be altered and amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,—

Necessity of Fifteen Days between salting and branding White Herrings repealed.

I. That every Enactment or Provision contained in the said recited Acts or any of them whereby it is or may be held to be required that Fifteen clear Days should intervene between the Day of the salting White Herrings and the Day on which the Barrels containing such Herrings, whether Bung-packed or repacked, should be marked or branded, shall be and the same is hereby repealed.

Commissioners to regulate the Time (being not more than Fifteen Days) between salting and branding.

II. That from and after the passing of this Act it shall be lawful for the Commissioners of the Herring Fishery, in virtue of the Powers conferred upon them by the said recited Acts or any of them and by this Act, from Time to Time to regulate and fix the Period which shall intervene between the Day on which White Herrings, whether Bung-packed or repacked, shall be salted, and the Day on which the Barrels containing such Herrings, whether Bung-packed or repacked, shall be entitled to be branded, such Period being not more than Fifteen clear Days after the salting of the same; and the said Commissioners shall, before any Regulations made by them for the Purposes aforesaid are to come into operation, cause Notice thereof to be given by Publication of the same once in the *Edinburgh Gazette*, and also by affixing printed Copies thereof on some conspicuous Place or Places at the various Herring Fishing Stations in *Scotland*; and nothing in the said recited Acts or any of them shall prevent the Exportation, subject to the other Provisions of the said recited Acts, to Ports or Places in *Europe* or out of *Europe*, of Herrings branded within the Periods to be authorized by the Regulations to be so made and published by the said Commissioners.

Penalty for fraudulently branding Barrels filled with Herrings applied to fraudulently branding empty Barrels or Casks.

III. That the Penalties and Forfeiture by the Fiftieth Section of the said recited Act of the Forty-eighth Year of King *George* the Third imposed upon any Person fraudulently burning or branding, or causing to be burnt or branded, any Barrel or Cask of Herrings, shall attach and apply to and be enforced against any Person who shall fraudulently, or without the Authority of an Officer of the Fishery, burn or brand, or cause to be burnt or branded, or illegally have in his Custody or Possession any Instrument for the Purpose of burning or branding, any empty Barrel or Cask, with any such Mark or Marks, Character or Characters as are referred to in the said Section, in such and the like Manner as if such Section as hereby extended were re-enacted herein.

Repealing the Necessity of repacking Herrings for Exportation with Great Salt.

IV. That so much of the said recited Acts or any of them as requires that Herrings repacked with Great Salt only shall be exported to any Place out of *Europe* shall be and the same is hereby repealed; and it shall hereafter be lawful to repack Herrings with Great Salt or other Salt, and, subject to the other Provisions of the said recited Acts, to export to any Place out of *Europe* such Herrings so repacked; and it shall in like Manner be lawful to ship Coastwise for Exportation unbranded Herrings, without the Production of any Notice or Certificate required by the said recited Acts.

Authorizing the Exportation of Barrels under

V. That the Prohibition and Forfeiture applicable under the Thirty-fifth Section of the said recited Act of the Fifty-fifth Year of King *George* the Third to Barrels of Herrings of the Description and containing

containing less than the Quantity and Weight of Fish therein set forth, shipped or tendered for shipping to any Port or Place in *Europe* or out of *Europe*, shall not be applicable or apply to the Exportation to any Port or Place in *Europe* or out of *Europe* of Herrings shipped or intended to be shipped as aforesaid which shall not have lain Ten Days in Salt.

Weight when the Fish have not been Ten Days in Salt.

VI. That whenever the Herring Fishery is commenced or carried on it shall not be lawful for any Person to use for the Purpose of taking Herrings any Drag Net, or Sea Net mounted for trawling, or any Sweep, Circle, Ring Net, or Scringe Net, or any Net prohibited by the said recited Acts or any of them, or any Net of any Kind or Description whatsoever other than the usual Drift Net, or to use any Drift Net by dragging the same through the Water in the Manner of trawling; nor shall it be lawful to take or have on board of any Fishing Vessel or Boat, during the Time of the Herring Fishery, any Net of any Description other than Drift Nets; and every such Net other than Drift Nets, used as aforesaid, or found on board of any Fishing Vessel or Boat during the Herring Fishery, or found on shore, or in the Possession of any Person for the Purpose of being so used, shall be liable to be seized by any Superintendent of the Herring Fishery, or Person acting under his Order, or by any Officer of the Fishery; and any Person using or having on board any Fishing Vessel or Boat, or having on shore for the Purpose of being used as aforesaid, any Net contrary to the Provisions of the said recited Acts or any of them, or this Act, shall be subject and liable to the Penalties imposed in that Behalf by the said recited Acts or any of them, and any Net so seized shall be liable to Forfeiture in Terms of the said Acts.

As to Nets to be used when the regular Herring Fishery is commenced.

VII. That in order to secure the Delivery to the Purchaser or Curer of the Quantity of Herrings purported to be sold, in Situations where the Standard Measure of the Cran cannot be conveniently used, no Boat's Crew, while selling and delivering fresh Herrings by Measure, shall use or have on board any Herring Boat any Fish Basket or Measure of less Capacity than One Fourth Part of a Cran, that is to say, such as on being filled Four Times with Herrings shall make a complete Cran; and any Person selling or delivering Herrings by any Basket or Measure of less Capacity than aforesaid shall be liable in the Forfeiture and Penalty imposed by the said recited Act of the Fifty-fifth *George* Third upon Persons using any Cran or Measure not properly branded.

For securing the Use of Quarter Cran Basket or Measure.

VIII. That it shall be competent to enforce or sue for any Forfeiture or Penalty imposed by the said recited Acts or any of them or by this Act in the Manner provided by the said recited Acts or this Act, in the Name of the Secretary of the Board for the Time being, or the Procurator Fiscal of the County or of the Burgh or Town where the Offence is to be tried, or by the Superintendent of the Herring Fishery, or by any Officer of the said Fishery.

Forfeitures and Penalties by whom to be enforced and sued for.

IX. That it shall be lawful for any Judge trying any Offence under the said recited Acts or any of them or this Act, who in pronouncing Sentence shall decern against any Offender for Payment of any Penalty and Expenses, to grant Warrant also (failing Payment of such Penalty and Expenses, or failing Security being found to the Satisfaction of the Court for such Payment, within Forty-eight Hours after the same shall have been decerned for,) to imprison such Offender for any Period not exceeding Thirty Days, unless such Penalty and Expenses shall be sooner paid.

Sentence for Penalty may contain Decerniture for Imprisonment, failing Payment or Security.

CAP. XXVII.

An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in *Scotland*. [24th *July* 1851.]

'WHEREAS an Act was passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and another Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend and continue, until the First Day of* September *One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in* Scotland: And whereas it was by the said Second Act enacted, that the said First Act as amended by the said Second Act should continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Acts should be altered and amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

2 & 3 Vict. c. 42. 7 & 8 Vict. c. 34

I. That the said recited Acts, as hereby amended, and this Act, shall continue and be in force during the Period granted by the said last-recited Act, and shall be held and construed as if the same formed One Act.

Recited Acts, as amended, and this Act, to be One Act.

II. That, seeing that Actions may be brought before the Court of Session in which the General Board may eventually be a Party, and it is inexpedient that any Judge of the said Court should be a Member of the General Board, so much of the said first-recited Act as appoints the Lord Justice General in *Scotland* and the Lord Justice Clerk for the Time being to be Members of the General Board of Directors of Prisons in *Scotland* shall be and the same is hereby repealed, and the Lord Justice General and Lord Justice Clerk respectively shall hereafter cease to be Members of the said General Board accordingly.

Lord Justice General and Lord Justice Clerk not to be Members of General Board.

III. That it shall be lawful for any County Prison Board, subject to the Provisions of the said recited Acts, to purchase, take, and acquire such Lands contiguous to any Prison as shall by such County Prison Board be deemed necessary for the Purposes of enlarging or rendering more commodious any such Prison; and to enable such County Prison Board to purchase, take and acquire such Lands, "The Lands Clauses

Lands contiguous to Prisons may be acquired, and Act 8 & 9 Vict. c. 19. incorporated.

Clauses Consolidation (*Scotland*) Act, 1845," in so far as applicable to and not inconsistent with, or not otherwise provided for, or not altered and varied by, this or the said recited Acts, shall be incorporated with and form Part of this Act; and the Words "Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall apply to and include any County Prisons Board seeking to acquire Lands under this Act.

Accounts to be published.

IV. That the Prison Board of each County shall publish detailed Accounts of their Revenue and Expenditure under and for the Purposes of the said recited Acts and this Act within the First Week of *September* in every Year, which Accounts shall be printed, and a Copy thereof be furnished to the Commissioners of Supply of the County and to the Town Councils of the Burghs situated therein.

Magistrates of certain Burghs or Places may commit Prisoners to any Gaol within the County.

V. That where, within the Limits of any Burgh or Place being a "Burgh" in the Sense of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same*, or where, within any Burgh which has adopted an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police*, there shall be no legal Prison, or no Prison with adequate Accommodation, it shall be competent and lawful to the Police Magistrate or Magistrates of any Burgh acting under the said last-recited Acts or either of them to commit Prisoners to any Gaol within the County in which any such Burgh is situated, or is by the said recited Act of the Thirteenth and Fourteenth Years of Her present Majesty held to be situated, in such and the like Manner as such Magistrate or Magistrates would have been entitled to commit Prisoners to the Gaol of such Burgh if there had been a Gaol therein, and under the like Rights and Liabilities as to the Maintenance of such Prisoners, and the Officers of such Magistrates shall have Power to carry the Prisoners to such Gaol.

Juvenile Male Offenders may be punished by private Whipping.

VI. That in every Case where it is at present competent for any Judge or Magistrate to award Sentence of Imprisonment or of Fine, with the Alternative of Imprisonment, it shall be lawful for such Judge or Magistrate in the Case of any Juvenile Offender, being a Male, whose Age, in the Opinion of such Judge or Magistrate, shall not exceed Fourteen Years, to adjudge such Offender, instead of Imprisonment, or of Imprisonment and Hard Labour, or in addition to Imprisonment, or Imprisonment and Hard Labour, to be punished by private Whipping in such Manner and according to such Regulations as shall be made by the Lord Advocate of *Scotland* in that Behalf, and sanctioned by One of Her Majesty's Principal Secretaries of State, anything in any Act of Parliament to the contrary notwithstanding.

Sentence of Imprisonment may be accompanied with Hard Labour, and Rules in respect thereof to be made, and to be approved of by One of Her Majesty's Principal Secretaries of State.

VII. That in all Cases in which a Sentence of Imprisonment may be awarded for any Crime or Offence by any Criminal Court in *Scotland*, it shall be competent for such Court to insert in such Sentence of Imprisonment an Order that such Imprisonment shall, during the whole or any Part of the Term thereof, be accompanied with Hard Labour, and such Imprisonment shall in every Case of such Order be so accompanied accordingly; and it shall be competent to the General Board, from Time to Time as they shall see Occasion, to make and submit to One of Her Majesty's Principal Secretaries of State Rules as to the Mode of carrying out such Sentences of Hard Labour; and it shall be lawful for such Secretary of State, if he shall think fit, to alter such Rules, and to make additional Rules, and he shall grant a Certificate that such Rules as submitted to him, or altered or added to, are proper to be observed and enforced, and upon such Certificate being granted such Rules shall be by the Secretary of State transmitted to the General Board, and shall be effectual; and such Rules shall be entered in the Record of their Proceedings which by the said first-recited Act the General Board are directed to keep; and such Rules shall also be contained in the Annual Report made for the Year in which the same are certified and transmitted as aforesaid, which by the Provisions of the said first-recited Act the General Board are directed to make and transmit to One of Her Majesty's Principal Secretaries of State, and whereof a Copy is by the said Act directed to be laid before both Houses of Parliament.

County Prison Boards may cause Imprisonment (subject to Rules of General Board, &c.) to be accompanied with Hard Labour.

VIII. That in all Cases in which a Sentence of Imprisonment for any Period not exceeding Two Months shall be awarded for any Crime or Offence by any Criminal Court in *Scotland*, and in all Cases in which the enforcing proper Discipline upon Criminals undergoing Imprisonment shall seem to them to require it, it shall be competent for each County Prison Board, subject to the Directions of the General Board, and subject also to any Rules which may be certified by the Secretary of State as aforesaid, to cause such Imprisonment, during the whole or any Part of the Term thereof, to be accompanied with Hard Labour.

CAP. XXVIII.

An Act for the well-ordering of Common Lodging Houses. [24th *July* 1851.]

'WHEREAS it would tend greatly to the Comfort and Welfare of many of Her Majesty's poorer Subjects if Provision were made for the well-ordering of Common Lodging Houses:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; to wit,

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The Common Lodging Houses Act, 1851."

Interpretation of Terms in this Act.

II. The following Words and Expressions in this Act have, for the Purposes and Execution of this Act, the following Meanings; to wit,

The

The Word "Place" includes County, Riding, Hundred, and other Division or Part of a County, City, Borough, Parish, District, and other Place whatsoever:

The Word "Borough," and the Expressions "Mayor, Aldermen, and Burgesses," and "Borough Fund," have respectively the same Meaning as in the Act for the Regulation of Municipal Corporations:

The Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes:

The Expression "Common Lodging House" includes, in any Case in which only a Part of a House is used as a Common Lodging House, the Part so used of such House.

By whom the Act is to be executed.

III. This Act shall be executed as follows; to wit,

1. Within and for all or any Part of the Metropolitan Police District, by "The Commissioners of Police of the Metropolis," or such One of them as is from Time to Time appointed in that Behalf by One of Her Majesty's Principal Secretaries of State:

2. Within and for all and any Part of any Place not being within the Metropolitan Police District, but being now or hereafter the District of a Local Board of Health, by the Local Board of Health for the District:

3. Within and for all and any Part of any other Place not being within the Metropolitan Police District, and not being the District of a Local Board of Health, but being now or hereafter an incorporated Borough regulated under the Act for the Regulation of Municipal Corporations, or any Act for the Amendment thereof, or any Charter granted in pursuance of any such Act, by the Mayor, Aldermen, and Burgesses of the Borough acting by the Council of the Borough:

4. Within and for all and any Part of any other Place not being within the Metropolitan Police District, and not being the District of a Local Board of Health, and not being such an incorporated Borough, but being now or hereafter the Place within the Limits of an Improvement Act, by the Commissioners, Trustees, or other Body, by whatever Name, known for executing the Improvement Act:

5. Within and for all and any Part of any other Place not being One of the Places herein-before specified, by the Justices of the Peace acting in Petty Sessions for the Place.

As to Expenses of executing this Act.

IV. The Expenses of and incident to the executing of this Act shall be borne and paid as follows; to wit,

1. With respect to the Metropolitan Police District, as Part of the general Expenses of executing the Acts for the Time being in force relating to the Metropolitan Police Force:

2. With respect to the District of a Local Board of Health, as Part of the Expenses of executing the Acts for the Time being in force relating to the Local Board of Health, and as charged upon and payable out of the Monies carried, under the Public Health Act, 1848, to the District Fund Account of the Local Board of Health:

3. With respect to an incorporated Borough, as Part of the Expenses of carrying into execution within the Borough the Provisions of the Act for the Regulation of Municipal Corporations, and as charged upon and payable out of the Borough Fund of the Borough:

4. With respect to a Place within the Limits of an Improvement Act, as Part of the general Expenses of executing that Act, and as charged upon and payable out of the Monies from Time to Time applicable for those Expenses:

5. With respect to a Place in which this Act is executed by Justices in Petty Sessions, as Part of the general Expenses of the Constablewick of the Place, and as charged upon and payable out of the Monies from Time to Time applicable for those Expenses:

And the Monies from Time to Time required for the Payment of the Expenses of and incident to the Execution of this Act shall be assessed, levied, raised, recovered, and paid accordingly.

Meaning of "the local Authority."

V. The Expression in this Act "the local Authority" means, with respect to the Purposes and Execution of this Act with respect to any Place, the Body or Person by this Act authorized to execute with respect to the Place the several Provisions of this Act.

Notice of this Act to be given to the Keepers of Common Lodging Houses.

VI. Within Three Months after the passing of this Act the local Authority shall, and from Time to Time thereafter the local Authority may, give to the Keeper of every Common Lodging House already or hereafter within the Jurisdiction under this Act of the local Authority, Notice in Writing of this Act, and shall give such Notice by leaving the same for such Keeper at the House, and shall by such Notice require the Keeper to register the House as by this Act provided, and such Notice may be in the Form in the Schedule to this Act annexed, or to the like Effect.

Registers of Common Lodging Houses to be kept.

VII. The local Authority shall keep a Register in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be received therein.

Lodgers not to be received in Common Lodging Houses until registered.

VIII. After One Month after the giving of such Notice to register as by this Act provided, the Keeper of any Common Lodging House or any other Person shall not receive any Lodger in such House until the same has been inspected and approved for that Purpose by some Officer appointed in that Behalf by the local Authority, and has been registered as by this Act provided.

Power to local Authority to make Regulations respecting Common Lodging Houses.

IX. The local Authority may from Time to Time make Regulations respecting Common Lodging Houses within its Jurisdiction for all or any of the Purposes respecting the same for which the Local Board of Health are by the Public Health Act, 1848, authorized to make Byelaws, and for the well-ordering of such Houses, and for the Separation of the Sexes therein: Provided always, that the Regulations made under this

this Act by the local Authority shall not be in force until they have been confirmed by One of Her Majesty's Principal Secretaries of State.

Power to local Authority to impose Penalties for Offences committed against Regulations.

X. The local Authority shall have the same Power of imposing Penalties on Offenders against the said Regulations, subject to the same Restrictions, as the Local Board with respect to Offenders against such Byelaws, and such Penalties shall be recoverable in the same Way as is provided in the said Act with respect to the Penalties imposed on Offenders against such Byelaws; and a Copy of the said Regulations, purporting to be signed by the Secretary of State, and also to be signed by the local Authority, (or to be sealed with the Seal of the same, in case it have a Seal,) shall be receivable in Evidence of such Regulations, and of the duly making and confirming thereof.

Keepers of Common Lodging Houses to give Notice of Fever, &c.

XI. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the local Authority, or some Officer of the local Authority, and also to the Poor Law Medical Officer and the Poor Law Relieving Officer of the Union or Parish in which the Common Lodging House stands.

Inspection of Common Lodging Houses.

XII. The Keeper of a Common Lodging House, and every other Person having or acting in the Care or Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XIII. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof, to the Satisfaction of and so often as shall be required by or in accordance with any Regulation or Byelaw of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year.

Penalty for Offences against this Act.

XIV. If the Keeper of a Common Lodging House, or any other Person having or acting in the Care or Management thereof, offend against any of the Provisions of this Act, or any of the Byelaws or Regulations made in pursuance of this Act, or if any Person in any Common Lodging House be confined to his Bed for Forty-eight Hours by Fever or any infectious or contagious Disease, without the Keeper of such House giving Notice thereof as required by this Act, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence continues: Provided always, that this Act shall not exempt any Person from any Penalty or other Liability to which he may be subject irrespective of this Act.

Recovery of Penalties.

XV. The Clauses and Provisions of the Railways Clauses Consolidation Act, 1845, "with respect to "the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any "other Matter referred to Justices," are for the Purposes and Execution of this Act incorporated with this Act.

General Powers of local Authority, &c.

XVI. The local Authority, and all Justices, Constables, and others, shall respectively have full Jurisdiction, Powers, Authorities, and Indemnities for executing the several Provisions of this Act; and the Restrictions of the Public Health Act, 1848, as to the Hours within which Common Lodging Houses may be entered by Persons authorized by a Local Board of Health, shall not apply to this Act.

Act not to extend to London; nor to Scotland.

XVII. That this Act shall not extend to the City of *London* or the Liberties thereof.

XVIII. That nothing in this Act shall extend to *Scotland*.

SCHEDULE.

Form of Notice.

TAKE notice, That on the [ ] Day of [ ] an Act called "The Common Lodging Houses Act, 1851," was passed, and that before the [ ] Day of [ ] you, being the Keeper of a Common Lodging House within [*here state the Place over which the Jurisdiction of the local Authority giving the Notice extends*], must have your Common Lodging House registered, and that the Register is to be kept at [*here state where the Register is to be kept*], and that if you do not have your Common Lodging House so registered you will be liable to a Penalty not exceeding Five Pounds for every Lodger whom you receive in your Common Lodging House while it is not so registered; and that on your applying to [*here give the Name and Address of the Person to keep the Register*] he will register your Common Lodging House free of all Charge to you. Dated [*&c.*].

CAP. XXIX.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. [24th *July* 1851.]

10 & 11 Vict. c. 98.

13 & 14 Vict. c. 47.

Certain Provisions of first-

'WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law as to Ecclesiastical Jurisdiction in England*, by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of *August* One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have, by an Act passed in the last Session of Parliament, been continued until the First Day of *August* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said firstly-recited Act shall continue until the First Day of *August* One thousand eight hundred and fifty-two and to the End of the then next Session of Parliament. recited Act further continued.

CAP. XXX.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads. [24th *July* 1851.]

[4 & 5 *Vict.* c. 59. *continued until the First Day of October One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament.*]

CAP. XXXI.

An Act to continue an Act to amend the Laws relating to Loan Societies. [24th *July* 1851.]

[3 & 4 *Vict.* c. 110. *continued to the First Day of October One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament.*]

CAP. XXXII.

An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [24th *July* 1851.]

[*This Act is the same, except as to Dates, as* 13 & 14 *Vict.* c. 46.]

CAP. XXXIII.

An Act to enlarge the Period allowed for compounding for Assessed Taxes. [24th *July* 1851.]

'WHEREAS under and by virtue of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Ninety-six, 13 & 14 Vict. c. 96. 'Persons who had compounded for certain of the Duties of Assessed Taxes under the Acts therein 'referred to were authorized to continue their Compositions for a further Term, and Persons who had 'not so compounded were authorized to compound for the same Duties for the Term and in the Manner 'and on the Conditions in the said Act mentioned or referred to, provided that such Persons respectively 'should give Notice of their Intention so to continue their former Compositions or to compound, on or 'before the Fifth Day of *April* One thousand eight hundred and fifty-one in *England*, and on or before 'the Term of *Whitsunday* in the same Year in *Scotland*, in the Manner in the said Act prescribed; 'and it is expedient to enlarge the Periods for compounding under the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows;

I. That the several Periods limited by the said recited Act for giving any such Notice as aforesaid in *England* and *Scotland* respectively, shall be and the same are hereby extended until the First Day of *October* One thousand eight hundred and fifty-one inclusive; and the respective Surveyors to whom such Notices have been or shall be delivered within the Period limited by this Act shall diligently inquire into and examine such Notices, and certify their Assent or Objection thereto at any Time within One Calendar Month next after the Delivery thereof respectively, or at the furthest within One Calendar Month next after the said First Day of *October*; and the respective Commissioners acting in the Execution of the said Acts are hereby authorized and required to enter into Composition with such Persons respectively who have given or shall within the Period limited by this Act give such Notices as aforesaid, subject to the Rules, Regulations, and according to the Provisions, of the said recited Act, in like Manner as if such Notices had been delivered within the Time limited by the said recited Act; provided the Contracts of such Compositions respectively shall be executed by the said Commissioners and the Party compounding on or before the First Day of *December* One thousand eight hundred and fifty-one, and which Contracts of Compositions, when executed by the said Commissioners or any Two or more of them and by the Party aforesaid in the Manner by the said recited Act directed, shall be of the like Force and Effect, and subject to the like Powers and Conditions for Payment, to all Intents as if the said Compositions had been entered into under the Directions of the said recited Act: Provided always, that upon every Contract of Composition executed as aforesaid after the First Day of *October* One thousand eight hundred and fifty-one, there shall be paid One Moiety of the annual Amount payable under the same within Ten Days next after the Date of such Contract. The Time for giving Notice of Intention to compound for Assessed Taxes enlarged until the 1st Oct. 1851.

CAP. XXXIV.

An Act to encourage the Establishment of Lodging Houses for the Labouring Classes. [24th *July* 1851.]

'WHEREAS it is desirable, for the Health, Comfort, and Welfare of the Inhabitants of Towns and populous Districts, to encourage the Establishment therein of well-ordered Lodging Houses for 'the Labouring Classes:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Short Title of Act.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The Labouring Classes Lodging Houses Act, 1851."

Act may be adopted in certain Boroughs and Parishes.

II. That this Act may be adopted for any incorporated Borough in *England* regulated under an Act passed in the Sixth Year of the Reign of His late Majesty, to provide for the Regulation of Municipal Corporations or any Charter granted in pursuance of the said Act, or any Act passed for the Amendment thereof, and also for any Place being the District of any Local Board of Health regulated under the Public Health Act, 1848, or any Act passed for the Amendment thereof, and also for any Place being the District within the Limits of any Act for the paving, lighting, watching, draining, or otherwise improving of such Place, and also, with the Approval of One of Her Majesty's Principal Secretaries of State, for any Parish in *England*, having, according to the then last Census, a Population of not less than Ten thousand, or being a Parish in any such incorporated Borough, having, according to the then last Census, a Population of not less than Ten thousand, and also with the like Approval for each of several Parishes as by this Act in that Behalf provided.

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

"Parish" shall mean every Place maintaining its own Poor, and having a Vestry:

"Borough" shall mean City, Borough, Port, Cinque Port, or Town Corporate:

"District" shall mean any Place being the District of such a Local Board of Health, and shall also mean any Place being the District within the Limits of such an Improvement Act:

"Ratepayers" shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish:

"Churchwardens" shall mean also Chapelwardens or other Persons discharging the Duties of Churchwardens:

"Overseers" shall mean also any Persons authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor:

"Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of* England *and* Wales, or elected under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting, by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry;

59 G. 3. c. 12. & 2 W. 4. c. 60.

"Board" shall mean, as regards the District of such a Local Board of Health, such Local Board of Health for the Time being in Office and acting as such Local Board of Health, and, as regards the District within the Limits of such an Improvement Act, the Commissioners, Trustees, or other Body of Persons by whatever Name distinguished for the Time being in Office and acting in the Execution of such Act:

"Commissioners" shall mean the Commissioners appointed in accordance with this Act for any Parish, and for the Time being in Office and acting as such Commissioners:

"Clerk" shall mean, as regards an incorporated Borough, the Town Clerk of such Borough, and, as regards a District, the Clerk of the Board of such District, and, as regards a Parish, the Clerk appointed pursuant to this Act by the Commissioners:

"Justice" shall mean Justice of the Peace for the County, Riding, Division, Liberty, Borough, District, Parish, or Place where the Matter requiring the Cognizance of Justices shall arise:

"Improvement Rates" shall mean the Rates, Tolls, Rents, Income, and other Monies whatsoever which under the Provisions of any such Improvement Act shall be applicable for the general Purposes of such Act:

"Lands" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure:

Words importing the Masculine Gender shall include the Feminine.

Words of the Plural Number shall include the Singular, and Words of the Singular Number shall include the Plural.

Council of any Borough may adopt the Provisions of this Act.

IV. That the Council of any such Borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such Borough, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such Borough, and this Act shall be carried into execution in such Borough, in accordance with such Provisions and the Laws for the Time being in force relating to the Municipal Corporation of such Borough.

Expenses of carrying this Act into execution in a Borough shall

V. That the Expenses of carrying this Act into execution in any such Borough in which the Council shall have resolved to adopt this Act for their Borough shall be chargeable upon and paid out of the Borough Fund, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies

Remedies in all respects as the Borough Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly, as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions of the said Act of the Sixth Year of the Reign of His late Majesty; and the Income arising from the Lodging Houses in any Borough shall be paid to the Credit of the Borough Fund thereof; and the Council shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account." be charged upon the Borough Fund, and Income arising to be carried to the same.

VI. That the Board of any such District, being the District of a Local Board of Health, may, if they think fit, determine that this Act shall be adopted for such District, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such District, and this Act shall be carried into execution in such District, in accordance with such Provisions and the Laws for the Time being in force relating to such Board. Any Local Board of Health may adopt the Provisions of this Act if they think fit.

VII. Provided always, That the Board shall give not less than Twenty-eight nor more than Forty-two Days public Notice of their Intention to take into consideration the Propriety of adopting this Act, and of the Time and Place for holding the Meeting at which they will take it into consideration; and if there be presented to the Board at that Meeting a Memorial in Writing, signed by not less than One Tenth in Value of the Persons liable to be rated to a General District Rate made by the Board, and requesting the Board to postpone such Consideration until after the then next yearly Day for the Election of Members of the Board, then and in such Case such Consideration shall be postponed until after that Day, and shall be entered on as soon after that Day as the Board think fit. On Requisition of Ratepayers Board to postpone Proceedings till after next Day for Election of Members of Board.

VIII. That the Expenses of carrying this Act into execution in any such District, being the District of a Local Board of Health in which the Board shall have resolved to adopt this Act for their District, shall be chargeable upon and paid out of the Monies from Time to Time carried to the Credit of the District Fund Account of such District, and for that Purpose the Board may levy with and as Part of the General District Rate of such District, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the General Rate of such District, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions of the Public Health Act, 1848; and the Income arising from the Lodging Houses in any such District shall be paid to the Credit of the District Fund Account thereof; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account." Expenses of carrying this Act into execution by Local Board of Health shall be charged on the District Fund, and Income arising to be carried to the same.

IX. That the Board of any such District, being the Place within the Limits of any Act for the paving, lighting, watching, draining, or otherwise improving of such Place, may, if they think fit, determine that this Act shall be adopted for such District, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such District, and this Act shall be carried into execution in such District in accordance with such Provisions and the Laws for the Time being in force relating to such Board. Any Improvement Board may adopt the Provisions of this Act if they think fit.

X. Provided always, That the Board shall give not less than Twenty-eight Days nor more than Forty-two Days public Notice of their Intention to take into consideration the Propriety of adopting this Act, and of the Time and Place for holding the Meeting at which they will take it into consideration; and if there be presented to the Board at that Meeting a Memorial in Writing, signed by not less than One Tenth in Value of the Persons liable to be rated to an Improvement Rate made by the Board, and requesting the Board to postpone such Consideration until after the then next yearly or other Day for the Election or Appointment of Members of the Board, then and in such Case such Consideration shall be postponed until after that Day, and shall be entered on as soon after that Day as the Board think fit. On Requisition of Ratepayers Board to postpone Proceedings till after next Day for Election of Members of Board.

XI. Provided always, That in any Case in which the major Part in Number of the Members of the Board of any such District are elected or appointed in any Manner other than by or with the Concurrence of the Persons liable to be rated to Improvement Rates made by the Board, the Board shall not determine that this Act shall be adopted for the District, except with the Sanction of the major Part in Value of the Persons so liable present at a Meeting specially convened for the Purpose by the Board, by not less than Twenty-eight Days nor more than Forty-two Days public Notice of the Intention of holding such Meeting, and of the Time and Place for holding the same; and such Meeting shall be held at such convenient Place within the District, and at such convenient Time, as the Board think fit; and the Procedure thereat shall be regulated by the Board. If Majority of Board not elected by Ratepayers, Consent of Ratepayers to be obtained.

XII. That the Expenses of carrying this Act into execution in any such District, being the Place within the Limits of any such Improvement Act in which the Board shall have resolved to adopt this Act for their District, shall be chargeable upon and paid out of the Improvement Rate of such District, and for that Purpose the Board may levy with and as Part of such Improvement Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as such Improvement Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly as if the Expenses of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the general Provisions of such Improvement Act; and the Income arising from the Lodging Houses in any such District shall be paid to the Credit of the Improvement Rate thereof; and the Board shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act, to be called "The Lodging Houses Account." Expenses of carrying this Act into execution by Improvement Commissioners shall be charged on General Improvement Rate, and Income arising to be carried to the same.

XIII. That

Auditing Accounts of Improvement Commissioners with respect to Act.

XIII. That in every Case in which any such Improvement Act contains Provisions for the auditing of Accounts thereunder, the Accounts of the Board with respect to this Act shall be audited in accordance with those Provisions; and in every Case in which any such Improvement Act does not contain any such Provisions, the Accounts of the Board with respect to this Act shall be audited yearly by the Poor Law Auditor within whose District the District of the Board lies; and the Board shall produce to him their Accounts, with sufficient Vouchers for all Monies received and paid, and he shall examine such Accounts and Vouchers, and report thereon to the Board, and every such Report shall be open at all reasonable Times without Charge to the Inspection of every Person liable to be rated to an Improvement Rate made by the Board.

On Request of Ten Ratepayers Churchwardens &c. to convene Vestry Meeting with respect to this Act.

If Vestry resolve to adopt Act, Copy of Resolution to be sent to Secretary of State, &c.

Resolution void unless Two Thirds vote it.

XIV. That, upon the Requisition in Writing of Ten or more Ratepayers of any such Parish as aforesaid, the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in such Parish shall convene a Meeting of the Vestry for the special Purpose of determining whether this Act shall be adopted for the Parish, after public Notice of such Vestry, and the Place and Hour of holding the same, and the special Purpose thereof, given in the usual Manner in which Notice of the Meetings of the Vestry is given, in each of Three successive Weeks before the Day to be appointed for holding such Vestry; and if thereupon it shall be resolved by the Vestry that this Act ought to be adopted for the Parish, a Copy of such Resolution, extracted from the Minutes of the Vestry, and signed by the Chairman, shall be sent to One of Her Majesty's Principal Secretaries of State, for his Approval, and as soon as such Approval shall have been signified in Writing under the Hand of any such Secretary of State such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in the Parish: Provided always, that such Resolution of the Vestry shall not be deemed to be carried unless at least Two Thirds in Value of the Votes given on the Question, according to the usual Manner of voting at such Vestry, shall have been given for such Resolution.

Where Act adopted, Vestry to appoint Commissioners for carrying into execution.

XV. That in such Case the Vestry shall appoint not less than Three nor more than Seven Persons, being Ratepayers of the Parish, Commissioners for carrying this Act into execution in the Parish, of whom One Third, or as nearly as may be One Third (to be determined among themselves), shall go out of Office yearly, (the Year being reckoned from and exclusive of the Day of the First Appointment of Commissioners,) but shall be eligible for immediate Re-appointment.

Resignation of Commissioners.

XVI. That any Commissioner may at any Time resign his Office as a Commissioner, on giving Seven Days Notice in Writing of his Intention to resign, to the Clerk, and also to the Churchwardens.

Vacancies to be filled up by Vestry.

XVII. That any Vacancies in the Commissionership may be filled up by the Vestry, when and as the Vestry shall think fit, but at the latest at the then next yearly Meeting for the Appointment of Commissioners.

Meetings of the Commissioners.

XVIII. That the Commissioners shall meet at least once in every Calendar Month, and at such other Times as they think fit, at their Office, or some other convenient Place, public Notice of the Times and Place of Meeting being previously given.

Special Meetings of Commissioners.

XIX. That it shall be at all Times competent for any One Commissioner, by Writing under his Hand, to summon, with at least Forty-eight Hours Notice, the Commissioners for any special Purpose therein named, and to meet at such Time as shall be therein named; and the Commissioners may meet accordingly without further Notice.

Quorum of Meetings of Commissioners.

XX. That at all Meetings of the Commissioners any Number, not less than One Third of the whole Number when more than Three Commissioners shall have been appointed, and when only Three Commissioners shall have been appointed, then any Number not less than Two Commissioners, shall be a sufficient Number for transacting Business, and for exercising all the Powers of the Commissioners.

Commissioners may appoint and remove Officers, &c.

XXI. That the Commissioners, with the Approval of the Vestry, may appoint reasonable Salaries, Wages, and Allowances for a Clerk and such other Officers and Servants as shall be necessary for the Purposes of this Act, and shall appoint and may remove at Pleasure such Clerk, Officers, and Servants, and, when necessary, may hire and rent a sufficient Office for holding their Meetings and transacting their Business, and may agree for and pay a reasonable Rent for such Office.

Minutes of Proceedings of Commissioners to be entered in Books.

XXII. That all Orders and Proceedings of the Commissioners shall be entered in Books to be kept by them for that Purpose, and shall be signed by the Commissioners or any Two of them; and all such Orders and Proceedings, so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings, and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any Appeal, Trial, Information, or other Proceeding, civil or criminal, and in any Court of Law or Equity whatsoever.

Commissioners to keep Accounts, which shall be open to Inspection,

Penalty for refusing to allow Inspection.

XXIII. That the Commissioners shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money shall have been paid and such Liabilities shall have been incurred; and such Books shall at all reasonable Times be open to the Examination of every Commissioner, Churchwarden, Overseer, and Ratepayer, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books or any Part thereof, without paying for the same; and in case the Commissioners or any of them, or any of their Officers or Servants, having the Custody of such Books, being thereunto reasonably requested, shall refuse to permit or shall not permit any Churchwarden, Overseer, or Ratepayer to examine the same, or take any such Copy or Extract, every Commissioner, Officer, or Servant so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

XXIV. That

Auditors to be appointed yearly, who shall examine the Accounts and report to Vestries.

XXIV. That the Vestry shall yearly appoint Two Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and at such Time in the Month of *March* in every Year after the Adoption of this Act for the Parish as the Vestry shall appoint the Commissioners shall produce to the Auditors their Accounts, with sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts and Vouchers, and report thereon to the Vestry: Provided always, that if the general Accounts of the Parish be audited by a Poor Law Auditor, the Accounts of the Commissioners shall be audited by such Poor Law Auditor.

Expenses of executing Act in any Parish to be paid out of the Poor's Rate.

XXV. That the Expenses of carrying this Act into execution in any Parish to such Amount as shall be from Time to Time sanctioned by the Vestry shall be chargeable upon and paid out of the Monies to be raised or applicable for the Relief of the Poor of the Parish; provided always, that the Vestry shall be convened in the Manner usual in the Parish, and the Amount for the Time being proposed to be raised or applied for such Expenses shall be expressed in the Notice convening the Vestry.

Overseers to levy as Part of the Poor's Rate such Sums as Vestry shall deem necessary to pay Expenses.

XXVI. That for defraying the Expenses so sanctioned the Vestry may and shall from Time to Time order the Overseers to levy with and as Part of the Rate for the Relief of the Poor of the Parish such Sums as the Vestry shall deem necessary, and the Amount thereof shall accordingly be assessed, levied, paid, and recovered in like Manner, and with the like Powers and Remedies in all respects, as such Rate, and shall be paid by the Overseers, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same, and his Receipt shall be a sufficient Discharge to the Overseers for the same, and shall be allowed accordingly in passing their Accounts: Provided always, that in the Notices requiring the Payment of the Rate the Proportion which the Amount to be thereby raised for the Purposes of this Act shall bear to the total Amount to be thereby raised shall be stated as accurately as Circumstances may admit.

Monies raised, and the Income arising from Lodging Houses in the Parish to be applied towards defraying Expenses.

XXVII. That the Money raised for defraying the Expenses of carrying this Act into execution, and the Income arising from the Lodging Houses in the Parish, shall be applied by the Commissioners in or towards defraying the Expenses of carrying this Act into execution in the Parish; and whenever, after Repayment of all Monies borrowed for the Purpose of carrying this Act into execution in the Parish, and the Interest thereof, and after satisfying all the Liabilities of the Commissioners with reference to the Execution of this Act in the Parish, and providing such a Balance as shall be deemed by the Commissioners sufficient to meet their probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of the Vestry at which the yearly Report of the Auditors shall be produced any surplus Money at the Disposal of the Commissioners, they shall pay the same to the Overseers, in aid of the Rate for the Relief of the Poor of the Parish.

Vestries of Two or more Parishes may concur in carrying this Act into execution, subject to the Approval of Secretary of State.

XXVIII. That the Vestries of any Two or more neighbouring Parishes having, according to the then last Census, an aggregate Population of not less than Ten thousand may, for the Purpose of concurring in carrying this Act into execution, respectively adopt this Act in like Manner as if the Population of each of those Parishes were, according to the then last Census, not less than Ten thousand; and the Vestries of any Two or more neighbouring Parishes which shall have respectively adopted this Act may concur in carrying this Act into execution in such Parishes, in such Manner, not inconsistent with the Provisions of this Act, and for such Time, as they shall mutually agree; and for that Purpose it may, with the Approval of such Secretary of State, be agreed on between such Vestries that any Lodging Houses shall be erected and made in any One of such Parishes, to be vested in the Commissioners thereof, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually agree, and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of the same respective Parish accordingly; and, according and subject to the Terms which shall have been so agreed on, the Commissioners appointed for each of such Parishes shall in the Management of the said Lodging Houses form One Body of Commissioners, and shall act accordingly in the Execution of this Act; and the Accounts and Vouchers of such Commissioners shall be examined and reported on by the Auditors of each of such Parishes, and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively, in the same Proportions as those in which such Parishes shall be liable to such Expenses.

Incorporation of Commissioners.

XXIX. That for the more easy Execution of the Purposes of this Act the Commissioners of every such Parish shall be a Body Corporate, with perpetual Succession, which shall not be deemed to be interrupted by any partial or total Vacancy from Time to Time in their Office, by the Name of "The Commissioners for Lodging Houses in the Parish of ( ) in the County of ( )," and by that Name may sue and be sued in all Courts, and before all Justices and others, and may have and use a Common Seal, and by that Name may take, hold, and convey any Lands vested in them for the Purposes of this Act.

Acts of Commissioners to be good notwithstanding Informalities.

XXX. That all Acts and Proceedings of any Person in possession of the Office of such Commissioner, and acting in good Faith as such Commissioner, shall, notwithstanding his Disqualification or Want of Qualification for, or any Defect or Irregularity in, or in any way concerning his Appointment to such Office, be as valid and effectual as if he were duly qualified, or there had not been any such Defect or Irregularity.

Councils, &c. may borrow Money for the Purposes of the Act, with the

XXXI. That for carrying this Act into execution in any Borough, District, or Parish respectively, the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, and the Board, with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, and the Commissioners,

Approval of the Treasury.

sioners, with the Sanction of the Vestry, and also with the Approval of the Commissioners of Her Majesty's Treasury, and also with the Approval of the General Board of Health, may from Time to Time borrow, at Interest, on the Security of a Mortgage, as the Case may be, of the Borough Fund, or of the General District Rates, or of the Improvement Rates, or of the Rates for the Relief of the Poor of the Parish, the Money which may be by them respectively required, and shall apply the Monies so borrowed accordingly.

The Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXXII. That the Commissioners for carrying into execution an Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor*, may from Time to Time make to the Council of any such Borough or to any Board or to the Commissioners of any such Parish respectively, for the Purposes of this Act, any Loan, under the Provisions of the recited Act, or the several Acts therein recited or referred to, upon Security of the Borough Fund, or the General District Rates, or the Improvement Rates, or the Rates for the Relief of the Poor of the Parish, as the Case may be.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

XXXIII. That the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by any Company on Mortgage, and the Provisions of the same Act with respect to the Accountability of the Officers of the Company, and the Provisions of the same Act with respect to the making of Bylaws, subject to the Provision herein-after contained, and the Provisions of the same Act with respect to the Recovery of Damages not specially provided for, and Penalties, so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act; and the Expressions in such Provisions applicable to the Company and the Directors shall apply, as regards a Borough, to the Council, and as regards a Parish, to the Commissioners; and all Deeds and Writings which under such Provisions are required or directed to be made or executed under the Common Seal of the Company shall, in the Application of such Provisions to this Act, be deemed to be required or directed to be made or executed, as regards a Borough, under the Common Seal of the Mayor, Aldermen, and Burgesses, and, as regards a Parish, under the Common Seal of the Commissioners; and so much of such Provisions as are applicable to the Secretary of the Company shall apply to the Clerk; and in such of the said Provisions as relate to the Inspection of Accounts, as regards a Borough, the Burgesses, and, as regards a Parish, the Ratepayers, shall have the Privileges of Shareholders.

8 & 9 Vict. c. 18. incorporated with this Act.

XXXIV. That the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act: Provided always, that the Council, the Board, and the Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

In Boroughs Council may appropriate, with Consent of the Treasury, Lands vested in the Mayor, &c.

XXXV. That in any such Borough the Council, with the Approval of the Commissioners of Her Majesty's Treasury, may from Time to Time appropriate for the Purposes of this Act in the Borough any Lands vested in the Mayor, Aldermen, and Burgesses; and in any such District the Board, with the Approval of the General Board of Health, may from Time to Time appropriate for the Purposes of this Act in the District any Lands vested in the Board or at the Disposal of the Board; and in any such Parish the Commissioners appointed under this Act, with the Approval of the Vestry and of the Guardians of the Poor of the Parish (if any), and of the Poor Law Board, may from Time to Time appropriate for the Purposes of this Act in the Parish any Lands vested in such Guardians, or in the Churchwardens, or in the Churchwardens and Overseers of the Parish, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish; and in any such Parish the Commissioners, and in any such Borough the Council, and in any such District the Board, may from Time to Time, with the like respective Approval, contract for the purchasing or renting of any Lands necessary for the Purposes of this Act; and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Board in the Case of a District, or in the Commissioners in the Case of a Parish.

In Parishes the Commissioners may, with Vestry, &c. appropriate Lands belonging to Parish; or contract for the Purchase.

Councils and Commissioners may erect Lodging Houses.

XXXVI. That the Council and Board and Commissioners respectively may from Time to Time, on any Lands so appropriated, purchased, or rented, or contracted so to be, respectively, erect any Buildings suitable for Lodging Houses for the Labouring Classes, and convert any Buildings into Lodging Houses for the Labouring Classes, and may from Time to Time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Councils and Commissioners may enter into Contracts for the Purposes of this Act.

XXXVII. That the Council and Board and Commissioners respectively may from Time to Time enter into any Contract with any Persons or Companies for building and making, and for altering, enlarging, repairing, and improving such Lodging Houses, and for supplying the same respectively with Water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purpose of this Act, which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Nonperformance; and all such Contracts, or true Copies thereof, shall be entered in the Books to be kept for that Purpose: Provided always, that a Contract above the Value or Sum of One hundred Pounds shall not be entered into by the Council or the Board or the Commissioners for the Purposes of this Act unless previous to the making thereof Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County in which the Borough or District or Parish shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Council or Board or

No Contract above 100*l.* to be entered into without Notice.

Commis-

Commissioners at a certain Time and Place in such Notice to be mentioned; but it shall not be incumbent on the Council or Board or Commissioners to accept any of the Proposals so offered.

Council or Commissioners may purchase existing Lodging Houses.

XXXVIII. That the Council of any such Borough, and the Board of any such District, and the Commissioners, with such respective Approval as is by this Act required with respect to the purchasing or renting in any other Case of any Lands necessary for the Purposes of this Act, may, if they shall think fit, contract for the Purchase or Lease of any Lodging Houses for the Labouring Classes already or hereafter to be built and provided in any such Borough or District or Parish, and appropriate the same to the Purposes of this Act, with such Additions or Alterations as they shall respectively deem necessary; and the Trustees of any Lodging Houses for the Labouring Classes which have been already or may hereafter be provided in any such Borough or District or Parish, by private Subscriptions or otherwise, may, with the Consent of the Council of any such Borough, or with the Consent of the Board of any such District, or with the Consent of the Commissioners, and with the like respective Approval, and with the Consent of a Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease the said Lodging Houses to the said Council or Board or Commissioners respectively, or make over to them the Management of such Lodging Houses; and in all such Cases the Lodging Houses so purchased or leased, or of which the Management has been so made over, shall be deemed to be within the Provisions of this Act, as fully as if they had been built or provided by the Council or Board or Commissioners, and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Board in the Case of a District, or in the Commissioners in the Case of a Parish.

Power to Water and Gas Companies to supply Lodging Houses.

XXXIX. That any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Reservoirs, Wells, Springs, and Streams of Water, and Gasworks respectively, may, in their Discretion, grant and furnish Supplies of Water or Gas for such Lodging Houses, either without Charge or on such other favourable Terms as they shall think fit.

Councillors and Commissioners not to be personally liable.

XL. That anything in this Act contained shall not render any Member of the Council of any Borough, or any Member of any such Board, or any Commissioner, personally, or any of their Lands, Goods, Chattels, or Monies, (other than such Lands, Goods, Chattels, or Monies as may be vested in or under the Management or Control of the Council or Board or Commissioners respectively in pursuance of this Act,) liable to the Payment of any Sum of Money as or by way of Compensation or Satisfaction for or in respect of anything done or suffered in due pursuance of this Act.

Persons may appeal against Orders of Councils and Commissioners.

XLI. That every Person who shall feel aggrieved by any Byelaw, Order, Direction, or Appointment of or by the Council or Board or Commissioners shall have the like Power of Appeal to the General Quarter Sessions as under the Provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have, if feeling aggrieved by any Determination of any Justice with respect to any Penalty.

Council, &c. empowered to make Sale and Exchange of Lands, with Consent.

XLII. That the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and the Board, with the Approval of the General Board of Health, and the Commissioners appointed under this Act, with the Approval of the Vestry, and of the Commissioners of Her Majesty's Treasury, respectively, may from Time to Time make sale and dispose of any Lands vested in the Mayor, Aldermen, and Burgesses, or in the Board, or in the Commissioners, respectively, for the Purposes of this Act, and apply the Proceeds, or a sufficient Part thereof, in or towards the Purchase of other Lands better adapted for such Purposes, and may, with the like Approval, exchange any Lands so vested, and either with or without paying or receiving any Money for Equality of Exchange, for any other Lands better adapted for such Purposes, and the Mayor, Aldermen, and Burgesses, or the Board, or the Commissioners, may convey the Lands so sold or exchanged accordingly.

When Lodging Houses are considered too expensive, they may, with Approval of Treasury, be sold, and Proceeds of Sale carried to Borough Fund or Poor's Rate.

XLIII. That whenever any Lodging Houses which shall have been for Seven Years or upwards established under the Authority of this Act shall be determined by the Council, or by the Board, or by the Vestry, in accordance with a previous Recommendation of the Commissioners, to be unnecessary or too expensive to be kept up, the Council or Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, or the Board with the Approval of the General Board of Health, may sell the same for the best Price that can reasonably be obtained for the same, and the Mayor, Aldermen, and Burgesses, or the Board, or the Commissioners, shall convey the same accordingly, and the Purchase Money shall be paid to such Person as the Council or Board or Commissioners shall appoint, and his Receipt shall be a sufficient Discharge for the same, and the net Proceeds of such Sale shall be applied in the first instance in or towards Payment or Satisfaction of all the Debts, Liabilities, and Engagements whatsoever, with respect to the Purposes of this Act, of the Council, the Board, or the Commissioners, and the Surplus, if any, of such net Proceeds paid to the Credit of the Borough Fund, or of the General District Rate, or of the Improvement Rate, or of the Rate for the Relief of the Poor of the Parish.

Commissioners to cease to be a Corporation when their Duties have ceased.

XLIV. Provided always, That whenever, by reason of the Sale of all the Lodging Houses provided under this Act for a Parish, and the Application as by this Act required of the net Proceeds of such Sale, and the Performance of all other the Duties under this Act of the Commissioners for the Parish, or by any other Reason, it becomes needless for the Commissioners for a Parish to continue to be a Corporation, such Commissioners shall thereupon cease to be a Corporation, and their Office as Commissioners for the Parish shall thereupon cease, and this Act shall thereupon cease to be in force in the Parish, but nevertheless this Act may thereafter be adopted for the Parish.

Management to be vested in Council and Parish Commissioners.

XLV. That the general Management, Regulation, and Control of the Lodging Houses established under this Act shall, subject to the Provisions of this Act, be, as to any Borough, vested in and exercised by the Council, and as to any District vested in and exercised by the Board, and as to any Parish vested in and exercised by the Commissioners.

Council, &c. may make Byelaws for regulating the Lodging Houses.

XLVI. That the Byelaws which the Council and Board and Commissioners respectively may from Time to Time make, alter, repeal, and enforce shall include such Byelaws for the Management, Use, and Regulation of the Lodging Houses, and of the Tenants or Occupiers thereof, and for determining from Time to Time the Charges for the Tenancy or Occupation of the Lodging Houses, as the Council and Board and Commissioners respectively shall think fit, and they respectively may appoint any Penalty not exceeding Five Pounds for any and every Breach, whether by their Officers or Servants or by other Persons, of any Byelaw made by them respectively, and such Byelaws shall make sufficient Provision for the several Purposes respectively expressed in the Schedule to this Act: Provided always, that a Byelaw made under the Authority of this Act shall not be of any legal Force until the same shall have received the Approval of One of Her Majesty's Principal Secretaries of State.

Byelaws to be approved by the Secretary of State;

and hung up in Rooms in Lodging Houses.

XLVII. That a printed Copy or sufficient Abstract of the Byelaws relating to the Management, Use, and Regulation of the Lodging Houses shall be put up and at all Times kept in every Room therein.

Charges for Occupation, &c. how to be fixed.

XLVIII. That the Council and the Board and the Commissioners respectively may from Time to Time make such reasonable Charges for the Tenancy or Occupation of the Lodging Houses provided under this Act as they shall think fit.

As to Tenants of Lodging Houses receiving Parochial Relief.

XLIX. That any Person who, or whose Wife or Husband, at any Time while such Person is a Tenant or Occupier of any such Lodging House or any Part of such a Lodging House, receives any such Relief, other than such Relief granted on account only of Accident or temporary Illness, shall thereupon be disqualified for continuing to be such a Tenant or Occupier.

Inspection of Lodging Houses by Local Boards of Health.

L. That every Lodging House established under this Act which shall be within the District of a Local Board of Health shall at all Times be open to the Inspection of such Board, and the Officers thereof from Time to Time authorized by such Board to make such Inspection.

Penalty on Council, Commissioners, or Officers taking Fees beyond Salaries, or being interested in Contracts.

LI. That if any Clerk or other Officer or any Servant who shall be in anywise employed by any Council or Board or Commissioners in pursuance of this Act shall exact or accept any Fee or Reward whatsoever for or on account of anything done or forborne, or to be done or forborne, in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such Salaries, Wages, or Allowances as shall have been appointed by the Council or Board or Commissioners, or shall in anywise be concerned or interested in any Bargain or Contract made by the Council or Board or Commissioners for or on account of anything done or forborne, or to be done or forborne, in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any Person during the Time he holds the Office of Member of the Council, or Member of the Board, or Commissioner, shall exact or accept any such Fee or Reward, or shall accept or hold any Office or Place of Trust created by virtue of this Act, or be concerned directly or indirectly in any such Bargain or Contract, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such Offence also forfeit not exceeding the Sum of Fifty Pounds.

Application of Penalties.

LII. That such Part of any Penalty recovered under this Act as shall not be awarded to the Informer shall be paid to the Credit, as regards a Borough, of the Borough Fund, and, as regards a District, of the General District Rate thereof or the Improvement Rate thereof, and, as regards a Parish, of the Rate for the Relief of the Poor thereof.

Not to extend to Scotland.

LIII. That nothing in this Act shall extend to *Scotland*.

SCHEDULE referred to by the foregoing Act.

1. BYELAWS to be made in all Cases.

For securing that the Lodging Houses shall be under the Management and Control of the Officers, Servants, or others appointed or employed in that Behalf by the Council or Board or Commissioners.

For securing the due Separation at Night of Men, and Boys above Eight Years old, from Women and Girls.

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances.

For determining the Duties of the Officers, Servants, and others appointed by the Council or Board or Commissioners.

2. BYELAWS to be made in Boroughs, Districts, and Parishes wholly or partially within the Districts of Local Boards of Health.

For carrying out the Regulations of the Local Boards of Health.

3. BYELAWS to be made in Parishes.

For regulating the Procedure of the Commissioners.

CAP. XXXV.

An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in *Ireland*, and to enable such Guardians to place out Boys in the Naval Service. [24th *July* 1851.]

'WHEREAS by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled '*An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a* '*Register of Seamen*, Power was given to the Overseers of the Poor or other Persons having the Authority 7 & 8 Vict. c. 112. s. 32.
'of Overseers in any District, Union, Parish, Township, or Place in the United Kingdom, in the Manner
'and subject to the Conditions in the said Act mentioned, to bind and put out as an Apprentice in the Sea
'Service any Boy having attained the Age of Twelve Years, of sufficient Health and Strength, who or
'whose Parents was or were chargeable to such District, Union, Parish, Township, or Place, with his
'Consent, but not otherwise: And whereas it is expedient to confer upon the several Boards of Guardians
'in *Ireland* like Powers in this Behalf, (subject to the Provisions herein contained,) as are by the said
'recited Act given and conferred upon such Overseers of the Poor:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Power to Guardians, &c. to apprentice Boys to the Sea Service.

I. The Guardians of the Poor of any Union in *Ireland*, or other Persons duly appointed to carry into execution the Provisions of the Acts for the Relief of the destitute Poor in *Ireland*, and having the Authority of Guardians in such Union, may and they are hereby empowered to bind and put out as an Apprentice in the Sea Service, for not less than Four Years, to any *British* Subject being the Master or Owner of any Ship registered or licensed in any Port of the United Kingdom, any Boy who has attained the Age of Twelve Years and not more than Seventeen Years, and is of sufficient Health and Strength, and who or whose Parent or Parents is or are receiving Relief in such Union, and who consents to be so bound, until such Boy attains the Age of Twenty-one Years or has served as Apprentice Seven Years, or such other shorter Period (not less than Four Years) as may be fixed and agreed on, whichever first happens, by Indentures to be made in the Form set forth in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or in such other Form as may be sanctioned by the Board of Trade in that Behalf, and to bear Date on the Day when the same are executed, and to be prepared in Triplicate, and each Part to be executed in the Presence of the Boy who is bound thereby, and of the Constable or other Person who is employed to conduct him as herein-after mentioned, and of Two Justices of the Peace, and to be signed by such Justices in testimony of their being satisfied that such Boy has consented so to be bound, and has attained the Age aforesaid, and is of sufficient Health and Strength, and to be attested by such Constable or other Person; and any such Justice may so act, although he be also a Member of, and acting at, such Board of Guardians; and such Indenture shall have affixed thereto the Official Seal of such Board, and the Signature of the Chairman presiding at some Meeting thereof, and of the Clerk or Person acting as Clerk thereat; and the Guardians or other Persons having the Authority aforesaid by whom any such Boy is so bound shall cause his Age to be truly inserted in the Indentures of Apprenticeship to the best of their Belief, and shall if possible procure a Certificate of the Baptism of such Boy, or a Copy of the Entry thereof in the Registry of such Baptism, in proof thereof; and every Certificate of Baptism or such Copy of Entry (if any there be) which is required for the Purpose of ascertaining the Age of any such Boy by any such Guardians or other Persons shall be given and attested by the Person authorized to give the same without Fee; and the Age of every such Boy inserted in any such Indenture shall, in relation to the Continuance of his Service, be taken to be his true Age, without any further Proof thereof: Provided always, that if the Cost of the Relief of such Boy in such Union as aforesaid be chargeable to an Electoral Division of such Union, the Consent in Writing of the Guardian or (where there are more than One) of a Majority of the Guardians of the Poor of such Electoral Division, under his or their Hand or Hands, shall be obtained previously to such Binding as aforesaid, or shall be written or endorsed upon such Indentures (save and except in Cases where paid Officers shall be acting in place of Guardians of the Poor).

Manner of binding such Apprentices.

Such Apprentices to be furnished with Outfit; and sent to the Seaport.

II. The Guardians or Persons having the Authority aforesaid by whom any such Boy is bound shall provide him with a sufficient Outfit of Sea Clothing, Bedding, and similar Necessaries, to the Value of Five Pounds, and shall cause him to be conducted by a Constable or other trustworthy Person to the Port where the Master or Owner of the Ship to whom he is bound is or resides, and shall, if the Master or Shipowner to whom such Apprentice is bound resides in the Port of *London*, transmit One of the Indentures aforesaid, duly executed and attested, to the Registrar of Seamen, and if he resides at any other Port, to the Collector or Controller of Customs at such Port, and shall transmit One other of the said Indentures to the Master or Owner to whom the Boy is bound, and shall retain the Third of the said Indentures; and the Expense incurred in the Provision of such Outfit, and the Binding and Conveyance of any such Apprentice, and the Transmission of such Indentures, shall be charged to the Union or Electoral Division, as the Case may be, to which the Boy or his Parent or Parents was or were chargeable at the Time of his being so apprenticed.

Expenses of Outfit, &c. to be borne by Union, &c.

Indentures may be sued on by Guardians,

III. The Indentures so entered into by the Guardians or other Persons having such Authority as aforesaid in any Union in *Ireland* may be sued upon in the Name of the Guardians of the Poor of such Union for the Time being, by their Name of Office; but no Action for the Breach of any Covenant contained in such

by their Name of Office.

such Indentures shall be commenced by such Guardians or other Persons without the Consent of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*; and no such Action commenced with such Consent shall abate by reason of Death or any Change of such Guardians or Persons pending the same, but shall be proceeded in by the Guardians or Persons having the Authority aforesaid for the Time being, who shall be entitled to charge the whole Amount of the Costs incurred in such Action, and not recovered from the Defendant therein, upon the Union or Electoral Division as aforesaid, as the Case may be, or as such Guardians or Persons aforesaid shall direct, although Part of such Costs may have been incurred by their Predecessors.

Indentures may be assigned on the Death, &c. of the Master.

IV. In the event of the Bankruptcy, Insolvency, or Death of the Master of any such Apprentice to the Sea Service, such Master, or his Executors or Administrators, or, if there are none such, his Widow, may assign the Indenture of such Apprentice for the Residue of the Term then unexpired therein to any other Master or Owner of any such Ship as aforesaid; and the Person to whom any such Assignment is made shall produce the same, if he resides in the Port of *London*, to the Registrar of Seamen, and if he resides in any other Port, to the Collector or Controller of Customs at such Port, there to be registered and indorsed by such Registrar or Collector or Controller of Customs, and in default shall be liable to a Penalty of Ten Pounds.

Assignments to be registered.

Penalty for Default.

Non-contribution of Apprentice to Hospital, &c. No Stamp Duty.

V. No Apprentice bound or assigned pursuant to this Act, and no Master or Owner in respect of any such Apprentice, shall be liable to any Payment or Contribution to or towards any Hospital or Institution; and all Agreements, Indentures, Assignments, Counterparts, or Tickets made under or in pursuance of and in compliance with the Provisions of this Act shall be exempt from Stamp Duty.

Termination of Apprenticeships generally.

VI. Every such Apprenticeship to the Sea Service shall terminate upon the Expiration of Seven Years from the Date of the Indentures of Apprenticeship, or upon the Apprentice attaining the Age of Twenty-one Years, or at any earlier Time fixed by the Indentures, whichever first happens; but if at the Termination of his Apprenticeship the Apprentice is on a Voyage, he shall continue to serve as an Apprentice until the Return of the Ship to her final Port of Destination in the United Kingdom, but shall after One Calendar Month from such Termination be entitled to the same Wages as an Ablebodied Seaman or Ordinary Seaman of the same Ship, engaged at the Commencement of the Voyage in the United Kingdom, according to his Ability and Qualification; and every Person to whom any Apprentice is bound, or to whom his Indenture of Apprenticeship shall have been assigned, shall at the Termination of his Apprenticeship give up to such Apprentice his Indenture of Apprenticeship, together with his Register Ticket, procured in pursuance of the Provisions of the said recited Act, and in default shall for each such Offence be liable to a Penalty of Twenty Pounds; and all Masters of Apprentices under this Act for whom no Register Tickets are already obtained shall, before carrying them to Sea, take them to the General Register Office, or to One of the Custom Houses in the Outports at which the Business of Registration is conducted and shall there produce the Indentures of Apprenticeship and the Assignments thereof (if any), and a Ticket shall thereupon be granted for each Apprentice, and shall be attached to the Part of Indenture of Apprenticeship retained by the Master, and shall be kept so attached until the Expiration of the Apprenticeship, and shall then be delivered to the Apprentice with his Indenture as aforesaid, under the Penalty aforesaid.

As to cancelling Indentures of Apprenticeship.

VII. No Indenture of Apprenticeship to the Sea Service as aforesaid under this Act shall be cancelled without the Consent of all the Parties thereto, nor without the Consent of the Registrar of Seamen in *London* or of the Collector or Controller of Customs of the Port in which such Cancellation takes place; and such Consent may be given by the Board of Guardians of the Union concerned, or other Persons having Authority as such, as herein-before is mentioned, for the Time being, to be testified by a Copy of a Minute of such Board of Guardians or Persons, signed by the Clerk of the Union for the Time being.

Justices to determine Complaints between Masters and Apprentices.

VIII. Any Justice of the Peace residing at or near to any Port at which any Ship having on board thereof any Apprentice to the Sea Service under this Act arrives, or at any Port at which the Apprentice and his Master may be, may inquire into, hear, and determine all Claims of any such Apprentice upon his Master under his Indentures, and all Complaints of hard or ill Usage exercised by his Master towards him, or of Misbehaviour on the Part of any such Apprentice, and may proceed thereupon as Justices of the Peace are empowered by Law to do between Masters and Apprentices in other Cases; and if the Master of any Ship do not send on shore, in the Charge of the Mate or some other trustworthy Person, any Apprentice desirous of complaining to a Justice of the Peace, so soon as the Service of the Ship will permit, he shall for every such Default be liable to a Penalty of Ten Pounds.

Certain Provisions of recited Act to apply as herein.

IX. The several Enactments and Provisions in the said recited Act contained for the Protection and Registration of Apprentices, or relating to the granting and cancelling of Registry Tickets, Registry and cancelling of Indentures or Assignments thereof, or to Desertion by Apprentices and Punishment of Offences, the Recovery and Application of Penalties, where not otherwise provided for, and the Recovery of Wages, in case any become due to any Apprentice under this Act, shall apply and extend, or shall be so construed that the same may be extended and applied, to Apprentices bound under this Act by Guardians of the Poor in *Ireland*, or by other Persons appointed to carry into execution the Provisions of the Acts for the Relief of the destitute Poor in *Ireland*, and having the Authority of such Guardians in any such Union, in like Manner, *mutatis mutandis*, as such Enactments and Provisions apply in the Case of Parish Apprentices bound under the Provisions of the said recited Act,

Boys in receipt of Relief, who are desirous of

X. If any Boy, not already an Apprentice in the Merchant Service, who, or whose Parent or Parents, shall be receiving Relief in any Union in *Ireland*, be desirous of serving in the Naval Service of Her Majesty, and be accepted or approved, and received by competent Authority in such Service, the Guardians

Guardians of the Poor of such Union, or the Persons duly appointed and having Authority as such therein, may and they are hereby empowered, with the Consent of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*, to allow any such Boy, with his Consent, to enter into such Naval Service, and to pay, out of the Rates of the Union or Electoral Division, as the Case may be, to which such Boy may at the Time be chargeable, such Sum as may be required by the Regulations of such Service for providing Outfit or otherwise, and also such Expenses as may be necessary to be incurred for the Conveyance of such Boy in charge of a proper Person to the Port or Place in the United Kingdom at which he may be required to attend for Entry into such Service.

it, may be placed out by the Guardians in the Naval Service.

SCHEDULE to which the foregoing Act refers.

APPRENTICE'S INDENTURE.

Seal.

SANCTIONED BY THE BOARD OF TRADE.

THIS Indenture, made the_____ Day of_____ 18____, between [1] the Guardians of the Poor of the _____ Union in the County [2] of_____ of the one Part, and_____ of_____ in the County of_____ [3]_____ of the Ship_____ registered at the Port of [4]_____ of the other Part: Whereas_____ a poor Boy, who is (and whose [5] Parent or Parents is or are) receiving Relief in the said Union, has, of his own Freewill, consented to be bound Apprentice to the said_____: And whereas, *by the* [6] *Copy or Certificate hereunto annexed of the Entry of his Baptism in the Register Book of the Parish of*_____ *in the County of*_____ it appears that he has attained the Age of_____ Years: And whereas _____ and _____ Two of Her Majesty's Justices of the Peace, are satisfied that the said Boy has freely consented to be bound Apprentice, and has attained the Age aforesaid, and is of sufficient Health and Strength, and do, in testimony of their being so satisfied, sign this Indenture: Now this Indenture witnesseth, that they the said Guardians of the Poor [7] do hereby bind the said _____ Apprentice in the Sea Service to the said_____ his Executors and Administrators, and the Assigns of such Executors or Administrators, or of the Widow of the said_____ (who are herein-after termed "Master or Masters") according to the Provisions of the Statute in that Behalf, for the Term of [8] _____ Years from the Date hereof. And during such Term the said Apprentice shall faithfully serve his said Master or Masters for the Time being, and obey his and their lawful Commands, and keep his and their Secrets, and shall, when required, give to him or them true Accounts of any of his or their Goods or Money which may be committed to the Charge or come to the Hands of the said Apprentice; and shall, in case the said Apprentice enters Her Majesty's Service during the said Term, duly account for and pay or cause to be paid to his said Master or Masters for the Time being all such Wages, Prize Money, and other Monies as may become payable to the said Apprentice for such Service; and shall not, during the said Term, do any Damage to his said Master or Masters for the Time being, nor consent to any such Damage being done by others, but shall if possible prevent the same, and give his said Master or Masters Warning thereof; and shall not embezzle or waste the Goods of his said Master or Masters, nor give or lend the same to others without his or their Licence, nor absent himself from his or their Service without Leave; nor frequent Taverns or Alehouses unless upon his or their Business; nor play at unlawful Games. In consideration whereof, the said_____ hereby agrees with the said Guardians [9] and their Successors, that during the said Term the said Master or Masters for the Time being will and shall teach the said Apprentice or cause him to be taught the Business of a Seaman, and provide the said Apprentice with sufficient Meat, Drink, Lodging, Washing, Medicine, and Medical and Surgical Assistance, and all other Things necessary or fit for an Apprentice; and will so provide for the said Apprentice that he be not a Charge to the said Union or any Electoral Division thereof; and will indemnify the said Union and every Electoral Division thereof against any Charge in respect of the said Apprentice during the Term of his Apprenticeship. In testimony whereof they the said Guardians [9] have caused their Official Seal to be hereunto annexed, and the said other Parties have hereunto affixed their Hands and Seals.

Signatures of Justices.

_____

_____

L.S.

Seal of Board of Guardians.

Signature of Presiding Chairman of the Board.

_____

L.S.

Seal and Signature of Master.

_____

L.S.

Seal and Signature of Apprentice.

_____

Executed in my Presence, this Day of 18 .

Signature of Constable or Person employed to convey the Apprentice._____

_____

Clerk.

[10] I, the Guardian [11] of the_____ Electoral Division of the said Union, to which Electoral Division the Cost of the Relief of the said Boy has been heretofore chargeable, do hereby consent to the binding of the said_____ to the said_____ and have, in testimony thereof, hereto affixed my Hand [12], this_____ Day of_____ 18____.

Signatures of Guardians of Electoral Division.

_____

_____

Note.—This Indenture must be executed in Triplicate, on the Day on which it bears Date, in the Presence of the Constable or Person employed to convey the Apprentice, and One Counterpart is to be kept by the Guardians, One by the Master, and One delivered or forwarded, if the Indenture is executed in London, to the Registrar of Seamen, and if in the Outports, to the Collector or Controller of Customs. Wherever procurable, a Copy or Certificate of the Entry of Baptism of the Apprentice in the Register thereof is to be annexed to the Indenture.

Registered at the Port of_____ this_____ Day of_____ 18____

Signed_____

[1] If there are other Officers who perform the Duties of Guardians they must execute the Indenture, and their Title should be substituted for the Words "Guardians of the Poor;" and the Words "Officers duly appointed to carry into execution the Acts for the Relief of the destitute Poor in Ireland, and having Authority as Guardians of the Poor," should be used instead.

[2] Or "Counties," as the Case may be.

[3] Here insert "Master" or "Owner," as the Case may be.

[4] This must be a Port in the United Kingdom.

[5] If this is not so, this Clause should be struck out or altered, as the Fact may be.

[6] This Copy or Certificate must be given by the Minister without Fee. If the Entry cannot be found, or there be none, the Words in Italics must be erased, and the Words "*from such Information as it has been found possible to obtain, the Entry of his Baptism not having been found,*" substituted. The Boy must be above Twelve and under Seventeen.

[7] Or, if there be no Guardians of the Poor, insert these Words, "the said Officers having the Authority of Guardians of the Poor."

[8] This must not be less than Four or more than Seven, and must not extend beyond the Time at which the Apprentice will attain Twenty-one.

[9] Insert other Title, if necessary, as directed at [7].

[10] This Paragraph, and the Signatures of the Guardians of the Electoral Division, to be omitted if the Affairs of the Union be administered by Vice-Guardians, or if the Boy be not chargeable to a separate Electoral Division, or if the written Consent of the Guardian or Guardians of such Electoral Division have been previously obtained on a separate Document.

[11] Or, "We, the Guardians," or "We, being a Majority of the Guardians," where there are more Guardians than One for the Division.

[12] Or "our Hands," as the Case may require.

CAP. XXXVI.

An Act to repeal the Duties payable on Dwelling Houses according to the Number of Windows or Lights, and to grant in lieu thereof other Duties on Inhabited Houses according to their annual Value. [24th *July* 1851.]

48 G. 3. c. 55.

'WHEREAS under and by virtue of an Act of the Forty-eighth Year of King *George* the Third, Chapter Fifty-five, certain Duties are now payable in *England*, *Wales*, and *Berwick-upon-Tweed* and in *Scotland* respectively upon Dwelling Houses, and are assessed and levied according to the Number of Windows or Lights therein as set forth in the Schedule marked (A.) to the said Act annexed; and it is expedient that in lieu thereof the Duties on Inhabited Dwelling Houses set forth in the Schedule to this Act annexed should be assessed and levied according to the annual Value of such Dwelling Houses:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties granted on inhabited Houses as specified in the Schedule annexed, in lieu of Duties hereinafter repealed.

I. From and after the Fifth Day of *April* One thousand eight hundred and fifty-one, in *England*, *Wales*, and the Town of *Berwick-upon-Tweed*, and from and after the Term of *Whitsunday* One thousand eight hundred and fifty-one in *Scotland*, in lieu and instead of the said Duties so payable as aforesaid, and which are herein-after repealed, there shall be assessed, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, upon inhabited Dwelling Houses in and throughout *Great Britain*, the several Duties set forth in the Schedule to this Act annexed, payable according to the annual Value of such Dwelling Houses, which said Schedule shall be deemed and taken to be Part of this Act.

Duties granted to be under Care of Commissioners of Inland Revenue.

Powers and Provisions of former Acts to be in force;

except as herein provided.

II. The said Duties shall be denominated and deemed to be Duties of Assessed Taxes, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all Powers, Provisions, Rules, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, now in force, contained in or enacted by any Act or Acts relating to the Duties of Assessed Taxes, and also all Powers, Provisions, Rules, Regulations, Directions, and Exemptions, Fines, Forfeitures, Pains, and Penalties, contained in or enacted by any such Act or Acts as aforesaid, with reference to the Duties on inhabited Dwelling Houses according to the Value thereof, as set forth in the Schedule marked (B.) annexed to the said Act of the Forty-eighth Year of King *George* the Third, and which were in force in regard to the said last-mentioned Duties at the Time of the Repeal of such Duties by an Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Nineteen, except as herein-after excepted, shall severally and respectively be and become in full Force and Effect with respect to the Duties hereby granted, and shall be severally and respectively duly observed, applied, practised, and put in execution in the respective Parts of *Great Britain*, for assessing, raising, levying, collecting, receiving, accounting for, and securing the said Duties hereby granted, and otherwise in relation thereto, so far as the same are or shall be applicable, and are not repealed or superseded by and are consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same Powers, Provisions, Rules, Regulations, Directions, and Exemptions, Fines, Forfeitures, Pains, and Penalties, were particularly repeated and re-enacted in this Act with reference to the said Duties hereby granted: Excepting always out of this Enactment any Provisions for or in relation to Compositions for the said Duties set forth in the said Schedule marked (B.), the Exemption in Case II. of Exemptions contained in the same Schedule, and all the Provisions of an Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-nine, and of an Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventeen.

Market Gardens and Nursery Grounds not to be included in Valuation of Houses.

III. Provided always, That no Market Garden or Nursery Ground occupied by a Market Gardener or Nurseryman *bonâ fide* for the Sale of the Produce thereof, in the Way of his Trade or Business, shall be included in the Valuation of any Dwelling House and Premises in charging the Duties made payable by this Act.

Duties on Windows and Lights to cease on Commencement of the Duties granted by this Act;

except those uncollected, and Penalties, &c.

IV. The Duties granted by the said Act of the Forty-eighth Year of King *George* the Third, and now payable in *England*, *Wales*, and *Berwick-upon-Tweed* and in *Scotland* respectively, upon Dwelling Houses, according to the Number of Windows or Lights therein, as set forth in the Schedule marked (A.) to the said Act annexed, shall, at and upon the respective Periods appointed for the Commencement of the Duties granted by this Act, severally cease and determine; save and except as to any of the said Duties hereby repealed which, having been assessed or charged, shall not have been collected, levied, recovered, and accounted for, and also as to all Arrears of any of the said Duties, and all Penalties and Forfeitures incurred at or before such respective Periods, all which said Duties and Arrears of Duties, and Penalties and Forfeitures, shall respectively be collected, levied, recovered, paid, and accounted for as if this Act had not been passed.

Persons to be liable to the same Duty for Armorial Bearings as if chargeable to Duties under 48 G. 3. c. 55.

V. 'And whereas a certain Rate of Duty is now payable in respect of Armorial Bearings or Ensigns used or worn by Persons chargeable to the Duties on Houses, Windows, or Lights made payable by the said Act of the Forty-eighth Year of King *George* the Third:'

All Persons who shall be chargeable to Duty under this Act shall in respect of Armorial Bearings or Ensigns used or worn by them be subject to the same Rate of Duty as they would have been liable to if they had been chargeable to the said Duties made payable by the said Act.

VI. And

VI. 'And whereas Assessors of the Duties of Assessed Taxes have in many Parishes and Places been 'already appointed for the present Year:' The Persons so appointed such Assessors shall, without any further or other Appointment or Authority, become and be Assessors of the Duties granted by this Act for the said Year in and for the same Parishes and Places respectively. Assessors already appointed to be Assessors for the current Year under this Act.

The SCHEDULE referred to;

CONTAINING

The DUTIES by this Act made payable upon INHABITED DWELLING HOUSES in and throughout Great Britain, according to the annual Value thereof; that is to say,

For every Inhabited Dwelling House which, with the Household and other Offices, Yards, and Gardens therewith occupied and charged, is or shall be worth the Rent of Twenty Pounds or upwards, by the Year,—

Where any such Dwelling House shall be occupied by any Person in Trade who shall expose to sale and sell any Goods, Wares, or Merchandise in any Shop or Warehouse, being Part of the same Dwelling House, and in the Front and on the Ground or Basement Story thereof:

And also where any such Dwelling House shall be occupied by any Person who shall be duly licensed by the Laws in force to sell therein by retail Beer, Ale, Wine, or other Liquors, although the Room or Rooms thereof in which any such Liquors shall be exposed to sale, sold, drunk, or consumed shall not be such Shop or Warehouse as aforesaid;

And also where any such Dwelling House shall be a Farmhouse occupied by a Tenant or Farm Servant, and bonâ fide used for the Purposes of Husbandry only,

There shall be charged for every Twenty Shillings of such annual Value of any such Dwelling House, the Sum of Sixpence;

And where any such Dwelling House shall not be occupied and used for any such Purpose and in manner aforesaid there shall be charged for every Twenty Shillings of such annual Value thereof the Sum of Ninepence.

CAP. XXXVII.

An Act to continue certain Turnpike Acts in *Great Britain*. [24th *July* 1851.]

'WHEREAS it is expedient to continue for limited Times the Acts herein-after specified:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain*, which will expire on or before the End of the next Session of Parliament, shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament, except an Act of the Fifty-third Year of King *George* the Third, Chapter Forty-four, for enlarging the Term and Powers of an Act of His Majesty for repairing the Road from *Great Marlow* in the County of *Buckingham* to *Stokenchurch* in the County of *Oxford*, an Act of the Sixth Year of King *George* the Fourth, Chapter One hundred and three, for making and maintaining a Turnpike Road from *Meltham* in the Parish of *Almondbury* to the *Greenfield and Shepley Lane Head* Turnpike Road near *Wessenden Head* in the Township of *Austonley* in the West Riding of the County of *York*, and an Act of the Seventh Year of King *George* the Fourth, Chapter One hundred and thirty-four, for more effectually repairing the Road from *Markfield* Turnpike to the Road leading from *Loughborough* to *Ashby-de-la-Zouch* in the County of *Leicester*, and except as herein-after mentioned. All Turnpike Acts which will expire before the End of next Session continued to 1st Oct. 1852, &c., with the following Exceptions: 53 G. 3. c. xliv. 6 G. 4. c. ciii. 7 G. 4. c. cxxxiv.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty-two, and no longer, unless Parliament shall in the meantime continue the same respectively. Acts in Schedule to this Act continued till 1st Nov. 1852.

III. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1851." Short Title.

IV. This Act shall not apply to *Ireland*. Extent of Act.

SCHEDULE.

An Act for making a Road from Beach Down near Battle to Heathfield, and from Robertsbridge to Hood's Corner, all in the County of Sussex. 53 G. 3. c. xxii.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Eaton Bridge Turnpike Road at Cockham Hill in the Parish of Westerham in the County of Kent to the Turnpike Road from Croydon to Godstone in the County of Surrey. 53 G. 3. c. xliii.

An Act for amending the Roads from Hodges to Beadles Hill and Cuckfield, and from Beadles Hill to Lindfield, and from the Cuckfield and Crawley Road to Horsham, and from Swingate to Shover Green, all in the County of Sussex. 53 G. 3. c. ccviii.

An Act for making and maintaining a Road from the Turnpike Road between North Shields and Newcastle-upon-Tyne to Morpeth Castle, and for making and maintaining Three several Branches of Road to communicate therewith, all lying in the Counties of Northumberland and Durham. 54 G. 3. c. xxix.

An

54 G. 3. c. cxxv. An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing the Road from Newcastle-under-Line to Hassop, and from Middle Hills to the Macclesfield Turnpike Road near Buxton, and several other Roads therein described, in the Counties of Stafford and Derby, so far as such Acts relate to the Second District of the said Roads.

55 G. 3. c. xlviii. An Act for repairing the Road from Sutton in the County of Surrey, through the Borough of Reigate, by Sidlow Mill, to Povey Cross, and several other Roads therein mentioned, in the same County.

56 G. 3. c. xlvii. An Act for enlarging the Term and Powers of Two Acts of His present Majesty for repairing and widening the Road from Aldermaston to Basingstoke, and several other Roads therein mentioned, in the Counties of Berks and Southampton.

57 G. 3. c. xxviii. An Act for continuing and amending an Act of His present Majesty, for repairing the Road from the Town of Bedford in the County of Bedford to Kimbolton in the County of Huntingdon.

58 G. 3. c. lxix. An Act for making and maintaining a Turnpike Road from Bramley in the County of Surrey to Ridgewick in the County of Sussex.

59 G. 3. c. xli. An Act for amending and keeping in repair the Road from Kettering to the Town of Northampton in the County of Northampton.

59 G. 3. c. l. An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty, for repairing the Road from Atcham to Condover and Dorrington, and other Roads in the said Act mentioned, in the County of Salop.

59 G. 3. c. lxxxv. An Act for making and maintaining a Turnpike Road from Runcorn to Northwich in the County Palatine of Chester.

59 G. 3. c. xcvi. An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing several Roads in the Counties of Worcester, Stafford, and Salop, so far as relate to the Road leading from Pedmore to Holly Hall, and other Roads therein mentioned; and for repairing another Road in the said Counties of Stafford and Salop, or One of them.

1 G. 4. c. lxxxi. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His late Majesty King George the Third, for amending the Road leading from the Turnpike Road in the Parish of Asthall in the County of Oxford to the Turnpike Road at or near Buckland in the County of Berks.

1 & 2 G. 4. c. xi. An Act for enlarging the Term and Powers of several Acts of King George the Second and of His late Majesty King George the Third, for repairing the High Road from the Borough of Ripon, by Ingram Bank, to the Town of Pateley Bridge in the County of York.

1 & 2 G. 4. c. xxxiii. An Act to continue the Term and alter and enlarge the Powers of an Act passed for making and maintaining a Road from the Romford and Whitechapel Road to or near Tilbury Fort in the County of Essex.

1 & 2 G. 4. c. xxxv. An Act for enlarging the Term and Powers of several Acts passed in the Thirtieth Year of the Reign of His late Majesty King George the Second and in the Eighteenth and Thirty-ninth Years of the Reign of His late Majesty King George the Third, so far as the same relate to the Road from Alfold Bars in the County of Surrey to Newbridge in the County of Sussex.

1 & 2 G. 4. c. xxxvi. An Act for more effectually repairing the Road from Brokencross in Macclesfield in the County of Chester to the Turnpike Road at Buxton in the County of Derby, and certain Branches of Road to communicate with the said Macclesfield Road; and for making a new Road from the Waters in Macclesfield to Buxton aforesaid.

1 & 2 G. 4. c. lxxxiv. An Act for repairing the Road from Alemouth, through Alnwick and Rothbury, to Hexham, and a Branch from the said Road between Alnwick and Rothbury to Jockey's Dike Bridge, all in the County of Northumberland.

3 G. 4. c. ii. An Act for repairing and maintaining certain Roads leading to and from Chepstow and other Places in the Counties of Monmouth and Gloucester, called the District of Chepstow and the New Passage District.

3 G. 4. c. viii. An Act for more effectually repairing and improving the Road from the Old Bridge in the Town of Stockport in the County Palatine of Chester to or near Marple Bridge in the said County; and a Branch from the said Road, near Marple Bridge aforesaid, to or near Thornset Gate in the County of Derby.

4 G. 4. c. i. An Act for building a Bridge over the River Severn at or near the Haw Passage in the County of Gloucester, and for making convenient Roads thereto.

4 G. 4. c. xiii. An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster.

4 G. 4. c. xiv. An Act for making and maintaining a Turnpike Road from Stroud to Bisley in the County of Gloucester.

4 G. 4. c. xxii. An Act for more effectually repairing the Road leading from the Bolton and Blackburn Road in Sharples to the Blackburn and Preston Road in Hoghton in the County of Lancaster, called the Sharples and Hoghton Turnpike Road.

4 G. 4. c. xlvi. An Act for more effectually repairing the Road leading from the Botley Turnpike Road on Curdridge Common in the Parish of Bishops Waltham to the Gosport Turnpike Road at or near Filmer Hill in the Parish of West Meon, with a Branch from the said Road on Corhampton Down to the Village of Corhampton, all in the County of Southampton.

4 G. 4. c. xlvii. An Act for improving and repairing divers Roads in the Counties of Stafford and Salop comprised in Three Districts called the Eccleshall, Newport, and Watling Street District, the Newcastle and Eccleshall District, and the Hilton and Honnington District.

4 G. 4. c. lviii. An Act for making and maintaining a Turnpike Road from Holehouse or Riding near Greenfield in Saddleworth, to join the Stayley Turnpike Road, and also to join the Halifax and Sheffield Turnpike Road, all in the West Riding of the County of York.

An Act for better and more effectually improving and keeping in repair the Road leading from the Town of Kingston-upon-Thames in the County of Surrey to a Place called Sheetbridge, near Petersfield, in the County of Southampton. 4 G. 4. c. lxxix.

An Act for more effectually repairing the Road leading from the Lord Nelson Public House upon the Road between Burnley and Colne in the Township of Marsden in the Parish of Whalley in the County Palatine of Lancaster to Gisburne in the West Riding of the County of York, and from thence to the Road leading from Skipton to Settle at or near Long Preston in the said West Riding of the County of York. 5 G. 4. c. iii.

An Act for making and maintaining a Turnpike Road from Marehill in the Parish of Pulborough, through Shipley, to the Direction Post on the Turnpike Road leading from Horsham to Steyning at Southwater in the Parish of Horsham, with several Branches therefrom, all in the County of Sussex. 5 G. 4. c. xvi.

An Act for more effectually repairing and amending the Road leading from the High Street in the Town of Arundel to the Turnpike Road leading from Petworth to Stopham on Fittleworth Common in the County of Sussex. 5 G. 4. c. xvii.

An Act for making a Turnpike Road from Redbrook to Saint Arvans in the County of Monmouth, and for building a Bridge on the Line of the said Road over the River Wye, and for making other Turnpike Roads to communicate therewith, in the Counties of Monmouth and Gloucester. 5 G. 4. c. xxix.

An Act for more effectually amending the Roads from Whitchurch in the County of Salop to that Part of the Road leading from Nantwich in the County of Chester to Newcastle-under-Lyne in the County of Stafford which passes through the Township of Madeley in the said County of Stafford, and also from Hinstock in the said County of Salop to Nantwich aforesaid. 5 G. 4. c. xxxii.

An Act for making and maintaining a Road from Blackburn to Preston, and Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River Ribble, all in the County Palatine of Lancaster. 5 G. 4. c. lv.

An Act for making and maintaining a Turnpike Road leading from the Eastern Side of a certain Bridge called Spittle Hill Bridge, over Moorgate Beck, in the Parish of Clarborough in the County of Nottingham, to Littleborough Ferry in the same County. 5 G. 4. c. lvii.

An Act for amending and improving the Road from Cambridge to Ely, and other Roads therein mentioned, in the County of Cambridge; and for making a Road from or near the Town of Littleport in the Isle of Ely to the Ferry or Floating Bridge over the Hundred Feet River in the Parish of Welney in the County of Norfolk. 5 G. 4. c. lx.

An Act for amending and improving the Road from Porthdinllaen to or near Cerrig-y-Rhwydyr, and from Tan-y-Graig in the Parish of Bodvean to Pwllheli, and from thence to Llanystymdwy, and from Cerrig-y-Rhwydwr aforesaid to or near Capel Cerrig and for making a Road from Pwllheli aforesaid to Penrhyndu in the Parish of Llanengan, all in the County of Caernarvon. 5 G. 4. c. cxvi.

An Act for making and maintaining a Turnpike Road from the Road leading from Manchester to Bolton, to communicate with the Road from Bury to Bolton, in the County Palatine of Lancaster. 5 G. 4. c. cxliii.

An Act for making and maintaining a Turnpike Road from Kirkby Stephen in the County of Westmoreland into the Sedbergh and Kirkby Kendal Turnpike Road, and out of and from the same Turnpike Road to Hawes in the North Riding of the County of York, and a new Branch from Hawes aforesaid to the Village of Gayle in the Township of Hawes. 6 G. 4. c. xii.

An Act for making and maintaining a Turnpike Road from Wakefield to join the Shepley Lane Head Turnpike Road in Denby Dale in the Parish of Penistone, with certain Branches, all in the West Riding of the County of York. 6 G. 4. c. xxxviii.

An Act for making and maintaining a Turnpike Road from Eccleshill to Bradford in the County of York. 6 G. 4. c. xlii.

An Act for repairing the Road from Kingston-upon-Thames to Leatherhead in the County of Surrey. 6 G. 4. c. xlvi.

An Act for amending, improving, and maintaining the Road from Lockwood to Meltham, and the Branch of Road to Meltham Mills, all in the Parish of Almondbury in the West Riding of the County of York. 6 G. 4. c. lxxxvi.

An Act for improving the Road from Collingham in the West Riding of the County of York to the City of York, and for making certain Diversions from such Road. 7 G. 4. c. xi.

An Act for more effectually amending, widening, altering, improving, and maintaining the Road from the Town of Alnwick in the County of Northumberland, by Eglingham and Chatton, to the Great North Turnpike Road near to Haggerston Toll Bar in the County of Durham. 7 G. 4. c. lxxv.

An Act for more effectually making, repairing, and improving certain Roads leading to and from Liskeard, and certain other Roads therein mentioned, in the Counties of Cornwall and Devon. 7 G. 4. c. lxxxiv.

An Act for amending, repairing, and maintaining the Turnpike Road from the South End of the Town of Rotherham in the County of York to the present Turnpike Road near Pleasley in the County of Derby. 7 G. 4. c. lxxxviii.

An Act for making and maintaining a Turnpike Road from Temple Normanton in the Parish of Chesterfield to the Mansfield and Tibshelf Turnpike Road at or near Tibshelf Side Gate in the County of Derby. 7 & 8 G. 4. c. iv.

An Act for making and maintaining a Road from Chappel's Corner in the Parish of Ashcott to join the Bristol Turnpike Road at or near Rowberrow Hill, all in the County of Somerset. 7 & 8 G. 4. c. v.

An Act for more effectually repairing and improving the Road from Shillingford in the County of Oxford, through Wallingford and Pangborne, to Reading in the County of Berks; and for repairing and maintaining a Bridge over the River Thames at or near Shillingford Ferry. 7 & 8 G. 4. c. xix.

7&8 G.4. c.lxi. An Act for more effectually repairing the Roads leading from Romsey to Stockbridge and Wallop, and other Roads therein mentioned, in the County of Southampton.

9 G.4. c. xi. An Act for more effectually repairing the Road from Bury to Little Bolton in the County Palatine of Lancaster.

And the Acts continued by any of the Acts in this Schedule mentioned.

CAP. XXXVIII.

An Act to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls. [24th *July* 1851.]

'WHEREAS it is expedient to facilitate Arrangements with the Creditors of Turnpike Trusts where the Revenues are insufficient to keep down the Interest on the Debts charged thereon:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Trustees of insolvent Turnpike Trusts, with Consent of Two Thirds in Value of the Creditors, may apply for a Provisional Order for Reduction of Rate of Interest, or Extinguishment of Arrears.

I. Where the Revenues of any Turnpike Road in *England* applicable to the Payment of the Interest upon the Principal Money for the Time being charged or secured on the Tolls or Revenues of such Road are insufficient for the Payment in full of such Interest, it shall be lawful for the Trustees or Commissioners of such Road, at any General Annual or other Meeting, Notice being given of such Meeting Twenty-one Days at the least before holding the same, and of the Purpose thereof (so far as the same relates to the Powers of this Act), in some Newspaper usually circulated in the County or Counties in which such Road is situate, to resolve that in case such Consents as herein-after mentioned of the Mortgagees be obtained, an Application be made to One of Her Majesty's Principal Secretaries of State for a Provisional Order to reduce the Rate of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of such Road, to such Amount as may be resolved on at such Meeting, and for extinguishing in whole or in part the Arrears of the Interest on such Debts, or for either of such Purposes; and where any such Resolution as aforesaid is made, such Trustees or Commissioners shall cause Notice to be given, by Advertisement or otherwise, of such Resolution, with such Information in relation to the Matter of the proposed Application, and the Consents required by this Act, as such Trustees or Commissioners may think fit; and in case it appear to such Trustees or Commissioners at any General Annual or other Meeting, that the Persons entitled to Two Thirds of the Money charged or secured on the Tolls or Revenues of such Road, and remaining unpaid, have signified in Writing under their Hands their Consent to the proposed Application, it shall be lawful for such Trustees or Commissioners to make an Application accordingly to One of Her Majesty's Principal Secretaries of State for a Provisional Order for such Reduction as aforesaid of the Rate of Interest on the said Debts, and for extinguishing in whole or in part the Arrears of Interest thereon, or for either of such Purposes; and such Application shall be signed by Three or more of such Trustees or Commissioners, who shall therein certify that the Consents required by this Act to such Application have been given.

Power to Executors, &c. to consent.

II. All Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who, as such, are for the Time being entitled to any Money charged or secured on the Tolls or Revenues of any such Road, may consent to any such Application as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Secretary of State may make a Provisional Order, to be binding if confirmed by Parliament.

III. It shall be lawful for such Secretary of State, if he think fit, after Receipt of any such Application as aforesaid, to make a Provisional Order under his Hand in pursuance of such Application; and such Secretary of State shall cause such Provisional Order to be published in such Manner as he may think fit; and in case it be enacted by any Act of Parliament that such Provisional Order shall be confirmed and be absolute, such Provisional Order shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament; and every such Act shall be deemed a Public General Act.

Construction of Terms.

IV. The Words "Implements of Husbandry," in Section Thirty-six of Chapter One hundred and twenty-six of the Statute of the Third Year of King *George* the Fourth, shall be deemed to include Threshing Machines; and the Word "Constable," in Section One of Chapter Eighty-eight of the Statute of the Third and Fourth Years of Her present Majesty, shall be deemed to include Superintending Constables appointed under the Statute of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty.

CAP. XXXIX.

An Act to exempt Burgesses and Freemen in certain Cases from the Operation of an Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements. [24th *July* 1851.]

2&3 W. 4. c. 45. s. 32. 'WHEREAS by Section Thirty-two of the Act of the Session of Parliament holden in the Second and Third Years of King *William* the Fourth, Chapter Forty-five, it is provided, that every Person who would have been entitled to vote in the Election of a Member or Members to serve in any future Parliament for any City or Borough not included in the Schedule marked (A.) to that Act annexed,

'annexed, either as a Burgess or Freeman, or, in the City of *London*, as a Freeman and Liveryman, if 'that Act had not been passed, should be entitled to vote in such Election, provided such Person should 'be duly registered according to the Provisions therein-after contained; but that no Person should be 'so registered in any Year unless he should on the last Day of *July* in that Year be qualified in such 'Manner as would entitle him then to vote if such Day was the Day of Election, and that Act had not 'been passed: And whereas by Section Thirty-three of the said Act it is provided that any Person then s. 33.
'having a Right to vote in the Election for any City or Borough, except as therein mentioned, in virtue 'of any other Qualification than as a Burgess or Freeman or as a Freeman and Liveryman, or in the 'Case of a City or Town being a County of itself as a Freeholder or Burgage Tenant as therein-before 'mentioned, should retain such Right of voting so long as he should be qualified as an Elector according 'to the Usage and Custom of such City or Borough, or any Law then in force subject as in the said Act 'mentioned; And whereas it is expedient to amend the Act of the last Session of Parliament, Chapter 13 & 14 Vict.
'Ninety-nine, so far as it may affect the Rights reserved by the said several Sections of the said Act of c. 99.
'the Second and Third Years of King *William* the Fourth:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Right of voting reserved by recited Provisions of 2 & 3 W. 4. c. 45. to Persons then entitled not to be affected by the Change of Rating under 13 & 14 Vict. c. 99.

I. Where any Person to whom a Right of voting was retained or reserved by the recited Provisions of the said Act of the Second and Third Years of King *William* the Fourth is or shall be the Occupier of any such Tenement as in the said Act of the last Session of Parliament mentioned, and the Owner of such Tenement has been or shall be rated to the Relief of the Poor instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such Tenement, or such Occupier shall have tendered the Amount thereof in the Manner prescribed by such Act, such Occupier shall be entitled, not only to the Municipal Privileges and Franchises reserved to him by such Act, but also to all such Right of voting at Elections of a Member or Members to serve in Parliament for any City or Borough, and all other Rights and Privileges, as such Occupier would have been entitled to under the recited Provisions of the said Act of the Second and Third Years of King *William* the Fourth, and the other Provisions of such Act, and any Acts amending the same, relating to the Right of voting so retained or reserved, if such Occupier had been himself rated in respect of such Tenement, and had duly paid or tendered the Rate or Rates to which he was liable in consequence of such Rating.

Construction of the Words "Tenement," and "Rates for the Relief of the Poor."

II. That the Word "Tenement" in the said recited Act of the last Session of Parliament shall be construed to mean any House, Cottage, Apartment, or Building, and Land in the same Parish held with the same or any of them, but shall not include any other Land or corporeal Hereditament.

III. That the Words "Rates for the Relief of the Poor" in the said recited Act of last Session of Parliament shall be construed to mean Rates for the Relief of the Poor and for other Purposes chargeable thereon according to Law; and that the Owners of any Tenements who shall be liable to be rated in respect of such Tenements to any such Rate by virtue of the same Act shall also be liable to be rated to any Rate or Rates authorized to be assessed and levied by the Second Section of the Act of the Session of Parliament holden in the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixty-five.

CAP. XL.

An Act for Marriages in *India*. [24th *July* 1851.]

WHEREAS it is expedient to amend the Law of Marriages in *India*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriage of Christians in India under this Act.

Notice of intended Marriage to be given to the Marriage Registrar for the District.

I. In every Case of Marriage intended to be solemnized in *India* after the Commencement of this Act, where One or both of the Parties is or are a Person or Persons professing the Christian Religion, such Marriage may be solemnized under the Provisions of this Act; and where such Marriage is intended to be so solemnized, One of the Parties shall give Notice in Writing to the Marriage Registrar to be appointed under the Provisions of this Act for the District within which the Parties shall have dwelt for such Period then next preceding as by such Laws or Regulations as herein-after mentioned may be required, or, if the Parties dwell in the Districts of different Marriage Registrars, shall give the like Notice to the Marriage Registrar for each District; and every such Notice shall be in such Form and contain such Particulars as may be prescribed by such Laws or Regulations, and shall be open for Inspection and published as by such Laws or Regulations may be provided.

Certificate of Notice to be issued on Request.

Proviso.

II. The Marriage Registrar, upon being requested so to do by or on behalf of the Party by whom the Notice was given, and One of the Parties intending Marriage having made Oath or Declaration as herein-after required, shall issue under his Hand a Certificate of such Notice having been given, and of such Oath or Declaration having been made; provided no lawful Impediment according to the Law of *England* be shown to the Satisfaction of the Marriage Registrar why such Certificate should not issue, and the Issue of such Certificate have not been sooner forbidden, in manner herein-after mentioned, by any Person or Persons by this Act authorized in that Behalf: Provided always, that where by such Oath or Declaration it appears that One of the Parties intending Marriage (not being a Widower or Widow) is under Twenty-one Years of Age, the Marriage Registrar shall not issue such Certificate until the Expiration of such Period after the giving of such Notice as may be in this Behalf provided by such Laws or Regulations as herein-after mentioned.

Who to give Consent if Parties under Age.

III. The Father, if living, of any Party under Twenty-one Years of Age, such Party not being a Widower or Widow, or, if the Father be dead, the Guardian or Guardians of the Person of the Party so under Age lawfully appointed, or One of them, and in case there be no such Guardian, then the Mother of such Party, if unmarried, shall have Authority to give Consent to the Marriage of such Party; and such Consent is hereby required for the Marriage of such Party so under Age, unless there be no Person authorized to give such Consent resident in *India*.

Issue of Registrar's Certificate may be forbidden.

IV. Every Person whose Consent to a Marriage is required as aforesaid is hereby authorized to forbid, in such Manner as may be provided by such Laws or Regulations as herein-after mentioned, the Issue of the Marriage Registrar's Certificate; and in case the Issue of any such Certificate be so forbidden the Notice and all Proceedings thereupon shall be utterly void: Provided always, that (subject to such Laws and Regulations) if either of the Parties intending Marriage allege that the Person forbidding the Issue of such Certificate is not authorized by Law so to do, the Marriage Registrar shall examine into such Allegation, and if he be satisfied that such Person is not authorized as aforesaid shall act in like Manner, and the like Proceedings may be had under this Act in relation to such Marriage, as if the Issue of such Certificate had not been forbidden by such Person.

Supreme Court or Judge of the Zillah or District may relieve where Consent improperly withheld.

V. If any Person whose Consent is necessary to any Marriage under this Act shall be *non compos mentis*, or if any such Person (other than the Father) shall, without just Cause, withhold his or her Consent to a Marriage, the Parties intending Marriage may apply by Petition, where the Person whose Consent is necessary is resident within any of the Towns of *Calcutta*, *Madras*, and *Bombay*, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place in which such Person is resident, or if such Person be not resident within any of the said Towns, then to the Judge of the Zillah or like District within which such Person is resident, or to such other Person as may for this Purpose be appointed under the Laws or Regulations herein-after mentioned; and the said Supreme Court or any Judge thereof, or such Judge of the Zillah or District, or such other Person, shall be empowered to examine the Allegations of the Petition in a summary Way; and if upon such Examination such Marriage appear proper, such Supreme Court or any Judge thereof, or such Judge of the Zillah or District, or such other Person, shall declare the same to be so, and such Declaration shall be as good and effectual as if the Person whose Consent was needed had consented to the Marriage; and in case such Person has forbidden the Issue of the Marriage Registrar's Certificate, such Certificate shall be issued, and the like Proceedings may be had under this Act in relation to the Marriage, as if the Issue of such Certificate had not been forbidden by such Person, anything herein-before contained to the contrary notwithstanding.

Oath or Declaration to be made before Issue of Certificate.

VI. Before any such Certificate as aforesaid shall be issued by any Marriage Registrar, One of the Parties intending Marriage shall appear personally before such Marriage Registrar, and shall make Oath, or shall make his or her solemn Declaration instead of an Oath, that he or she believeth that there is not any Impediment of Kindred or Affinity or other lawful Hindrance to the said Marriage, and that both the Parties to the intended Marriage have, or (where the Parties have dwelt in the Districts of different Marriage Registrars) that the Party making such Oath or Declaration hath, for the Period required by such Laws or Regulations as are herein-after mentioned, had their, his, or her usual Place of Abode within the District of such Marriage Registrar, and where either or each of the Parties, not being a Widower or Widow, is under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person resident within the Territories under the Government of the *East India* Company having Authority to give such Consent, as the Case may be: Provided always, that where under the foregoing Provision the said Supreme Court or a Judge thereof, or such Judge of the Zillah or like District, or such other Person as aforesaid, declares the Marriage to be proper, it shall not be necessary to make Oath or declare that such Consent has been obtained to such Marriage.

Protest against Issue of Certificate may be entered.

VII. Any Person may, in manner provided by such Laws or Regulations, enter a Protest with the Marriage Registrar against the Issue of a Certificate for the Marriage of any Person named therein; and if any Protest be so entered, no Certificate shall issue until the Marriage Registrar shall have examined into the Matter of the Protest, and is satisfied that it ought not to obstruct the Issue of the Certificate for the said Marriage, or until the Protest be withdrawn by the Party who entered the same.

Appeal where Registrar refuses Certificate.

VIII. In all Cases whatsoever where the Marriage Registrar has refused such Certificate as aforesaid, it shall be lawful for either of the Parties intending Marriage to apply by Petition, where the District of such Registrar is within any of the Towns of *Calcutta*, *Madras*, and *Bombay*, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place within which such District is comprised, or if such District be not within any of the said Towns then to the Judge of the Zillah or like District within which the same is comprised, or to such other Person as may for this Purpose be appointed by the Laws or Regulations herein-after mentioned; and the said Supreme Court or any Judge thereof, or such Judge of the Zillah or like District, or such other Person, shall be empowered to examine the Allegations of the Petition in a summary Way, and shall decide thereon; and the Decision of such Supreme Court or a Judge thereof, or of such Judge of the Zillah or like District, or of such other Person, shall be final, and the Marriage Registrar to whom the Application was originally made shall proceed in accordance therewith, anything herein-before contained notwithstanding.

After Issue of Certificate, Marriage may

IX. After the Issue of the Certificate of the Marriage Registrar, or, where Notice is required to be given under this Act to the Marriage Registrars for different Districts, after the Issue of the Certificates of the Marriage Registrars for such Districts, Marriage may be solemnized between and by the Parties described

described in such Certificate or Certificates, according to such Form and Ceremony as they may see fit to adopt; provided nevertheless, that every such Marriage shall be solemnized between such Hours as shall be fixed by the Laws or Regulations herein-after mentioned, in the Presence of some Marriage Registrar, to whom shall be delivered such Certificate or Certificates as aforesaid, and of Two or more Witnesses; provided also, that in some Part of the Ceremony each of the Parties shall declare,

be solemnized in the Presence of Marriage Registrar and Two Witnesses

'I do solemnly declare, That I know not of any lawful Impediment why I, *A.B.*, may not be 'joined in Matrimony to *C.D.*;' or shall declare to the like Effect.

And each of the Parties shall say to the other,

'I call upon these Persons here present to witness, That I, *A.B.*, do take thee, *C.D.*, to be my 'lawful wedded Wife [*or* Husband];' or Words to the like Effect.

Provided also, that there be no lawful Impediment to the Marriage of such Parties.

X. Whenever a Marriage is not had within Three Calendar Months after the Notice shall have been so entered by the Marriage Registrar, the Notice and the Certificate which may have been issued thereupon, and all other Proceedings thereupon, shall be utterly void; and no Person shall proceed to solemnize the Marriage, nor shall any Marriage Registrar register the same, until new Notice shall have been given, and Entry made, and Certificate thereof given, at the Time and in the Manner aforesaid.

When Marriage is not had within Three Months after Notice, a new Notice required.

XI. After the Solemnization of any Marriage under this Act the Marriage Registrar present at the Solemnization thereof shall forthwith register such Marriage in duplicate, that is to say, in a Marriage Register Book according to the Form of Schedule to this Act annexed, and also in a Certificate attached to the Marriage Register Book, as a Counterfoil; and the Entry of such Marriage in both the Certificate and the Marriage Register Book shall be signed by the Person by or before whom the Marriage has been solemnized, if there be any such Person, and by the Marriage Registrar present at such Marriage, whether or not the Marriage is solemnized by him, and also by the Parties married, and attested by Two Witnesses; and every such Entry shall be made in Order from the Beginning to the End of the Book, and the Number of the Certificate shall correspond with that of the Entry in the Marriage Register Book.

Marriages to be registered.

XII. The Marriage Registrar shall forthwith separate the Certificate from the Marriage Register Book, and transmit it, at the End of every Month, to the Secretary to the Government of the Presidency or Place within which he resides, or to such other Officer as may for this Purpose be appointed under the Laws or Regulations herein-after mentioned; and if no Marriage have been registered during such Month, the Marriage Registrar shall certify such Fact under his Hand, and such Certificate shall be transmitted as aforesaid; and the Marriage Registrar shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other Officer as aforesaid, to be kept by him with the Records of his Office; provided that with regard to those Marriages so certified, of which it may appear to the Governor General in Council desirable that Evidence should be transmitted to *England*, the Secretary to the Government, or such other Officer as aforesaid, shall, at the End of every Three Calendar Months in each Year, send all the Certificates of Marriage sent to him as aforesaid during such Three Months, signed by him, to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*.

Certificates of Marriages to be transmitted periodically to the Secretary of the Government, &c.

XIII. After any Marriage has been solemnized under this Act, it shall not be necessary, in support of such Marriage, to give any Proof in respect of the Dwelling of the Parties, or of the Consent of any Person whose Consent thereunto is required by Law, nor shall any Evidence be given to prove the contrary, in any Suit touching the Validity of such Marriage.

Proof of Residence or Consent not necessary to establish Marriage.

XIV. It shall be lawful for the Marriage Registrar before whom any Marriage is solemnized according to the Provisions of this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

Registrar may ask certain Particulars of Parties.

XV. Every Person who shall enter a Protest with the Marriage Registrar, against the Issue of any Certificate on Grounds which such Marriage Registrar, or the Supreme Court of the Presidency or Place, or any Judge thereof, or the Judge of the Zillah or like District, or other Person, to whom upon the Refusal of such Certificate an Application is authorized by this Act, declares to be frivolous, and such as ought not to obstruct the Issue of the Certificate, shall be liable for the Costs of all Proceedings in relation thereto, and for Damages, to be recovered by Suit by the Party against whose Marriage such Protest was entered.

Persons vexatiously entering Protests liable to Costs and Dam ges.

XVI. Every Person who shall knowingly and wilfully make any false Oath or false Declaration, or sign any false Notice or Certificate, required by this Act, or by any such Laws or Regulations as herein-after mentioned, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Marriage Registrar's Certificate by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall, on Conviction, be liable to be punished in such Manner as by such Laws or Regulations may be provided.

Punishment of Persons making false Oath or Declaration.

XVII. Every Prosecution under this Act shall be commenced within such Time after the Offence committed as by such Laws or Regulations may be provided.

Limitation of Prosecution.

XVIII. The Government of each Presidency or Place in *India* may appoint Marriage Registrars for the Purposes of this Act, and may assign Districts to the Registrars so to be appointed; and in respect of

Government of each Presidency may ap-

point Marriage Registrars, &c.

of any Places within the Territories of any Native Prince or State in alliance with the *East India* Company, the Governor General of *India* in Council may appoint such Marriage Registrars and assign to them Districts.

Government of each Presidency may appoint Fees to be taken under this Act, &c.

XIX. The Government of each such Presidency and Place may from Time to Time appoint reasonable Fees to be taken of the Parties intending Marriage, for receiving and publishing Notices of Marriage, and for issuing Certificates, entering Protests, and registering Marriages under this Act; and all such Fees shall be accounted for and paid over by the Marriage Registrars to the Government Treasury, and the Government shall provide all necessary Books and Papers for giving Effect to the Provisions of this Act.

Governor General in Council empowered to make Laws and Regulations for the Purposes of this Act.

XX. It shall be lawful for the Governor General of *India* in Council from Time to Time, by Laws and Regulations (not inconsistent with the Provisions of this Act) to be made in the Manner and subject to the Provisions by Law required in respect of Laws and Regulations made by the said Governor General in Council, to provide for the Inspection and Publication of Notices of Marriage given under this Act, for the Custody and Protection from Injury of Marriage Register Books, for Appeals from and References in Cases of Doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under this Act, for fixing the Hours between which Marriages may be solemnized under this Act, for appointing the Officers to whom Certificates are to be transmitted by the Marriage Registrars, and generally for giving Effect to the Provisions of this Act.

Marriages may continue to be solemnized as heretofore.

XXI. Nothing herein contained shall invalidate or affect any Marriage which may be solemnized in *India* by Persons in Holy Orders, or any Marriages which may be solemnized under the Provisions of the Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or any other Marriages which under the Laws for the Time being in force in *India* might have been there solemnized in case this Act had not been passed: Provided that it shall be lawful for the Governor General of *India* in Council, from Time to Time by Laws and Regulations to be made as aforesaid, to provide for the Registration of any Marriages solemnized in *India* by Persons in Holy Orders, or of any Marriages there solemnized under the Provisions of the said Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or of any other Marriages there solemnized, of which it may appear to the said Governor General in Council desirable that Evidence should be transmitted to *England*, and to provide for the Care and Custody of the Registers of such Marriages, and for the Transmission of Certificates thereof to the Secretaries of the Governments of the respective Presidencies, or to other Officers, and for their sending the same to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*, and also to provide for the Authentication of such Certificates.

Power to Governor General in Council to make Laws for the Registration of Marriages not solemnized under this Act.

Certificates delivered to Registrar General under this Act, or under any Laws or Regulations made thereunder, to be subject to the Provisions of 6 & 7 W. 4. c. 86.

XXII. The Certificates which shall be delivered to the Registrar General of Births, Deaths, and Marriages in *England*, under this Act, or under any Laws or Regulations to be made thereunder, shall be kept in the General Register Office, in the same Manner, and Indexes thereof shall be made and Searches permitted, and Copies thereof, sealed or stamped with the Seal of the General Register Office, shall be given, in the like Manner as by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, is provided concerning the certified Copies (kept in such Office under the said Act) of the Registers of Births, Deaths, and Marriages in *England*; and every certified Copy, purporting to be sealed or stamped with the Seal of the said General Register Office, of any such Certificate delivered to the said Registrar General under this Act, or under such Laws or Regulations, shall be received as Evidence of the Marriage to which the same relates, without further Proof of such Certificate, or of any Entry therein.

Marriages under Act valid.

XXIII. All Marriages solemnized under this Act shall be good and valid in Law to all Intents and Purposes.

Certain Marriages in India confirmed.

XXIV. 'And whereas it is expedient to remove all Doubt concerning the Validity of Marriages 'heretofore solemnized in *India* by Persons not in Holy Orders:' All such Marriages, if not otherwise invalid, shall be deemed and held to be valid in Law to all Intents and Purposes.

Interpretation of "India."

XXV. In the Construction of this Act the Word "*India*" shall include all Territories for the Time being under the Government of the *East India* Company, and all Territories of any Native Princes or States in alliance with the said Company.

Commencement of Act.

XXVI. This Act shall, so far as respects the Authority to make such Appointments, Laws, and Regulations as are herein authorized to be made, commence and take effect from and after the passing thereof, and as to all other Matters and Things commence and take effect from and after the First Day of *January* One thousand eight hundred and fifty-two, or such other Day as the Governor General of *India* shall direct.

Publication of Act.

XXVII. The Governor General of *India*, and the Governors of the several Presidencies in *India*, shall cause this Act to be published Three Times in each of the Government Gazettes of the several Presidencies, the first of such Publications to be made within Six Weeks after this Act shall have been received in such respective Presidencies.

SCHEDULE to which this Act refers.

MARRIAGE REGISTER BOOK.								
No.	When married.	Name and Surname.	Whether of full Age or a Minor.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17th May 1851.	*William Smith.*	*Of full Age.*	*Bachelor*	*Surgeon*	*4, Clive Street, Barrackpore.*	*John Smith.*	*Esquire.*
		Anne Green.	*Minor*	*Widow*	- -	- - -	*James Hastings.*	*Esquire.*

Married in the House of *A. B.* by [*or* before] me,
William Johnson, Marriage Registrar.

This Marriage was solemnized between us, { *William Smith,* / *Anne Green,* } in the Presence of us, { *Peter Smith,* / *James Hastings.* }

CERTIFICATE OF MARRIAGE.								
No.	When married.	Name and Surname.	Whether of full Age or a Minor.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17th May 1851.	*William Smith.*	*Of full Age.*	*Bachelor*	*Surgeon*	*4, Clive Street, Barrackpore.*	*John Smith.*	*Esquire.*
		Anne Green.	*Minor*	*Widow*	- -	- - -	*James Hastings.*	*Esquire.*

Married in the House of *A. B.* by [*or* before] me,
William Johnson, Marriage Registrar.

This Marriage was solemnized between us, { *William Smith,* / *Anne Green,* } in the Presence of us, { *Peter Smith,* / *James Hastings.* }

CAP. XLI.

An Act to regulate the Salaries of the Chief Justice of the Court of Queen's Bench and the Chief Justice of the Court of Common Pleas. [1st *August* 1851.]

2 & 3 W. 4. c. 116.

'WHEREAS by an Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter One hundred and sixteen, the annual Salary to be granted to the Chief Justice of the Court of Queen's Bench at *Westminster* is fixed at the Sum of Ten thousand Pounds, and the annual Salary to be granted to the Chief Justice of the Court of Common Pleas at *Westminster* at the Sum of Eight thousand Pounds: And whereas from the Death of the Right Honourable *Charles* Lord *Tenterden* the Salary of Eight thousand Pounds has been granted to and accepted by the Chief Justice for the Time being of the said Court of Queen's Bench instead of the said Salary of Ten thousand Pounds: And whereas the Salary of Seven thousand Pounds has been granted to and accepted by the present Chief Justice of the said Court of Common Pleas instead of the Salary of Eight thousand Pounds fixed by the said Act: And whereas it is expedient that the Salaries of the said Offices of Chief Justice of the said Court of Queen's Bench and Chief Justice of the said Court of Common Pleas should be regulated as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Salary payable to the Chief Justice of the Court of Queen's Bench at *Westminster* shall be (and shall as from the Time of the Death of the said *Charles* Lord *Tenterden* be deemed to have been) reduced to the yearly Sum of Eight thousand Pounds, and the Salary payable to the Chief Justice of the Court of Common Pleas at *Westminster* shall be (and shall as from the Time of the Resignation of such Office by the Right Honourable *Thomas* Lord *Truro* be deemed to have been) reduced to the yearly Sum of Seven thousand Pounds, such Salaries respectively to be subject to the Provisions of the said Act of the Second and Third Years of King *William* the Fourth concerning the Salaries granted under the Authority of that Act.

Salaries of Chief Justices of Queen's Bench and Common Pleas.

CAP. XLII.

An Act to make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings. [1st *August* 1851.]

10. G. 4. c. 50.

'WHEREAS by an Act of the Tenth Year of King *George* the Fourth, Chapter Fifty, the Possessions and Land Revenues of the Crown to which the said Act relates, in *England* or *Wales*, in *Ireland*, in the *Isle of Man* and its Dependencies, and the *Isle of Alderney*, were placed or continued under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and

2 & 3 W. 4. c. 1.

of their Successors, to be from Time to Time appointed as therein mentioned: And whereas by an Act of the Session of Parliament holden in the Second and Third Years of King *William* the Fourth, Chapter One, it was enacted, that it should be lawful for His Majesty, His Heirs and Successors, from Time to Time, by Letters Patent under the Great Seal, to appoint, in the Place of the Commissioners of Woods, Forests, and Land Revenues, and of the Surveyor General of His Majesty's Works and Public Buildings, any Persons, not exceeding Three in Number, to be Commissioners for performing the Duties and exercising the Powers then performed and exerciseable by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the Duties and Powers then performed and exerciseable by the Surveyor General of His Majesty's Works and Public Buildings; the Persons so appointed to be called "The Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings:" And whereas under and by virtue of another Act of the same Session, Chapter One hundred and twelve, and an Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Sixty-nine, the Land Revenues of the Crown in *Scotland* (except as by the said Acts excepted) were placed under the Management of the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings: And whereas the Powers of such Commissioners in relation to the Possessions and Land Revenues of the Crown have been altered and extended by other Acts of Parliament: And whereas by the several Acts mentioned in the Schedule to this Act certain Duties and Powers have been imposed on and vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and in relation to the Improvement of the Metropolis, and the other Purposes in such Acts mentioned: And whereas it is expedient that the Direction of Her Majesty's Works and Public Buildings, and such of the Duties imposed on the said Commissioners appointed under the said Act of the Second and Third Years of King *William* the Fourth as do not concern the Possessions and Land Revenues of the Crown, should be separated from the Management of such Possessions and Land Revenues:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 W. 4. c. 112.
3 & 4 W. 4. c. 69.

Style of First Commissioner of Works, &c. and Commissioners of Woods, Forests, and Land Revenues.

I. From and after the Commencement of this Act the Person who may then be the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be First Commissioner of Her Majesty's Works and Public Buildings under this Act, and the Persons who at the Time of the Commencement of this Act may be Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, except such First Commissioner, shall be Commissioners under this Act, by the Style of "The Commissioners of Her Majesty's Woods, Forests, and Land Revenues," and the Persons so to become

respectively

respectively on the passing of this Act First Commissioner of Her Majesty's Works and Public Buildings, and Commissioners of Her Majesty's Woods, Forests, and Land Revenues, shall continue to hold their respective Offices during Her Majesty's Pleasure, and no longer, and it shall be lawful for Her Majesty, upon the Death of such Persons respectively, or on their Resignation or Removal of or from such respective Offices, and from Time to Time thereafter, by Warrant under Her Royal Sign Manual, to appoint some other Persons to such respective Offices during Her Majesty's Pleasure.

Commissioners of Woods, &c. under this Act to perform the Duties of the present Commissioners of Woods, &c., except as otherwise provided by this Act.

II. Except as otherwise herein provided, all Duties and Powers which if this Act had not been passed would have been performed and exercised, and all Rights, Privileges, Hereditaments, Properties, and Exemptions whatsoever enjoyed by or vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, shall be performed and exercised, enjoyed or vested, by and in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being under this Act; and, except as otherwise provided by this Act, all Acts of Parliament, Deeds, Bonds, Contracts, Agreements, and other Instruments in which the Commissioners or First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the Commissioners or First Commissioner of Her Majesty's Woods, Forests, and Land Revenues, are or is named or mentioned, shall apply to the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues under this Act, as if such last-mentioned Commissioners had been originally named or mentioned in such Acts of Parliament, and named or mentioned in or made Parties to such Deeds, Bonds, Contracts, Agreements, and other Instruments respectively, instead of the Commissioners or Commissioner named or mentioned therein, or made Parties or Party thereto.

Powers of borrowing on Mortgage under 4 & 5 Vict. c. 40. and 7 & 8 Vict. c. 1. to be vested in Commissioners under this Act, and to be exercised only for discharging existing Charges.

III. All such Powers of borrowing Money on Mortgage and other Powers as are vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings by the Act of the Session of Parliament holden in the Fourth and Fifth Years of Her Majesty, Chapter Forty, and the Act of the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty, Chapter One, shall be vested in and may be exercised by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, with such Consent and Approbation and in such Manner as by the said Acts provided in relation to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and for the Purposes of such Acts the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be a Corporation, in the Place of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings: Provided always, that so much of the said Acts as relates to the Purposes for which Money is to be borrowed under the said Acts, and the Application thereof, shall be repealed, and such Money shall and may be borrowed under the said Acts as amended by this Act for the Purpose of discharging any Mortgage Debt or Charge for the Time being affecting the Land Revenues of the Crown, and for no other Purpose, and such Money shall be applied accordingly: Provided also, that the Receipts in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be sufficient Discharges for any Money so borrowed to the Persons or Bodies advancing the same, and such Persons or Bodies shall not be bound to see to the Application thereof.

Salaries of Commissioners of Woods, &c.

IV. So much of the said Acts of the Tenth Year of King *George* the Fourth and of the Second and Third Years of King *William* the Fourth, Chapter One, as relates to the Salary of the First Commissioner, and so much of the said Acts as makes the Salaries of the Commissioners of Woods, Forests, and Land Revenues chargeable on the annual Income thereof, shall be repealed, and the Salaries of such Commissioners, and of the Officers, Clerks, and Messengers in the Office of the Commissioners of Woods, Forests, and Land Revenues, shall be defrayed out of such Monies as shall be from Time to Time provided by Parliament.

Treasury may assign separate Duties to each Commissioner.

V. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, as they may see fit, by Order under their Hands, to assign to each of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues the Management or Direction of or in relation to any separate Part or Parts of the Woods, Forests, and Land Revenues under the Management of such Commissioners, and to assign to each of such Commissioners any of the Duties or Powers which but for such Assignment should or might be performed or exercised by such Commissioners jointly, and all Acts in relation to the Management or Direction, Duties or Powers, assigned as aforesaid to each of such Commissioners, may be done by the Commissioner to whom the same is or are assigned, and shall be as valid and effectual as if done by both such Commissioners; and neither of such Commissioners shall be responsible in respect of the Acts done by the other of them alone under this Provision, but each shall be responsible for his own Acts; and no Person, or Body Politic, Corporate, or Collegiate, claiming under any Deed or Instrument made or purporting to be made by One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Authority of this Act, and duly enrolled, shall be bound to inquire whether such Commissioner was authorized by any such Order as aforesaid or otherwise to make the same, but every Deed or Instrument which purports to be made by One of such Commissioners under the Authority of this Act shall, after the same has been duly enrolled, be good, valid, and effectual as against Her Majesty, Her Heirs and Successors, for the Purposes for which the same has been executed.

Deeds to be enrolled.

VI. So much of the firstly-recited Act of the Second and Third Years of King *William* the Fourth, or of any other Act of Parliament, as provides that in Cases of Sales of the Possessions and Land Revenues of the Crown, where the Purchase Money shall not amount to the Sum of One hundred Pounds, it shall not be necessary to enrol the Conveyances by which such Sales shall be carried into effect, shall be repealed; and all Deeds or Instruments whereby any Estates, Manors, Lordships, Messuages, Lands,

Tenements, or Hereditaments, in *England* or *Wales*, shall be hereafter purchased, sold, leased, charged, or exchanged, under the Authority of this Act, or of any Act now in force relating to the Possessions and Land Revenues of the Crown, shall, without reference to the Amount of the Purchase Money or other Consideration for the same, be enrolled in the Office of Land Revenue Records or Enrolments within the same Time and subject to the same Regulations and Provisions in all respects as by the said Acts or any of them is required or provided with respect to such Deeds or Instruments in Cases where the Purchase Money or other Consideration for the same amounts to or exceeds the Sum of One hundred Pounds: Provided nevertheless, that in all or any Cases in which the Purchase Money or other Consideration shall not amount in Value to the Sum of One hundred Pounds it shall be lawful for the Commissioners of Her Majesty's Treasury to direct by whom the Fees payable for the Enrolment of any such Deeds or Instruments as aforesaid shall be paid; and in all Cases in which the Purchase or other Consideration shall not amount in Value to the Sum of One hundred Pounds, the Deposit in the said Office, and the filing by the Keeper of the Records and Enrolments, of a Duplicate of the Deed or Instrument (either wholly written, or partly written and partly printed,) shall be deemed a sufficient and complete Enrolment.

Officers in Office of Woods, &c. to continue.

As to Appointment and Removal of Officers in future.

VII. Subject to the Powers herein given to the Commissioners of Her Majesty's Treasury in relation to such Officers, the Officers who at the Commencement of this Act are in the Department or under the Control and Direction of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be in the Department or under the Control and Direction of and shall be removable by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and all Officers hereafter to be appointed for such Department shall be appointed by the Commissioners of Her Majesty's Treasury, and may be removed by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

Treasury may abolish any Offices in the Department of Woods, &c.

VIII. Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time to abolish or reduce any Office or Offices in the Department or under the Control and Direction of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, or any Office or Offices connected with the Management of the Possessions and Land Revenues of the Crown, or the Collection and Receipt of the Income thereof, which to the said Commissioners of Her Majesty's Treasury may appear useless, and to make such Compensation as they may deem reasonable to the Holders of any Offices to be abolished or reduced, or to make any Arrangement in relation to any Office, or the Performance of the Duties thereof, which may appear to them expedient, reference being always had in respect to the Grant of such Compensation to the Provisions and Enactments of the Act 4 & 5 *William* 4th, Cap. 24., in so far as relates to the Rates of Grants and Periods of Service.

Monies in Banks, and Stock, to be transferred to new Commissioners of Woods, &c.

IX. Except as otherwise provided by this Act, and subject to the Powers vested in the Commissioners of Her Majesty's Treasury under this Act, all Monies which at the Time of the Commencement of this Act shall be in the Bank of *England*, in the Bank of *Ireland*, in the Royal Bank of *Scotland*, or in any other Bank, placed to the Credit of any Account or Accounts under the Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall forthwith be transferred, and the Governors and Managers of such Banks respectively are hereby authorized and required to transfer the same Monies respectively, to the Credit of a like Account under the Control of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and all Government Annuities, Stocks, Funds, and Securities which at the Time aforesaid shall be standing in the Books of the Governor and Company of the Bank of *England*, in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall forthwith be transferred, and the Governor and Company of the Bank of *England* are hereby required and authorized to transfer the same, into the Names of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

Commissioners of Woods, &c. not to sit in the House of Commons.

X. 'And whereas by the said Act of the Second and Third Years of King *William* the Fourth it is 'enacted, that any One of the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for 'the Time being, and no more, shall be capable of sitting and voting as a Member of the House of Commons;'

The said recited Enactment shall be repealed; and neither of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being under this Act shall be capable of being elected or of sitting or voting as a Member of the House of Commons.

Power to place Woods, &c. under Management of Surveyor General.

XI. It shall be lawful for Her Majesty at any Time hereafter, by and with the Advice of Her Privy Council, in case Her Majesty so think fit, to order that Her Majesty's Woods, Forests, and Land Revenues shall be under the Management of a Surveyor General, as herein provided.

Power to appoint Surveyor General.

XII. It shall be lawful for Her Majesty, from Time to Time, after the making of such Order, by Warrant under Her Royal Sign Manual, to appoint a Person to be during Her Majesty's Pleasure "The "Surveyor General of Her Majesty's Woods, Forests, and Land Revenues;" and there shall be paid to such Surveyor General for the Time being such Salary not exceeding One thousand five hundred Pounds *per Annum*, as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury.

Surveyor General to have all the Duties and Powers of the Commissioners of Woods, &c.

XIII. From and after the First Appointment of the Surveyor General of Her Majesty's Woods, Forests, and Land Revenues as aforesaid, the Appointment of Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall cease; and all Duties, Powers, Rights, Privileges, Hereditaments, Properties, and Exemptions whatsoever which if such Appointment of a Surveyor General had not been made would or might have been performed, exercised, or enjoyed by or vested in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, shall be performed, exercised, and enjoyed by and vested in the said Surveyor General for the Time being; and all Acts of Parliament, Deeds, Bonds, Contracts, Agreements, and other Instruments in which the Commissioners of Her Majesty's

Woods,

Woods, Forests, and Land Revenues are named or mentioned, or which under the Provisions of this Act are applicable to such Commissioners, shall apply to such Surveyor General for the Time being, in like Manner as they would have been applicable to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues under this Act, and in the Stead of such Commissioners.

A professional Land Surveyor may be appointed as an Itinerant Surveyor.

XIV. It shall be lawful for the Commissioners of Her Majesty's Treasury, after the Appointment of such Surveyor General as aforesaid, to appoint a Person, being by Education and Profession a Land Surveyor, to be an Itinerant Surveyor of the Possessions and Land Revenues of the Crown, and to assign to such Itinerant Surveyor such Duties and Powers, to be exercised under the Control and Direction of the Surveyor General, in relation to the Management of the said Possessions and Land Revenues, as such Commissioners may think fit; and such Salary shall be paid to such Itinerant Surveyor as may be from Time to Time appointed by the said Commissioners, and he shall be removable from such Office by the said Commissioners if they see fit.

Appointment of ex-officio Commissioners of Works and Public Buildings.

XV. Her Majesty's Principal Secretaries of State for the Time being, and the President and Vice President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, shall by virtue of their respective Offices be Commissioners of Her Majesty's Works and Public Buildings in conjunction with the Person who for the Time being shall be First Commissioner of Her Majesty's Works and Public Buildings under this Act, and shall with such Person be styled "The Commissioners of Her Majesty's Works and Public Buildings."

Appointment of Architects, Surveyors, &c.

XVI. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to appoint or employ such Architects, Surveyors, and other Officers of a similar Character, as the said Commissioners of Her Majesty's Works and Public Buildings may deem necessary; and it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint a Secretary, and such Clerks, Messengers, and Officers (except such Officers as aforesaid) as they may deem necessary for the Business of the said Department; and the Officers for the Time being of the said Department, or any of them, may be removed by the Commissioners of Her Majesty's Public Works and Buildings.

Salaries.

XVII. There shall be paid to the First Commissioner of "Her Majesty's Works and Public Buildings" such Salary, not exceeding Two thousand Pounds *per Annum*, and to the said Secretary, Clerks, Messengers, and Officers such Salaries as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury; but no Commissioner of Her Majesty's Works and Public Buildings, other than such First Commissioner, shall have any Salary for acting in the Execution of this Act.

Treasury may transfer the Officers from the Office of Woods, &c. to the Office of the Commissioners of Works, &c.

XVIII. Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that all or any of the Surveyors, Clerks, or Officers employed at the Commencement of this Act by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, wholly or in part, in relation to the Duties to be performed by the Commissioners of Her Majesty's Works and Public Buildings, be transferred to and employed by such last-mentioned Commissioners: Provided also, that such Transfer, or the Employment or Appointment to Office under the Commissioners of Her Majesty's Works and Public Buildings, of any Person now employed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be deemed to be a continuing Employment, and shall not prejudice any Claims which such Person might have been held to possess in respect of Continuity or Length of public Service if no such Transfer or Appointment had been made.

Salaries of Officers transferred.

XIX. The Salaries of the Surveyors, Clerks, and Officers transferred as aforesaid, and all Charges in relation thereto, shall cease to be chargeable on the annual Income of the Possessions and Land Revenues of the Crown, and shall be paid as herein provided concerning the other Expenses of the Commissioners of Her Majesty's Works and Public Buildings.

First Commissioner of Works may sit in the House of Commons.

XX. The First Commissioner of Her Majesty's Works and Public Buildings for the Time being shall be capable of being elected and of sitting and voting as a Member of the House of Commons; and no Person who shall first be appointed or become such First Commissioner upon the Commencement of this Act, and shall be at the Time of such Commencement First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, having at the Time of such Appointment a Seat in the Commons House of Parliament, shall, by reason of such Appointment, thereby vacate his Seat in Parliament.

Commissioners of Works, &c. to perform the Duties formerly performed by Surveyor General.

XXI. After the Commencement of this Act all the Duties and Powers which would have been performed and exercised by the Surveyor General of Her Majesty's Works and Public Buildings if the said Act of the said Second and Third Years of King *William* the Fourth had not been passed, and the Exemptions and Privileges which would have been enjoyed by the said Surveyor General if such Act had not been passed, so far as such Duties and Powers, Exemptions and Privileges, are not inconsistent with the Enactments of this Act, shall be performed, exercised, and enjoyed by such Commissioners of Her Majesty's Works and Public Buildings for the Time being; and all Acts of Parliament, Deeds, and other Instruments, in which the Surveyor General of Works and Public Buildings is mentioned, so far as the said Deeds and Instruments are now in force, and so far as the Enactments of the said Acts are not inconsistent with the Enactments of this Act, shall apply to the Commissioners of Her Majesty's Works and Public Buildings for the Time being, as if such Commissioners of Her Majesty's Works and Public Buildings had been originally named or mentioned in such Acts of Parliament, or named or mentioned in or made Parties to such Deeds and Instruments respectively, instead of such Surveyor General.

Duties of Commissioners of Woods, &c. in

XXII. The Commissioners of Her Majesty's Works and Public Buildings for the Time being shall perform and exercise the Duties and Powers of Management and all other Duties and Powers which if this

relation to Royal Parks, &c., and under the Acts in Schedule, vested in Commissioners of Works.

this Act had not been passed would have been performed and exercised by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of and in relation to the Royal Parks, Gardens, and Possessions herein-after mentioned; (that is to say,)

Saint James's, Hyde, and Green Parks,
Kensington Gardens,
Chelsea Gardens,
The Treasury Garden,
Parliament Square Garden,
Regent's Park,
Primrose Hill,
Victoria Park,
Battersea Park,
Greenwich Park,
Kew Gardens, Pleasure Grounds, and Green,
Kew and Richmond Roads,
Hampton Court Gardens, Green, and Road,
Hampton Court Park,
Richmond Park and Green,
Bushy Park,
The Phœnix Park, and
Holyrood Park;

And the Commissioners or First Commissioner of Her Majesty's Works and Public Buildings for the Time being shall also perform and exercise all the Duties and Powers under the several Acts mentioned in the Schedule to this Act which would have been performed and exercised by the Commissioners or First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings if this Act had not been passed, except as herein-after provided; and all such Acts shall, except as herein-after provided, be construed to apply to the Commissioners or First Commissioner of Her Majesty's Works and Public Buildings for the Time being, as if such Commissioners or First Commissioner had been originally named or mentioned therein instead of the Commissioners or First Commissioner of Woods, Forests, and Land Revenues, or of Woods, Forests, Land Revenues, Works, and Buildings (as the Case may be); and every such Act whereby the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings have been constituted a Corporation for the Purposes of such Act shall after the Commencement of this Act be read and construed as if the Commissioners of Her Majesty's Works and Public Buildings had been thereby incorporated by the Name of "The Commissioners of Her Majesty's Works and Public Buildings," and the perpetual Succession, Use of Common Seal, and other Rights and Privileges and Powers whatsoever, thereby given to or vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be deemed and construed to have been thereby given to and vested in the Commissioners of Her Majesty's Works and Public Buildings.

Powers as to Parts of the Parks preserved to Commissioners of Woods, &c. under this Act.

XXIII. Provided always, That all such Houses, Gardens, and Portions of Ground within any of the Royal Parks herein-before mentioned as are now leased or agreed to be leased shall be under the Management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and all the Powers of leasing such Parts of *Victoria Park* and *Regent's Park* respectively as if this Act had not been passed might from Time to Time be leased by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all Powers in relation to the Parts so to be leased which would have been vested in or might have been exercised by such last-mentioned Commissioners, shall be vested in and may be exercised by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

Certain ex-officio Commissionerships vested in First Commissioner of Works.

XXIV. After the Commencement of this Act the First Commissioner of Her Majesty's Works and Public Buildings for the Time being shall come in the Place and be the Successor of the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as an Inclosure Commissioner for *England* and *Wales*, a Commissioner of *Greenwich Hospital*, a Commissioner for carrying into execution the Acts relating to Highland Roads and Bridges, One of Her Majesty's Commissioners for building new Churches, and a Member and the President of the General Board of Health.

Salaries and Expenses of the Department of Works, &c. to be provided for by Parliament.

XXV. The Salaries of the First Commissioner of Her Majesty's Works and Public Buildings, and the Salaries, Superannuations, and Retired Allowances of the Officers in the Department of the Commissioners of Her Majesty's Works and Public Buildings, and the incidental Expenses of such Department, and all the Expenses to be incurred by the Commissioners of Public Works, or any of them, in the Performance and Exercise of the Duties and Powers vested in such Commissioners under this Act, save such Expenses as shall be defrayed out of Monies provided by or under the Acts mentioned in the Schedule to this Act, or out of Monies to be transferred to the Credit of or to be payable to or applicable by such Commissioners under the Provisions herein-after contained, shall be defrayed out of such Monies as shall be from Time to Time provided by Parliament; provided always, that the Profits of the Herbage, and like Profits during the natural Life of Her Majesty of the Parks, Gardens, and Possessions placed

placed under the Management of such Commissioners by this Act, after Payment thereout of any Tithe Rent charges or other like Charges for the Time being issuing out of or charged on such Parks, Gardens, and Possessions, shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Two Commissioners or First Commissioner of Works may act.

XXVI. Anything by this Act authorized to be done by the Commissioners of Her Majesty's Works and Public Buildings, and anything which by any future Act may be authorized to be done by such Commissioners, unless express Provision to the contrary be made by such future Act, may be done by any Two of such Commissioners or by the First Commissioner of Her Majesty's Works, and Public Buildings.

Property vested in Commissioners of Woods, &c. under Acts in Schedule to vest in Commissioners of Works, &c.

XXVII. All the Lands, Tenements, Hereditaments, and Property whatsoever which at the Commencement of this Act shall be vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in a corporate Capacity or otherwise, and whether so vested in such Commissioners alone or jointly with others, under or for the Purposes of any of the Acts mentioned in the Schedule to this Act, shall upon the Commencement of this Act be vested in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors, in the like corporate Capacity or otherwise, as the Case may require, alone or jointly as aforesaid, for the Estate or Interest and Purposes and subject to the Rights and Equities for and subject to which the same respectively were vested in the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings.

Monies in Banks, and Stock, to be transferred to Commissioners of Works, &c.

XXVIII. Subject to the Powers vested in the Commissioners of Her Majesty's Treasury under this Act, all Monies which at the Time of the Commencement of this Act shall be in the Bank of *England*, in the Bank of *Ireland*, in the Royal Bank of *Scotland*, or in any other Bank, placed to the Credit of any Account or Accounts under the Control of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works, and Buildings, under or for the Purposes of any of the Acts mentioned in the Schedule to this Act, or for the Purposes of any Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, shall forthwith after the Commencement of this Act be transferred, and the Governors and Managers of such Banks respectively are hereby authorized and required to transfer the same Monies respectively, to the Credit of a like Account under the Control of the Commissioners of Her Majesty's Works and Public Buildings, and all Monies which would have been payable to or applicable by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or for the Purposes of any of such last-mentioned Acts, or for the Purposes of any of the Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, shall be payable to and applicable by such last-mentioned Commissioners; and all Government Annuities, Stocks, Funds, and Securities which at the Time of the Commencement of this Act shall be standing in the Books of the Governor and Company of the Bank of *England*, in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or for the Purposes of any of the Acts mentioned in the Schedule to this Act, shall forthwith after the Commencement of this Act be transferred, and the Governor and Company of the Bank of *England* are hereby required and authorized to transfer the same, to Accounts to be opened in the Name of the Commissioners of Her Majesty's Works and Public Buildings for the like Purposes; and the Order of the Commissioners of Her Majesty's Treasury for the Transfer to the Credit or into the Names of the Commissioners of Her Majesty's Works and Public Buildings of any Monies, Annuities, Stocks, Funds, or Securities mentioned in such Order, standing to the Credit or in the Names of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be a sufficient Authority for such Transfer.

Matters done or commenced by former Commissioners not to be prejudiced.

Suits pending to be carried on in the Name of the new Commissioners of Woods.

XXIX. Provided always, That nothing herein contained shall annul or prejudice any Sale, Purchase, Exchange, Contract, Mortgage, Security, Charge, or other Act, Matter, or Thing which shall have been made, done, created, entered into, or commenced by, or any Action, Suit, or Proceeding whatsoever which shall have been commenced or instituted by or against the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under this Act, for the Purpose of prosecuting or defending and carrying on all Actions, Suits, or Proceedings which shall be pending at the Time of the Commencement of this Act, (and that without the Necessity of substituting the Names of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues in lieu of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and whether such Actions, Suits, or Proceedings be or be not in relation to Duties or Powers which are to remain within their Cognizance, or may have been commenced or instituted under the Acts mentioned in the Schedule to this Act, or otherwise,) shall come into the Place of and be deemed to be the Successors of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Expenses incurred by new Commissioners in completing Proceedings relating to Duties of Commissioners of Works to be Expenses of such last-named Commissioners.

XXX. Provided also, That where any Action, Suit, or Proceeding instituted or commenced before the Commencement of this Act, by or against the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in respect of any Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, shall be then pending, and shall be prosecuted, defended, or carried on, by or in the Name of the Attorney General or of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being under this Act, all the Expenses incident to such Actions, Suits, and Proceedings, after the Commencement of this Act, shall be deemed Expenses of the Commissioners of Her Majesty's Works and Public Buildings, unless the Commissioners of Her Majesty's Treasury for the Time being shall otherwise direct.

XXXI. Where

Transfer of Contracts in respect of Works.

XXXI. Where any Contract has been entered into by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in respect of any Duties or Powers vested in the Commissioners of Her Majesty's Works and Public Buildings under this Act, and such Contract has not been fully performed and completed before the Commencement of this Act, the same may be enforced and shall be performed and completed in like Manner as if the Commissioners of Her Majesty's Works and Public Buildings had been named therein or made Parties thereto instead of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and where any Contract has been entered into as aforesaid, as well in respect of other Duties or Matters as in respect of Duties and Powers vested in the said Commissioners of Her Majesty's Works and Public Buildings under this Act, or where it appears to the Commissioners of Her Majesty's Treasury that Doubts may arise whether the Rights and Obligations upon and under any Contract which has been entered into by the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings are or are not transferred to the Commissioners of Her Majesty's Works and Public Buildings, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that such Contract may be enforced and shall be performed and completed by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or by the Commissioners of Her Majesty's Works and Public Buildings, as the Commissioners of Her Majesty's Treasury may see fit; and the Commissioners of Her Majesty's Treasury may direct by which Department the Expenses to be incurred in relation to such Contract shall be borne, and may apportion any such Expenses between the respective Departments; and the Benefit and Obligation of such Contract shall be deemed to be vested in Her Majesty or the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or the Commissioners of Her Majesty's Works and Public Buildings, (as the Case may be,) according to such Direction, as if the Commissioners by whom the same is directed to be enforced, performed, and completed had been named therein or made Parties thereto instead of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings: Provided that nothing in this Act contained shall extend or be taken to prejudice or affect the Prerogative or Rights of Her Majesty, or the Right, Power, or Duty of Her Majesty's Attorney General, to sue or defend, or other Rights, Powers, or Duties of such Attorney General in regard to any Contract, or any Action, Suit or Proceeding, whether such Contract, or such Action, Suit, or Proceeding, shall affect or concern the Department of Her Majesty's Woods, Forests, and Land Revenues, or the Department of the Commissioners of Her Majesty's Works and Public Buildings.

Commissioners of Works and Commissioners of Woods, &c. to observe the Directions of the Treasury.

XXXII. The Commissioners of Her Majesty's Works and Public Buildings and Commissioners of Her Majesty's Woods, Forests, and Land Revenues respectively shall for the Time being observe, perform, fulfil, and keep all and singular the Orders, Instructions, and Directions, not inconsistent with the Acts for the Time being in force in relation to their respective Offices, which from Time to Time shall be made or given to them by the Commissioners of Her Majesty's Treasury for the Time being, touching or concerning the Execution and Discharge of the Duties of such Offices, and for the effectual Division, Distribution, and Arrangement of the Duties and Powers which are to be performed and exercised by such Commissioners of Her Majesty's Works and Public Buildings and of Woods, Forests, and Land Revenues respectively.

Regulations at present applicable to Commissioners of Woods, &c. to be observed by the Commissioners of Works, &c. and the Commissioners of Woods, &c.

XXXIII. All Instructions, Orders, and Directions which, in pursuance of and conformably to the Directions of any Act or Acts of Parliament, the Commissioners of Her Majesty's Treasury have heretofore prepared, and transmitted to the Surveyor General, for the Conduct of the Business of the Office of Works, or for the Regulation or Control of the Expenditure thereof in any of its Branches or Departments, or concerning the Duties of the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be binding upon, observed, and kept by the Commissioners of Her Majesty's Works and Public Buildings, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues respectively, in relation to their respective Departments, in like Manner as the same Instructions, Orders, and Directions respectively are now binding upon and are or ought to be observed and performed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, until such Instructions, Orders, and Directions respectively shall be revoked or varied under the Power herein contained.

Power to the Treasury to transfer Duties vested in Commissioners of Woods, &c. under Local or Personal Acts to Commissioners of Works, &c.
Proviso.

XXXIV. In case it appear to the Commissioners of Her Majesty's Treasury for the Time being that it is expedient that any Duties or Powers which under the Provisions of any Local or Personal Act are vested in the Commissioners of Her Majesty's Woods, Forest, Land Revenues, Works, and Buildings, and are under the Provisions of this Act transferred to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, should be transferred to the Commissioners of Her Majesty's Works and Public Buildings, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Order under their Hands, to transfer such Duties or Powers accordingly; and from and after the Time in such Order mentioned, and subject to the Provisions of such Order such Duties or Powers shall be vested in the Commissioners of Her Majesty's Works and Public Buildings: Provided always, that no such Order shall be made for the Transfer as aforesaid of any Duties or Powers vested under this Act in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues without Her Majesty's Warrant under Her Royal Sign Manual for that Purpose obtained.

Powers of the Treasury under 11 & 12 Vict. c. 102. to regulate the Ac-

XXXV. All the Powers and Authorities which under an Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and two, mentioned in the Schedule to this Act, are vested in the Commissioners of Her Majesty's Treasury, for making from Time to Time Rules and Regulations and General and Special Orders with respect to the Receipt and Payment of Monies by

or

or on behalf of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, the Persons to be employed in conducting such Receipts and Payments, and the Manner, Form, and Place in which the Accounts of such Receipts and Payments shall be kept, and with respect to the Payment and Transfer of Monies from and into any general or special, particular or separate Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with respect to the Form in which such Cheques, or Orders for the Payment of Monies placed to any Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be drawn, and with respect to the Appointment of Persons to draw such Cheques or Orders in the Names of such Commissioners, and to countersign such Cheques, shall extend and be applicable and be exercised concerning the like Matters in relation to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues and the Commissioners of Her Majesty's Works and Public Buildings respectively under this Act, in the same Manner as if the Provisions of the said Act of the Eleventh and Twelfth Years of Her Majesty, concerning such Powers and Authorities, were repeated and re-enacted in this Act, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues and the Commissioners of Her Majesty's Works and Public Buildings respectively were in every Case substituted for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

counts of the present Commissioners of Woods, &c. to be applied to the Accounts of the Commissioners under this Act.

XXXVI. The Commissioners of Her Majesty's Treasury shall also have Power to make from Time to Time such further or other Rules and Regulations as they may deem necessary, in relation to the Collection and Receipt of such Land Revenues, and to the Payments thereout to Her Majesty's Exchequer or otherwise, and to appoint such Officer or Officers as shall be required for that Purpose, and for keeping the Accounts of the said Revenues, and for rendering such Accounts by such Officer or Officers to the Commissioners for auditing the Public Accounts, for the Audit of the said Commissioners under the Powers vested in them by Law.

Treasury to make Rules for Collection and Receipt of Land Revenues.

XXXVII. The Commissioners of Woods, Forests, and Land Revenues shall prepare and transmit to the Commissioners for auditing the Public Accounts, on or before the Thirtieth Day of *November* in each Year, Abstract Accounts, classed under distinctive Headings, of the Receipt and Expenditure of the Capital and of the Income, derived from the Possessions and Land Revenues of the Crown, and of any other Funds under their Control and Management, in the Year ended the Thirty-first Day of *March* preceding; and the Commissioners for auditing the Public Accounts shall examine the said Accounts, and certify their Conformity or otherwise with the Provisions of the Acts of Parliament by which the Receipt and Expenditure of the Funds under the Control and Management of the Commissioners of Woods, Forests, and Land Revenues are regulated, with the like Powers, and under the like Authorities, Regulations, and Restrictions, as those which are in force with respect to the annual Accounts of the Sums granted and expended for Naval and Military Services under the Provisions of an Act passed in the Tenth Year of Her present Majesty *Victoria*, intituled *An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments:* Provided always, that nothing herein contained shall be construed to supersede or in any Manner affect the detailed Examination and Audit of the Accounts of the Commissioners of Woods, Forests, and Land Revenues, or of those of the Commissioners of Her Majesty's Works and Public Buildings, established by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for auditing the Accounts of the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings*, or of the Regulations under which such Accounts are rendered.

Abstract Accounts of Receipt and Expenditure of Capital and Income of Land Revenues to be transmitted to Commissioners for auditing Public Accounts.

9 & 10 Vict. c. 92.

7 & 8 Vict. c. 89.

XXXVIII. The Commissioners of Her Majesty's Works and Public Buildings shall in like Manner prepare and transmit to the Commissioners for auditing the Public Accounts, on or before the Thirtieth Day of *November* in each Year, Abstract Accounts, classed under distinctive Headings, of the Receipt and Expenditure of the Monies granted or otherwise received and appropriated in the Department under their Control and Management, in the Year ended the Thirty-first Day of *March* preceding; and the Commissioners for auditing the Public Accounts shall examine and certify the same, in like Manner as those of the Commissioners of Woods, Forests, and Land Revenues aforesaid.

Abstract Accounts of Receipt and Expenditure to be transmitted to Commissioners for auditing Public Accounts.

XXXIX. The Commissioners for auditing Public Accounts shall transmit Copies of the said Accounts of the Commissioners of Woods, Forests, and Land Revenues, and of the Commissioners of Her Majesty's Works and Public Buildings, examined and certified as herein provided, together with their Reports thereon, on or before the Thirty-first Day of *January* following the Thirtieth Day of *November* aforesaid, to the Commissioners of the Treasury, who shall lay the same before the House of Commons on or before the Thirty-first Day of *March* following, if Parliament be then sitting, and if not then within One Fortnight after Parliament shall be next assembled.

Commissioners for auditing Public Accounts to transmit Copies of Abstract Accounts to the Treasury.

XL. Nothing herein contained shall extend or be construed to extend to abridge or interfere with any Rights of Her Majesty, or of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or the Chancellor of the Exchequer for the Time being, or any Grantee of the Crown, in respect of any Appointment usually made by Her Majesty, or the said Lord High Treasurer or Commissioners, or the Chancellor of the Exchequer, or such Grantee, or with the Right of Appointment of Master Keepers, Under Keepers, or other Officers of or in any Royal Forest, so long as such last-mentioned Right shall be vested in any Warden or Ranger of any such Forest, or with any Privileges or Advantages which may be rightfully enjoyed or claimed under any Letters Patent granted by Her Majesty or Her Predecessors of any Office, Bailiwick, Walk, or Lodge within any of the Royal Forests to which this Act relates.

Saving of Rights.

XLI. This

Commencement of Act.

XLI. This Act shall commence and take effect on the Tenth Day of *October* One thousand eight hundred and fifty-one, except as regards the Payment of the Salaries and Charges in relation thereto, in which respect this Act shall take effect from and after the Thirty-first Day of *March* One thousand eight hundred and fifty-two.

The SCHEDULE.

4 G. 4. c. 74. (Holyhead Roads.)	An Act for vesting in Commissioners the Bridges now building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead.
9 G. 4. c. 25. (Holyhead Roads.)	An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool.
3 & 4 W. 4. c. 43. (Holyhead Roads.)	An Act for transferring to the Commissioners of His Majesty's Woods and Forests the several Powers now vested in the Holyhead Road Commissioners, and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours, and Bridges now under their Care and Management.
4 & 5 W. 4. c. 66. (Menai and Conway Bridges.)	An Act for empowering the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay the net Proceeds of the Tolls of the Menai and Conway Bridges into the Receipt of His Majesty's Exchequer at Westminster, to the Account of the Consolidated Fund.
5 & 6 W. 4. c. 21. (Shrewsbury and Holyhead Roads.)	An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King George the Third, for vesting in Commissioners the Line of Road from Shrewsbury in the County of Salop to Bangor Ferry in the County of Carnarvon, and for discharging the Trustees under the several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty from the future Repair and Maintenance thereof, and for repealing so much of the said Acts as affects the said Line of Road.
6 & 7 W. 4. c. 35. (Holyhead Roads.)	An Act for further improving the Road between London and Holyhead, by Coventry, Birmingham, and Shrewsbury.
2 & 3 Vict. c. 80. (Metropolis Improvements.)	An Act to empower the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional Thoroughfares in the Metropolis.
3 & 4 Vict. c. 12. (Metropolis Improvements.)	An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry Street, Piccadilly, to Long Acre, and for other Improvements in the Metropolis.
3 & 4 Vict. c. 87. (Metropolis Improvements.)	An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis.
3 & 4 Vict. c. 104. (Holyhead Roads.)	An Act to transfer to the Commissioners of Her Majesty's Woods and Works the several Powers now vested in the Commissioners for repairing the Line of Road from Shrewsbury in the County of Salop to Bangor Ferry in the County of Carnarvon; and to amend the London and Holyhead Road Acts, so far as relates to the Dunstable Road.
4 & 5 Vict. c. 12. (Metropolis Improvement.)	An Act to enable Her Majesty's Commissioners of Woods to make a new Road from Coventry Street, Piccadilly, to Long Acre, and for other Improvements in the Metropolis.
5 & 6 Vict. c. 64. (Metropolis Improvements.)	An Act for regulating the Priorities of Monies authorized to be charged on a Fund called "The London Bridge Approaches Fund."
7 & 8 Vict. c. 60. (Trafalgar Square)	An Act to provide for the Care and Preservation of Trafalgar Square in the City of Westminster.
7 & 8 Vict. c. 84. (Metropolitan Buildings Act.)	An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood.
8 & 9 Vict. c. 17. (Metropolis Improvements, Clerkenwell.)	An Act for amending the Acts relating to the Street leading to Clerkenwell Green; and for extending such Street, and making new Streets out of the same.
8 & 9 Vict. c. 63. (Geological Survey.)	An Act to facilitate the Completion of a Geological Survey of Great Britain and Ireland, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works.
8 & 9 Vict. c. 73. (Holyhead Roads.)	An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the Shrewsbury and Holyhead Roads.
8 & 9 Vict. c. 101. (Penny Coal Duties.)	An Act to continue until the Fifth Day of July One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in London and Westminster, and in certain Parts of the adjacent Counties, and to alter and amend the said Acts.
8 & 9 Vict. c. 178. (Westminster Improvements.)	An Act for improving Parts of the City of Westminster.
9 & 10 Vict. c. 5. (Metropolitan Buildings Act.)	An Act to amend an Act for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood.
9 & 10 Vict. c. 34. (Spitalfields Improvements.)	An Act to enable the Commissioners of Her Majesty's Woods to construct a new Street from Spitalfields to Shoreditch.
9 & 10 Vict. c. 38. (Battersea Park.)	An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields in the County of Surrey.

An

An Act to enable the Commissioners of Her Majesty's Woods to construct an Embankment and Roadway on the North Shore of the River Thames from Battersea Bridge to Vauxhall Bridge, and to build a Suspension Bridge over the said River at or near Chelsea Hospital, with suitable Approaches thereto, including a Street from Lower Sloane Street to the Northern Extremity of the Bridge. 9&10Vict. c.39. (Battersea Bridge and Chelsea Improvements.)

An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts. 9&10Vict. c.106 (Preliminary Inquiries.)

An Act to empower the Commissioners of Her Majesty's Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the Isle of Portland in the County of Dorset. 10&11Vict. c.24 (Portland Harbour.)

An Act to empower the Commissioners of Her Majesty's Woods to purchase Lands for the Purpose of a Harbour of Refuge at or near Holyhead in the County of Anglesea. 10&11Vict. c.76 (Holyhead Harbour.)

An Act to amend and enlarge the Powers and Provisions of the Westminster Improvement Act, 1845, and to authorize the Application of certain Rates in aid of the Improvements. 10 & 11 Vict. c. 210. (Westminster Improvements.)

An Act to empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of Windsor. 11&12Vict. c. 53 (Windsor.)

An Act to enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields, to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements, and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods. 11 & 12 Vict. c. 102. (Battersea Park.)

An Act to amend an Act of the last Session for varying the Priorities of the Charges made on "The London Bridge Approaches Fund," and to facilitate the Completion of certain Improvements in the City of Westminster. 11 & 12 Vict. c. 124. (London Bridge Approaches Fund.)

An Act for amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts. 11 & 12 Vict. c. 129. (Preliminary Inquiries.)

An Act to authorize further Charges on "The London Bridge Approaches Fund," for the Completion of certain Improvements in the Metropolis. 13 & 14 Vict. c. 103. (Metropolis Improvements.)

An Act to enlarge and extend the Powers of an Act of the Ninth and Tenth Years of Her present Majesty, intituled "An Act to enable the Commissioners of Her Majesty's Woods to construct a new "Street from Spitalfields to Shoreditch." 13 & 14 Vict. c. 109. (Metropolis Improvements.)

An Act to amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater, in the Isle of Portland, and to make further Provision for the Division and Application of the Purchase Money. 13 & 14 Vict. c. 116. (Portland Harbour.)

An Act for amending and enlarging the Powers and Provisions of "The Westminster Improvement Act, 1845," and "The Westminster Improvement Act, 1847," to extend the Time for the compulsory Purchase of Lands, and for other Purposes. 13 & 14 Vict. c. 102. (Loc. & Per.) (Westminster Improvements.)

CAP. XLIII.

An Act for disafforesting the Forest of *Hainault* in the County of *Essex*. [1st *August* 1851.]

'WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is or claims to be seised to Herself, Her Heirs and Successors, of and in *Waltham Forest*, formerly called the Forest of *Essex*, in the County of *Essex*, one Portion of which is usually called or known by the Name of *Hainault Forest*: And whereas Her Majesty, in right of Her Crown, is or claims to be seised to Herself, Her Heirs and Successors, of the Soil of that Portion of the said Forest of *Hainault* which is commonly called the *King's Forest* or *King's Woods*, and of the Timber and other Trees, Bushes, and Underwood standing and growing thereon: And whereas the said Forest of *Hainault* is subject to divers Claims of Rights of Common and other Rights and Interests of Her Majesty and of divers of Her Majesty's Subjects in and over the same: And whereas the Right Honourable the Earl of *Mornington*, and the Honourable *William Wellesley* commonly called Viscount *Wellesley*, his eldest Son, jointly or severally claim to be entitled to the Office of Warden of the said Forest: And whereas every poor Widow in those Parts of the Parishes of *Barking* and *Dagenham* which lie within the said Forest of *Hainault* who does not receive Parochial Relief, and whose Husband has been dead a Year, has been usually allowed to have One Load of Wood yearly on *Easter Monday* from and out of the said *King's Forest* or *King's Woods*, or in lieu of it Eight Shillings in Money to those who cannot procure a Team to carry the Wood on that Day: And whereas Her Majesty has been graciously pleased to signify Her Consent that the said Forest of *Hainault* should be disafforested, and the Royal Deer therein removed or destroyed, with all convenient Speed, and that the Officers of Her Majesty of or for the said Forest should be discharged, and that such Allotment should be made to Her Majesty, in respect of Her Forestal Estate, Rights, and Interests in and over the said Forest of *Hainault*, in manner herein-after provided, and that such Compensation should be made to the Officers of the said Forest, and to the said poor Widows, as is also herein-after provided:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That

Power to appoint Three Commissioners to carry this Act into execution.

I. That the Provisions of this Act shall be carried into execution by Commissioners to be appointed as after mentioned; andt he Commissioners for carrying this Act into execution shall be Three in Number, One of whom shall be appointed in Writing by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, One other of whom shall be appointed by the Two junior Inclosure Commissioners for *England* and *Wales* for the Time being, and the Third of whom shall be appointed by the Two Commissioners so to be appointed as aforesaid; and that so often as any Vacancy shall occur by Death, Resignation, or Incapacity, a new Commissioner shall be appointed in like Manner as the Commissioner whose Vacancy is to be supplied was appointed; and that all such Commissioners, when appointed, and herein-after designated as "the Commissioners of this Act," shall be the Commissioners for carrying this Act into execution; and that all Acts and Powers to be performed by or given to the Commissioners of this Act under the Provisions herein contained may be performed or exercised by any Two of such Commissioners.

Commissioners to appoint Clerk and employ Land Surveyor.

II. That it shall be lawful for the Commissioners of this Act from Time to Time to appoint a Clerk, and, if they shall think fit, to remove such Clerk, and on any Vacancy to appoint another Clerk, and also to employ a Land Surveyor and Valuer, in such Manner as they shall think necessary.

Remuneration of Commissioners and Clerk.

III. That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, herein-after designated as "the Commissioners of Woods," with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall, out of the Land Revenues of the Crown, subject to Repayment as after mentioned, pay and allow to the Commissioners of this Act any Sum not exceeding the Sum of One thousand Pounds as shall be thought sufficient, and in proportion to the Time and Labour which may be bestowed by them respectively in carrying this Act into execution, such Proportion, in the event of any Difference of Opinion with regard thereto, to be conclusively determined by the Commissioners of Her Majesty's Treasury, and to the Clerk of the Commissioners of this Act such Salary not exceeding Two hundred Pounds a Year as shall be considered sufficient, and also to allow to the Commissioners of this Act, and Clerk, all Costs and Expenses of employing any such Land Surveyor and Valuer as aforesaid, and all other reasonable Expenses incurred by them in the Performance of their Duties under this Act.

Commissioners to ascertain Boundaries.

IV. That the Commissioners of this Act shall forthwith proceed to ascertain the Boundaries of the said Forest of *Hainault*, and also of that Portion of the said Forest called the *King's Forest* or *King's Woods*, and for that Purpose shall or may make use of any existing Maps, Plans, or Surveys, or cause to be made any new Maps, Plans, or Surveys, as they shall think fit.

Boundaries as ascertained to be held to be true.

V. That the said Boundaries as ascertained by the Commissioners of this Act shall be held to be the true Boundaries of the said Forest, and of the said *King's Forest* or *King's Woods*, for all the Purposes of this Act, as between Her Majesty and all Persons whose Estates or Rights therein are to be or shall be in anywise dealt with or affected under the Provisions of this Act, but not further or otherwise.

Power to Commissioners to allot a Part of the King's Woods as a Compensation for the Forestal and other Rights of the Crown.

On the making of the Award the Forest of Hainault to be disafforested.

VI. That the Commissioners of this Act, so soon as they shall have ascertained the aforesaid Boundaries, shall proceed to set out and allot to Her Majesty such Part or Parts of the said *King's Forest* or *King's Woods* as they shall think a sufficient Compensation to Her Majesty for all Her Forestal Rights in and over the said Forest of *Hainault*, for Her Rights of Soil in the said *King's Forest* or *King's Woods* and in other the uninclosed Portions of the said Forest of *Hainault* (if any), for Her Rights of Timber and other Trees, Bushes, and Underwoods in the said Woods or elsewhere in the said Forest; and that such Allotment or Allotments, when made, shall be vested in Her Majesty, Her Heirs and Successors, as Part and Parcel of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged from all Rights or Claims of Common of Pasture, Estovers, or Assignments of Fuel Wood, and all other Rights or Claims whatsoever; and that on the making of such Award the said Forest of *Hainault* shall be for ever disafforested; and the Residue of the said *King's Forest* or *King's Woods*, and all other Parts of the said Forest of *Hainault* (not now inclosed), shall become the Property of the Queen's Majesty and the several Persons entitled to Rights of Common in and over the said Forest or any Part thereof, as they are now entitled to the same, freed and discharged from all Right of Soil, Rights of Timber, and all Forestal Rights of Her Majesty, Her Heirs and Successors.

Commissioners of Woods, &c. to produce Evidence in support of Rights of Crown, to enable Commissioners of this Act to make the Award.

VII. That for the enabling the Commissioners of this Act to make the Award by this Act directed to be made the said Commissioners of Woods, on behalf of Her Majesty, shall produce to the Commissioners of this Act such Evidence in support of Her Majesty's aforesaid Rights or any of them as in the Opinion of the Commissioners of this Act shall be necessary to support the Claim to such Rights; and the Judgment of the Commissioners of this Act in the Premises shall be final: Provided nevertheless, that it shall be lawful for any Person or Persons who in the Opinion of the Commissioners of this Act shall be interested in the Premises to appear before the said Commissioners, and to adduce such Evidence as in the Opinion of the said Commissioners shall be admissible, for the Purpose of controverting any Statement or Evidence made or offered to the said Commissioners in support of the Claims or Rights of Her Majesty.

Commissioners to ascertain the Value of certain Rights of poor Widows, and report Amount to Commissioners of Woods, &c., who shall invest the same.

VIII. And with respect to the Customary Rights or alleged Customary Rights of every poor Widow in those Parts of the said Parishes of *Barking* and *Dagenham* aforesaid who does not receive Parochial Relief, and whose Husband has been dead a Year, to have One Load of Wood yearly on *Easter Monday* out of the said *King's Forest* or *King's Woods*, or in lieu of it Eight Shillings in Money to those who cannot procure a Team to carry the Wood on that Day, be it enacted, That the Commissioners of this Act shall inquire and ascertain what is the Money Value of such Right in respect of such poor Widows, and shall report the Amount to the Commissioners of Woods; and upon receiving such Report the said Commissioners of Woods shall forthwith, out of the Land Revenues of the Crown, advance and pay the Sums

Sums so found and reported as being the Amount of such Value as aforesaid, and shall invest the same in the Names of the Vicar and Churchwardens of the said Parish of *Dagenham* and of the Vicar and Churchwardens of the Parish of *Barking* respectively, or otherwise as shall be agreed on, in the Purchase of Three *per Cent.* Consolidated Bank Annuities, to be held by them for ever, in trust to pay and apply the Dividends thereof in the Purchase of Coals or other Fuel, to be by them distributed yearly at *Christmas* among the poor Widows of the aforesaid Parts of their respective Parishes not receiving Parochial Relief, and whose Husbands have been dead a Year, and shall cause a proper Declaration of Trust to be executed by the Trustees in whose Names the said Monies shall be invested, and a Memorial thereof enrolled with the Clerk of the Peace for the said County of *Essex*.

On Investment Claims to cease.

IX. That on the Investment of such Sums as aforesaid all the aforesaid Customary Rights or Claims of poor Widows shall absolutely cease.

Commissioners to consider the Value of the Widows Claims, and to allot an Equivalent. Commissioners, if required, to apportion the Crown's Allotment in respect of each distinct Right.

X. That in setting out and making such Allotment to Her Majesty as aforesaid the Commissioners of this Act shall take into consideration the Amount of the Money Value of such Rights or Claims of the said poor Widows, and shall give to Her Majesty an Allotment on or from the said Woods as aforesaid which in their Opinion shall be an Equivalent for the Amount of such Monies so to be paid for such Rights and Claims as aforesaid: Provided nevertheless, that the Commissioners of this Act shall, if so required by or on behalf of, Her Majesty, Her Heirs or Successors, set out, distinguish, and apportion in their said Award a particular Part or Parts of the general Allotment to be made to Her Majesty as aforesaid which in their Opinion may be the Value of any One or more of the specific Rights of Her Majesty, and in respect of which the aforesaid Allotment may have been made, and such specific Apportionments of such general Allotment shall be taken to be the Allotments in respect of such specific Rights in respect of which they shall be ascertained and declared as aforesaid to have been made.

Award to be made in Two Years, and to be executed in Duplicate.

XI. That the Commissioners of this Act shall make their Award in Writing within Two Years from the passing of this Act, and such Award shall be executed in Duplicate, and One Part thereof shall be deposited at the Office of Land Revenue Records and Enrolments, and the other Part thereof shall be deposited with the Clerk of the Peace for the said County of *Essex*, there to remain, and to be examined by all Persons, at all reasonable Times, on Payment of a Fee of One Shilling for each Examination.

Power to Commissioners of Woods, &c. to remove or destroy the Deer within the Forest. When Deer removed, &c. Right to keep Deer to cease.

XII. That the said Commissioners of Woods or other the proper Officer or Officers of Her Majesty of and for the said Forest of *Hainault* shall with all convenient Speed, and within One Year from the passing of this Act, under the Direction of Her Majesty, Her Heirs or Successors, remove or destroy, or cause to be removed or destroyed, all the Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct; and that when such Deer shall have been so removed or destroyed the Right of Her Majesty to keep Deer and other Beasts of Forest in the said Forest of *Hainault* shall absolutely cease, and it shall be lawful for the Commissioners of Her Majesty's Woods to exercise all the same Powers over and in respect of the Lands to be allotted to Her Majesty as aforesaid as they are or at any Time hereafter shall be by Law enabled to exercise over and in respect of other Lands of Her Majesty in right of Her Crown, not being Royal Forests, Parks, or Chases.

The Crown to maintain Boundary Fences, and if it appear convenient, to set out Roads, which shall become public Highways.

XIII. That Her Majesty, Her Heirs and Successors, shall make and at all Times hereafter maintain sufficient Boundary Fences round all the Parts so to be set out and allotted or awarded to and to become the Property of Her Majesty as aforesaid; and further, that in case in making the Allotment hereby directed it shall appear convenient to the Commissioners of this Act to set out any Roads over the Parts to be allotted to Her Majesty, for the Convenience of the Enjoyment of the remaining Parts of the said Forest of *Hainault*, it shall be lawful for the said Commissioners to set out such Roads accordingly, and the same shall be made by the said Commissioners of Woods, and shall when made become and be public Highways.

After Award is made, Forestal Offices to cease.

XIV. That, immediately after the Award of the Commissioners of this Act shall have been made, as herein-before directed, all and every Letters Patent, Grants, Appointments, and Warrants of any Offices, Bailiwicks, Walks, or Lodges in or for the said Forest of *Hainault*, and all Salaries, Gratuities, and Fees lawfully payable or allowed in respect of the same, shall thenceforth cease, end, and determine; and Compensation shall be made by the Commissioners of Her Majesty's Woods, out of the Land Revenues of the Crown, to the Lord Warden, in respect of his Wardenship of that Portion of the said Forest of *Waltham* called *Hainault Forest*, and to the several Officers of the said Forest of *Hainault*, (whether holding Lodges and Land within the said Forest by virtue of their several Offices, or not), in consideration of the Cessation of their said several Offices, and on their relinquishing and giving up the Possession of the said Lodges and Land respectively, and all Claim and Interest therein or thereto under any Grant, Letters Patent, or Appointment or Warrant as aforesaid, which Compensation shall in every distinct and separate Case be referred to and ascertained by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall for that Purpose appoint on the Part of Her Majesty, and by such indifferent Person as shall be appointed on the Part of each and every Officer of the said Forest of *Hainault* interested or concerned in the Premises, and which said Commissioners of Her Majesty's Treasury, or other the Person or Persons so to be appointed as aforesaid, are hereby empowered to send for Persons and Papers, and to examine the Parties and Witnesses upon Oath, if necessary (which Oath any One of the said Commissioners of the Treasury, or the Person or Persons so to be appointed as aforesaid, is hereby authorized and empowered to administer); provided, that in case any Difference of Opinion shall arise on any Matter or Question touching or concerning such Compensation, then the said Referees shall from Time to Time forthwith appoint any proper and competent Person or Persons to act as an Umpire or Umpires concerning

cerning the Premises, to whom all and every such Differences shall be referred, and whose Judgment and Determination shall be binding to all Intents and Purposes whatsoever.

Expenses to be defrayed out of Produce of Timber and Underwood standing on Parts of Forest not allotted to the Crown.

XV. That all the Payments, Charges, and Expenses hereby directed to be defrayed out of the Land Revenues of the Crown shall be paid and discharged or replaced by and out of the Produce of the Timber and Underwood belonging to Her Majesty, now standing on such Part of the uninclosed Parts of the said Forest of *Hainault* as shall not be allotted to Her Majesty, and that for that Purpose it shall be lawful for the Commissioners of Woods, at any Time before or after the said Award, to enter on any Parts of the said Forest, and to cut down, carry away, sell, and dispose of so much of the said Timber and Underwood as shall be sufficient to pay such Costs, Charges, and Expenses.

Power to Sir Charles Hulse, as Lord of the Manor of Barking, to proceed to a Trial at Law, in a feigned Action, to try his Rights to the Soil of certain Portions of the Forest of Hainault.

XVI. 'And whereas Sir *Charles Hulse* Baronet makes claim, as Lord of the Manor of *Barking*, to the 'Soil of that Portion of the said Forest of *Hainault* called the *King's Forest* or *King's Woods*, or some 'Part thereof, and claims Title to the same through and under certain Grants thereof made to the 'Ancestors of the said Sir *Charles Hulse* by Her Majesty's Royal Predecessor King *Charles* the First, 'and therefore insists that he is entitled to a Portion of the Allotment hereby intended to be set out to 'Her Majesty, as a Compensation for the Right of Soil so claimed:' Be it enacted, That it shall be lawful for the said Sir *Charles Hulse* to proceed to a Trial at Law, within Twenty-two Months from the passing of this Act, at the Assizes for the County of *Essex*, in a feigned Action or Actions to be for that Purpose commenced in Her Majesty's Court of Exchequer at *Westminster*, against Her Majesty's Attorney General and the Commissioners of Her Majesty's Woods, and the Defendants in such Action shall appear, and accept One or more Issue or Issues whereby the Matter in question may be properly tried and determined (such Issue or Issues to be settled by the proper Officer or Officers of the Court of Exchequer, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the said Sir *Charles Hulse* is not entitled to the Soil of that Portion of the said Forest called the *King's Forest* or *King's Woods* so claimed by him, then the Jury or Juries by whom such Issue or Issues shall be tried shall find for the Defendants; but if it shall appear to such Jury or Juries that the said Sir *Charles Hulse* is so entitled as Lord of the said Manor of *Barking* according to the Claim made by him, then such Jury or Juries shall find for the Plaintiff; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, as well upon Her Majesty, Her Heirs and Successors, as the said Sir *Charles Hulse*, his Heirs and Assigns, and all and every Person and Persons claiming through or under him or them, unless the Court shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; provided always, that it shall be lawful for the said Court, upon sufficient Cause shown, to put off the Trial of the same, although the Time hereby limited for such Trial may be thereby exceeded; provided also, that if either of the Parties in any Action or Actions to be brought in pursuance of this Act shall die, or if any of the said Commissioners of Her Majesty's Woods shall resign, or be removed from being a Commissioner or Commissioners, pending such Action or Actions, the same shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; provided also, that it shall be lawful for the said Commissioners of Her Majesty's Woods, for and behalf of Her Majesty, at any Time before the Trial of such Action or Actions, to make or accept Proposals to or from the said Sir *Charles Hulse*, his Heirs or Assigns, for compromising the Matter or Matters in dispute, and to compromise the same accordingly, if they and Her Majesty's Attorney General for the Time being shall see just Cause so to do, and all such Compromises shall be binding and conclusive; provided also, that if no such Action shall be brought, or if the same shall not be proceeded in to Trial or Trials as aforesaid, unless such Trial or Trials shall be put off with such Leave of the Court as aforesaid, then and in such Case the said Sir *Charles Hulse*, his Heirs and Assigns, and all Persons claiming through or under him or them, shall be barred and precluded from such Claim as aforesaid.

If Verdict be in favour of Sir C. Hulse, Commissioners to allot to him such Part of Crown Allotment as they shall deem an Equivalent for his Rights.

XVII. That if the Verdict in any such Trial or Trials shall be given in favour of the said Sir *Charles Hulse*, his Heirs or Assigns, and shall not be set aside by the Court, then the Commissioners of this Act shall set out and allot to the said Sir *Charles Hulse*, his Heirs and Assigns, so much and such Part of the Allotment herein-before directed to be set out to Her Majesty, Her Heirs and Successors, as the said Commissioners shall by Writing under their Hands award to be a just Equivalent and Compensation for and in lieu of the Right of Soil claimed by the said Sir *Charles Hulse*, his Heirs or Assigns, and to which he or they shall appear entitled by such Verdict, the said Allotment, when set out to the said Sir *Charles Hulse*, his Heirs and Assigns, to be inclosed and fenced by him or them, and to be held and enjoyed freed and exonerated from all Rights of Common and other Rights from which the said Allotment to Her Majesty is hereby freed and exonerated.

Trial not to impede the Commissioners in the Execution of the Act.

XVIII. That no such Action being brought, or during the Continuance thereof, shall impede the Commissioners in the Execution of this Act, but the Allotment hereby directed to be made shall be made, notwithstanding any such Action shall be pending; and the Commissioners of this Act shall by proper Marks and Bounds set out the Lands and Grounds which ought to be allotted to the said Sir *Charles Hulse*, his Heirs or Assigns, in case of his or their succeeding in such Trial or Trials.

Act not to extend to Epping Forest.

XIX. That nothing in this Act contained shall extend to that Portion of *Waltham Forest* usually called *Epping Forest*.

General Saving of Rights.

XX. That nothing in this Act contained shall in anywise extend to or prejudice the Title, Right, or Claim of Her Majesty to any Right of Common appendant or appurtenant to any anciently inclosed Lands of Her Majesty, or the Title, Right, or Claim of Her Majesty or any Person or Persons to the inclosed Parts of the said Forest of *Hainault*, or to *Chapel Lodge Farm*, otherwise the *Lawn Farm*, or

Fence

Fence Piece Farm, or either of them, or to any other inclosed Lands, Lodges, or Lodge Grounds within the said Forest of *Hainault*, held or claimed to be held in Severalty by Her Majesty, the Lord Warden of the said Forest, or any other Forestal Officer or Officers of Her Majesty, nor the Claim of the Vicar of *Dagenham* to Tithes or to a Rentcharge in lieu of Tithes in respect of such Portion of the said Forest of *Hainault* as is situate within the Parish of *Dagenham*.

CAP. XLIV.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [1st *August* 1851.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 4 & 5 Vict. c. 6. 13 & 14 Vict. c. 84.

Acts for making, &c. Turnpike Roads in Ireland, which will expire on 31st July 1851, &c., further continued.

I. That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-two, or, if Parliament be then sitting, until the End of the then Session of Parliament.

7 G. 4. c. xxvi. to continue till 1st Oct. 1852, and no longer, &c.

II. Provided always, That an Act of the Seventh Year of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from the Bounds of the Counties of* Limerick *and* Cork, *between the Towns of* Kilmallock *and* Charleville, *to the City of* Cork, shall be continued until the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-two, and no longer, unless Parliament shall in the meantime further continue the said Act.

CAP. XLV.

An Act to continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*. [1st *August* 1851.]

[*5 & 6 Vict. c.* 123. *continued until* 31*st July* 1855, *and to the End of the then next Session.*]

CAP. XLVI.

An Act to amend Two several Acts of Her Majesty's Reign enabling the Commissioners of Her Majesty's Woods to purchase Lands for and to form *Victoria Park;* and to indemnify the Trustees of Copyhold Lands held in trust for Her Majesty. [1st *August* 1851.]

'WHEREAS by an Act passed in the Session of Parliament held in the Fourth and Fifth Years of Her Majesty's Reign, intituled *An Act to enable Her Majesty's Commissioners of Woods to complete the Contract for the Sale of* York House, *and to purchase certain Lands for a Royal Park*, the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered to purchase certain Lands and Hereditaments, containing about Two hundred and ninety Acres, in the Parishes of *Saint John Hackney*, *Saint Matthew Bethnal Green*, and *Saint Mary Stratford-le-Bow*, in the County of *Middlesex*, which Lands and Hereditaments, when purchased, were to be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed were for ever thereafter to be a Royal Park by the Name of *Victoria Park*, and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, and all Laws, Provisions, and Regulations then or thereafter to be in force with respect to Royal Parks were to extend and apply to such Park, except that Her Majesty's said Commissioners might, in such Manner as by Law provided with regard to the Hereditary Revenues of the Crown (not being Royal Parks), lease any Part of the said Royal Park, not exceeding in the whole One Fourth Part, for Sites for Dwelling Houses or ornamental Buildings, and Offices and Gardens thereto to be annexed: And whereas an Act was passed in the Second Session of Parliament held in the Fifth Year of Her Majesty's Reign, to extend the Powers of the first-recited Act, and thereby it was enacted, among other things, that certain Maps or Plans then already made, showing the Site and intended Boundaries of *Victoria Park*, when authenticated in Duplicate by the Signature of the Right Honourable the Speaker of the House of Commons, should be deposited in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in the Office of Land Revenue Records and Enrolments respectively, and Powers were given to the said Commissioners, on behalf of Her Majesty, to purchase the Lands, Tenements, and Hereditaments mentioned and described in the Schedule to the said Act, some of such Lands being 4 & 5 Vict. c. 27. 5 Vict. Sess. 2. c. 20.

'of

'of Copyhold Tenure: And whereas the said Commissioners of Her Majesty's Woods, Forests, Land 'Revenues, Works, and Buildings, in execution of the said recited Acts, have purchased, on behalf of 'Her Majesty, all the Lands, Tenements, and Hereditaments mentioned and described in the Schedule to 'the secondly-recited Act, and have partly laid out, formed, and planted the said Park: And whereas it is 'expedient that the particular Portions of the said Park which it is intended to lease under the Authority 'of the first-recited Act should be defined, and that the Commissioners for the Time being of Her Majesty's 'Woods, Forests, Land Revenues, Works, and Buildings should be empowered to sell or exchange 'such last-mentioned Portions of the said Park, in the like Manner as they are by Law empowered to 'sell or exchange any Parts or Parcels of the Hereditary Land Revenues of the Crown, not being Royal 'Forests, Parks, or Chases, in *England:* And whereas the said Commissioners have caused a new Map 'or Plan to be made in Duplicate of the Lands, Tenements, and Hereditaments acquired under the Powers 'and for the Purposes of the said recited Acts, as the same are now laid out or designed to be laid out, 'and have therein distinguished the particular Portions of the same which it is proposed to lease, and to 'which it is proposed that the Powers of Sale and Exchange vested in the said Commissioners with 'respect to Land Revenues of the Crown, not being Royal Forests, Parks, or Chases, should be extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Maps or Plans, when authenticated, to be deposited, and to be open to Inspection.

I. That the said Duplicate Maps or Plans shall be authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, and when so authenticated One of them shall be deposited in the Office of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or in case the Department of Her Majesty's Woods, Forests, and Land Revenues shall be separated from the Department of Her Majesty's Works and Buildings, then in the Office of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, and the other of them shall be deposited in the Office of Land Revenue Records and Enrolments, and the Maps or Plans so deposited shall remain in such Offices respectively to the end that all Persons may at all seasonable Times have Liberty to inspect the same, at their Will and Pleasure, on paying the Sum of One Shilling for every such Inspection.

Defining Portions of the Park to be leased, and extending thereto Powers of Sale and Exchange.

II. That the Portions of the said Royal Park called *Victoria Park* (not exceeding in the whole One Fourth Part thereof) which the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are by the first-recited Act empowered to lease shall be such Parts and Parcels of the Lands, Tenements, and Hereditaments delineated in the Maps or Plans so to be deposited as aforesaid as are therein distinguished by being coloured Red; and it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or, in the event of such Separation of Departments as aforesaid, for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, to lease, sell, and exchange all or any Part of the said last-mentioned Lands, Tenements, and Hereditaments, and any Lands, Tenements, and Hereditaments to be by them taken in exchange, under the Powers herein contained or referred to, in such and the like Manner in all respects as they are by Law empowered to lease, sell, or exchange any Part or Parcel of the Possessions and Land Revenues of the Crown, not being Royal Forests, Parks, and Chases, in *England;* and all and singular the Powers, Provisions, Regulations, Exemptions from Stamp Duty, and Enactments whatsoever, contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Fifty, an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter One, and in any other Act of Parliament now in force, with respect to the Possessions and Land Revenues of the Crown, not being Royal Forests, Parks, and Chases, shall, so far as the same are applicable, be taken to extend and apply to all and every the Parts and Parcels of the said Royal Park called *Victoria Park* which are in the aforesaid Maps or Plans distinguished and coloured Red, and to all Leases, Deeds, Agreements, and Contracts whatsoever which may be made in pursuance of the recited Acts and this Act, or any or either of them.

Trustees of Copyholds in trust for Her Majesty to be indemnified.

III. 'And whereas the Commissioners for the Time being of Her Majesty's Woods, Forests, Land 'Revenues, Works, and Buildings are by Law empowered to purchase, on behalf of Her Majesty, Her 'Heirs and Successors, Messuages, Lands, Tenements, and Hereditaments of Copyhold or Customary 'Tenure, and on every such Purchase to cause such Messuages, Lands, Tenements, or Hereditaments to 'be surrendered to or well and effectually vested in a Trustee or Trustees for and on behalf of Her Majesty, 'Her Heirs or Successors; and it is reasonable that every such Trustee should be indemnified as after 'mentioned:' Be it enacted, That in all Cases where any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure have been at any Time heretofore or shall at any Time or Times hereafter be purchased or taken in exchange by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or, in case of such Separation of Departments as aforesaid, by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, under any Powers vested or to be vested in them, and such Messuages, Lands, Tenements, or Hereditaments have been or shall be surrendered to or vested in any Trustee for and on behalf of Her Majesty, Her Heirs or Successors, all Sums of Money, Fines, Fees, Rents, Services, and Heriots, Costs, Charges, Damages, and Expenses whatsoever, which shall become due or payable by or be recovered from or against any such Trustee, his Heirs, Executors, or Administrators, by reason of the Surrender or Conveyance to him of any such Lands, Tenements, and Hereditaments of Copyhold or Customary Tenure, or by

reason

reason of his Admission thereto as Trustee for Her Majesty, Her Heirs or Successors, or of any subsequent Surrender thereof by him, be wholly borne, satisfied, and discharged by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or, in the event of such Separation of Departments as aforesaid, by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, by and out of the Possessions and Land Revenues of the Crown, and every such Trustee, his Heirs, Executors, or Administrators, Lands, Tenements, Goods, and Chattels, shall be wholly and fully indemnified by the said Commissioners from and against all such Sums of Money, Fines, Heriots, Rents, and Services as aforesaid, and from and against all Costs, Charges, Damages, and Expenses whatsoever in relation to the Premises.

CAP. XLVII.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor. [1st *August* 1851.]

[*3 & 4 Vict. c. 89. continued until the 1st Oct. 1852, and until the End of the then next Session.*]

CAP. XLVIII.

An Act to continue an Act of the Second and Third Years of Her present Majesty, "to extend "and render more effectual for Five Years an Act passed in the Fourth Year of His late "Majesty *George* the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty "*George* the Third, for preventing the administering and taking unlawful Oaths in *Ireland*," as the same is amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign. [1st *August* 1851.]

[*2 & 3 Vict. c. 74., as amended by 8 & 9 Vict. c. 55., and 11 & 12 Vict. c. 89., to continue in force, from the passing of this Act, for the further Period of Five Years, and until the End of the then next Session.*]

CAP. XLIX.

An Act to repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof. [1st *August* 1851.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-nine: And 'whereas it is expedient to repeal the said Act, and to make other Provisions in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 11 & 12 Vict. c. 129.

I. That in respect of all future Applications to Parliament for Local Acts the said recited Act shall be and the same is hereby repealed. Recited Act repealed.

II. Whenever Application shall be made to Parliament for a Bill whereby Power is sought to construct any Works on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, or to construct any Bridge, Viaduct, or other Work across any Creek, Bay, Arm of the Sea, or navigable River, or to construct any Work affecting the Navigation of any Harbour, Port, tidal Water, or navigable River, it shall be lawful for the Lord High Admiral, or for the Lords Commissioners for executing the Office of Lord High Admiral, to require the Promoters of such Bill to deposit at the Office of the Admiralty, in addition to the Plans, Sections, or other Documents which may have been deposited at such Office in compliance with the Standing Orders of either House of Parliament, all such Statements and other Documents as the said Lord High Admiral or Lords Commissioners shall deem necessary to explain the Objects of the intended Application to Parliament, and the proposed Interference with such tidal Lands or Navigation, as the Case may be. Where Works proposed on tidal Lands, Admiralty may require Statements, &c.

III. It shall be lawful for the said Lord High Admiral or Lords Commissioners, if they shall consider the same necessary or expedient, but not otherwise, to appoint a competent Person or Persons to be an Inspector or Inspectors, for the Purpose of inquiring, in such Manner and at such Time and Place as they shall direct, into all such Matters as they shall deem necessary to enable them to report to Parliament their Opinion upon every such Bill touching the Jurisdiction or Authority of the Lord High Admiral. Admiralty may appoint Inspectors.

IV. For the Purposes of such Inquiry the said Inspector or Inspectors may, by Summons under his or their Hands, summon before him or them any Person having the Custody of any Map, Survey, or Book made or kept in pursuance of any Act of Parliament, to produce such Map, Survey, or Book for his or their Inspection, and the said Inspector or Inspectors may summon, in manner aforesaid, any other Person whose Evidence shall, in the Judgment of the said Inspector or Inspectors, be material to his or their Inquiries, and pay or allow to every such Person so summoned by him or them the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises. Inspectors may summon Witnesses and examine them upon Oath.

V. Any

Penalty for Non-attendance or refusing to answer Questions.

V. Any Person, being summoned by such Inspector or Inspectors, who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Maps, Surveys, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath or otherwise such Questions as may be put to him by such Inspector or Inspectors under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within the Town, District, or Place wherein such Inquiry shall be held; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under their Hands and Seals; and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place in aid of the County Rate; provided that no Person, other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from his usual Place of Abode.

Admiralty may take Security for Payment of Expenses of Inquiry.

VI. Before instituting any such Inquiry the said Lord High Admiral or Lords Commissioners may, if they think fit, require and take such Security for the Payment of the whole or any Part of the Costs, Charges, and Expenses to be incurred by them in respect of such Inquiry (including the Remuneration of the Inspectors) as to them shall seem fit; and whenever any such Security is given, the Costs, Charges, and Expenses in respect whereof it is given shall, to such Amount as shall be certified by the said Lord High Admiral or Lords Commissioners (not exceeding the Extent or Amount of such Security), be a Debt due to Her Majesty from the Person or Persons respectively by whom the same is entered into.

Petitioners for Private Bill to be deemed the Promoters.

VII. The Persons whose Names shall be subscribed to the Petition for any Private Bill shall be deemed to be Promoters of such Bill for all the Purposes of this Act, notwithstanding the Persons subscribing such Petition shall have signed for or on behalf of any other Party.

Form of citing the Act.

VIII. In citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The Preliminary Inquiries Act, 1851."

CAP. L.

An Act to amend the Public Health Act, and an Act of the Third and Fourth Years of King *William* the Fourth, in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates. [1st *August* 1851.]

3 & 4 W. 4. c. 90.

'WHEREAS by an Act passed in the Session of Parliament of the Third and Fourth Year of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Eleventh Year of His late Majesty King* George *the Fourth, for the lighting and watching of Parishes in* England *and* Wales, *and to make other Provisions in lieu thereof*, it is provided, that in levying any Rate necessary for the Purposes of the said Act the Owners and Occupiers of Houses, Buildings, and Property (other than Land) rateable to the Relief of the Poor in any Parish shall be rated at and pay a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated at and pay for the Purposes of said Act: And whereas by an Act passed in the Session of Parliament of the Eleventh and Twelfth Year of the Reign of Her present Majesty, intituled *An Act for promoting the Public Health*, it is, among other things, provided, for the Purposes of the said last-mentioned Act, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only shall be assessed in respect of the same in the Proportion of One Fourth Part only of the net annual Value thereof: And whereas it is just that Tithes, Tithe Rentcharges, and other like Payments issuing out of Land should be assessed for the Purposes of the said Acts in the same Proportion of their net annual Value as such Land itself:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Tithes, Tithe Rentcharges, Moduses, Compositions Real, and other Payments in lieu of Tithe, shall be assessed under the firstly-recited Act as and in the same Proportion of their annual Value as Land, and under the secondly-recited Act as and in the same Proportion of their annual Value as Land used as Arable, Meadow, or Pasture Ground only.

11 & 12 Vict. c. 63.

Tithes and Tithe Rentcharges, &c. to be assessed as Land.

CAP. LI.

An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland*. [1st *August* 1851.]

1 & 2 W. 4. c. 33.
6 & 7 W. 4. c. 108.
7 W. 4. & 1 Vict. c. 21.
1 & 2 Vict. c. 88.
2 & 3 Vict. c. 50.
5 & 6 Vict. c. 9.
6 & 7 Vict. c. 44.

'WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-three: And whereas another Act was passed in the Seventh Year of the same Reign, Chapter One hundred and eight: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, Chapter Twenty-one: And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, Chapter Eighty-eight: And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, Chapter Fifty: And whereas another Act was passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nine: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty,

'Majesty, Chapter Forty-four: And whereas another Act was passed in the Ninth Year of the Reign of 9 & 10 Vict. c. 1.
'Her present Majesty, Chapter One: And whereas another Act was passed in the Ninth and Tenth 9 & 10 Vict.
'Years of the Reign of Her present Majesty, Chapter Eighty-five: And whereas by an Act passed in the c. 85.
'present Session of Parliament, Chapter Twenty-three, the Commissioners of Her Majesty's Treasury of 14 & 15 Vict.
'the United Kingdom of *Great Britain* and *Ireland* for the Time being are empowered, by Warrant c. 23.
'under the Hands of any Two or more of them, to charge the Consolidated Fund of the United Kingdom
'of *Great Britain* and *Ireland*, and to direct the Issue or Payment thereout to the Account of the Com-
'missioners for the Time being for the Reduction of the National Debt, of a Sum or Sums of Money not
'exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing
'the Fourth Day of *April* One thousand eight hundred and fifty-two, by quarterly Instalments or Issues
'not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Fifth Day of *January*,
'the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First
'Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred
'and fifty-two: And whereas sundry Advances or Loans have been made by the Commissioners of Public
'Works in *Ireland* under the said first-recited Act, and the several Acts since passed for amending and
'extending the same, for the Purposes in the same Acts specified; and great Benefits have been derived
'therefrom, and further Advances or Loans are required for the like Objects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Appointment of Commissioners.

I. That the Commissioners of Public Works for the Time being shall be Commissioners for the Execution of this Act.

Treasury may, out of the 360,000*l.* per Annum granted by 14 & 15 Vict. c. 23., apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.

II. That the said Commissioners of Her Majesty's Treasury, by Warrant under the Hands of any Two or more of them, may direct, from Time to Time, that out of the Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* which by the said Act of this present Session of Parliament they are authorized to charge on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and which they are authorized to direct to be paid to the Account of the Commissioners for the Reduction of the National Debt, during the Term of Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter as aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt, during the said Term of Five Years, a Sum not exceeding Fifteen thousand Pounds *per* Quarter, to be at the Disposal of the said Commissioners of Public Works, as herein-after mentioned, such quarterly Instalments or Issues to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and fifty-two.

The separate Account already opened to be continued at the Bank of England.

III. That for the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall continue or cause to be continued the separate Account already opened with them at the Bank of *England* under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly; and the said Commissioners for the Reduction of the National Debt shall continue and keep, or cause to be continued and kept, in their Office, a Book or Books, in which all Monies transferred to the said last-mentioned Account by virtue of this Act and the said recited Act of the Seventh Year of the Reign of Her present Majesty shall be kept, apart from all other Monies, and such Monies shall be by the same Commissioners held subject to the Disposal of the said Commissioners of Public Works for the several Purposes of the said first-recited Act and the other Acts amending the same, and of this Act.

When Loans are sanctioned, Commissioners of Public Works to certify Issue to Commissioners for Reduction of National Debt.

Upon Certificate being produced Payment to be made.

IV. That when the said Commissioners of Her Majesty's Treasury shall have sanctioned any Loan under this Act or any of the above-recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being, and in every such Certificate the Loan in Payment of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the last-named Commissioners, shall upon the Back of such Certificate endorse and sign an Order for the Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of *England*, to be by them placed to the Account of the Governor and Company of the Bank of *Ireland*, for the separate Account and Credit of the Paymaster of Civil Services in *Ireland*, on account of the Public Works Loan Fund for *Ireland*, to be by him paid over, on the Warrants of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty's Treasury shall appear on such Certificate under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in the Names of the said Commissioners for the Reduction of the National Debt subject to the Disposal of the said Commissioners of Public Works.

Approval of Treasury to appear on Certificate.

Order to be entered by the proper Officer, &c., and addressed to the

V. That every such Order of the Officer of the said Commissioners for the Reduction of the National Debt, before the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of

Cashiers of the Bank of England, who shall pay the same.

of the Bank of *England;* and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of *England;* and the Signature of One of the Cashiers of the said Governor and Company of the Bank of *England* shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

Commissioners for Reduction of National Debt to furnish annual Account.

VI. That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund for *Ireland* as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Bank of Ireland to continue Account with Paymaster of Civil Services.

VII. That the Governor and Company of the Bank of *Ireland* shall continue the Account already opened in their Books with the Paymaster of the Civil Services of *Ireland* under the Title of "The Paymaster of the Civil Services, on account of the Repayment of Loans for Public Works," and Monies which shall from Time to Time be repaid in respect of Loans made under this Act, or in respect of the Interest thereof, shall be carried to the Credit of the same Account.

Appropriation and Entry of Repayments.

VIII. That as soon as any Sum of Money shall have been so lodged to the Credit of the said Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall, upon a Notification thereof, cause to be made out and delivered to the said Paymaster of Civil Services a Statement of the proper Appropriation of such Payment, whether for Account of Interest or Principal, or how much for each respectively, upon which the said Paymaster of Civil Services shall cause to be prepared accordingly the proper Receipt or Voucher, and send the same to the said Commissioners of Public Works, who shall thereupon cause the Sum or Sums therein mentioned to be entered on the Books of the said Commissioners to the Credit of the Loan on account of which such Payment shall have been made, and such Receipt, when so entered, shall be delivered to the Party or Person on whose Account such Payment shall have been so made, and such Receipt shall be a sufficient Discharge to the Party or Person paying the same.

All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

IX. That every Sum of Money which shall be paid into the Bank of *Ireland* to the Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works, under this Act, shall from Time to Time, immediately on such Payments being made, be transferred to the Governor and Company of the Bank of *Ireland*, to the Account kept by the Bank of *England* with Her Majesty's Exchequer, and, when so transferred, shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

X. That all the Enactments contained in the said recited Acts relating to Public Works in *Ireland*, or any of them, shall, except as is herein otherwise provided, extend to this Act, and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury, or the said Commissioners of Public Works, or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act, or any of them, in such or the like Manner as if they had been particularly and severally re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit, except so far only as the same are amended or altered by any of the said Acts or by this Act.

CAP. LII.

An Act to facilitate the more speedy Arrest of absconding Debtors. [1st *August* 1851.]

'WHEREAS the Laws now in force for the Arrest of Debtors absconding from *England* are 'insufficient and inadequate for that Purpose, by reason of the Delay which is occasioned in 'obtaining the necessary Process: And whereas Frauds are perpetrated upon Creditors residing at a 'Distance from *London* by Debtors embarking for distant Countries from various Towns and Seaports 'in *England:* And whereas it is expedient to provide a more expeditious and efficacious Mode of 'obtaining Process for the Arrest of Debtors about to quit *England* in all Cases where such Debtors are 'now liable by Law to be arrested:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Authority to Commissioners of Bankruptcy and Judges of County Courts to grant Warrants for the Arrest of absconding Debtors.

I. That from and after the passing of this Act it shall be lawful for any Commissioner of the Court of Bankruptcy acting for any District in the Country, or the Judge of any District County Court, except the County Court Judges acting in the Counties of *Middlesex* and *Surrey*, on Application by or on behalf of any Creditor, upon due Proof by Affidavit, intituled in One of Her Majesty's Superior Courts of Common Law, of the Creditor applying, or of some other Person, or by solemn Affirmation in Cases in which solemn Affirmation is allowed by Law, to the Satisfaction of such Commissioner or Judge, that a Debt of Twenty Pounds or upwards is owing to such Creditor, and is then payable from the Person or Persons against whom such Application shall be made, and that there is probable Cause for believing that such Debtor or Debtors, unless he or they be forthwith apprehended, is or are about to quit *England* with Intent to avoid or delay the said Creditor, or with Intent to remain out of the Jurisdiction of the Courts of Law in *England* so long that thereby the said Creditor will or may be delayed in the Recovery of the said Debt, to grant a Warrant, such Warrant being in the Form and endorsed in the Manner specified in the Schedule A. to this Act annexed, or to the like Effect, to the Messenger of the said Court of Bankruptcy, or to the High Bailiff of the said County Court, whereby the said Messenger or High Bailiff shall have Authority, at any Time within Seven Days after the Date of the said Warrant, including the

Day

Day of such Date, to arrest the Person or Persons named in such Warrant, and him or them safely keep until he or they shall have given Bail to such Messenger or High Bailiff, or made Deposit with him, according to the Practice observed in the Superior Courts of Law, or until he shall have paid the Debt and Costs endorsed on the said Warrant, or be otherwise discharged from Arrest under such Warrant by due Course of Law, and that such Warrant shall bear Date the Day of the issuing thereof, and may be executed in any Part of *England*, and that a Copy of such Warrant or Warrants shall at the Time of the Arrest be served upon the Party arrested: Provided always, that every Creditor who shall cause such Warrant to issue shall forthwith cause to be issued a Writ of Capias, and also, in Cases where no Action shall be pending, shall, before the issuing of such Writ of Capias, cause a Writ of Summons to be issued out of some One of the Superior Courts of Law against such Debtor or Debtors, and that upon such Capias all Mandates and Warrants shall issue according to the Practice now in use, notwithstanding that the Defendant shall have been arrested by virtue of any Warrant or Warrants granted by such Commissioner or Judge, and such Debtor or Debtors shall, if in Custody, be served with such Writ of Capias, within Seven Days from the Date of such Warrant, including the Day of such Date; and thereupon such Debtor or Debtors shall be considered and deemed to have been arrested by virtue of the said Writ of Capias, and all Proceedings shall be had upon such Writ of Capias as if the same had been issued prior to the issuing of such Warrant, and the Arrest made on such Writ of Capias, and according to the Practice now observed in the said Superior Courts of Law.

Writ of Capias to issue thereupon.

II. The Affidavit or Affirmation required by this Act may be sworn or made before such Commissioner or Judge, or before any Person having Authority to administer Oaths in any of the Courts of Law aforesaid.

Before whom Affidavits to be sworn.

III. The Warrant or Warrants which shall be issued by virtue of this Act shall be auxiliary only to the Processes now in use, and shall be wholly void and of none Effect whatsoever, as a Protection to the Person on whose Behalf such Warrant shall have issued, unless such Writ of Capias shall be issued and served in manner aforesaid.

Warrants to be auxiliary to such Writ of Capias.

IV. The Person to whom the Warrant hereby authorized to be issued shall be directed shall, immediately on the same being executed, endorse a Certificate thereupon of the Time and Place where the Debtor was arrested; and the Production of such Warrant and Certificate to the Sheriff of the County where such Warrants shall have issued, or to the Keeper of the Gaol of such County, shall be a sufficient Authority to such Sheriff or Keeper to detain such Debtor or Debtors until he or they shall be discharged by due Course of Law.

Time and Place of Arrest to be endorsed upon Warrant, and upon Production, Debtor to be detained.

V. It shall be lawful for any Person arrested upon any such Warrant forthwith before the issuing of the said Writ of Capias to pay the Debt and Costs which shall be endorsed on such Warrant to the said Messenger or High Bailiff as aforesaid, or to enter into a Bail Bond to such Messenger or High Bailiff, with Two sufficient Sureties, for the Amount which shall be endorsed on such Warrant, conditioned to put in Special Bail as required by the said Warrant, or to make Deposit of the Sum endorsed on such Warrant, together with Ten Pounds for Costs, and thereupon he shall be entitled to be discharged from Custody, and such Messenger or High Bailiff is hereby authorized to discharge such Person accordingly.

Persons arrested entitled to Discharge in certain Cases.

VI. As soon as the Person so arrested as aforesaid has been taken into Custody, or detained, under the Writ of Capias herein-before mentioned, the Force and Effect of the said Warrant so granted as aforesaid shall immediately cease and determine, and the said Sheriff shall hold the said Person under or by virtue of the said Writ of Capias, in like Manner as if the said Person had been first arrested under and by virtue of the same, or in case the Person so arrested shall have made Deposit with the said Messenger or High Bailiff as aforesaid, or entered into such Bail Bond as aforesaid, then, upon Delivery to the Messenger or High Bailiff respectively by whom such Person was arrested of a Copy of the Warrant granted by the Sheriff upon such Writ of Capias as aforesaid, the said Messenger or High Bailiff shall pay over to such Sheriff as aforesaid the said Deposit, or assign to the said Sheriff such Bail Bond as aforesaid, and the said Sheriff shall then hold the said Deposit or Bail Bond, and shall be entitled to enforce the said Bail Bond in his own Name, or to assign the same in the same Manner as if the said Person had been first arrested on the said Writ of Capias, and the said Deposit had been made, or Bail Bond entered into with the said Sheriff; provided always, that the said Sheriff shall not be in any Manner liable or answerable for any Default, Misbehaviour, or Miscarriage of the Person to whom such Warrant was addressed, or of the Person or Persons making the Arrest under and by virtue of the said Warrant: Provided also, that if no Writ of Capias be issued and served within Seven Days from the Date of the said Warrant, including the Day of such Date, the Person arrested under such Warrant shall be entitled to be discharged from Custody, or in case the Deposit has been made with, or Bail Bond given to, the said Messenger or High Bailiff, then the said Deposit shall be returned, and the said Bail Bond given up to be cancelled.

Effect of Writs of Capias on previous Proceedings.

VII. Such Warrant shall be endorsed with the Amount of Debt and Costs claimed by the Plaintiff in such Manner as Writs of Capias are now directed to be endorsed, and on Payment of the Amount so endorsed all Proceedings shall be stayed, and the Person so arrested be discharged from Custody, and he shall be at liberty afterwards to tax the Costs so endorsed as if he had been arrested under a Writ of Capias.

Endorsement on Warrant.

VIII. It shall be lawful for any Person for whose Arrest a Warrant shall have been granted to make Application, either before or after Arrest shall have been made by virtue of the said Warrant, and before a Writ of Capias shall have been issued as aforesaid to any Commissioner of Bankrupt, or County Court Judge

Persons arrested may apply to a Commissioner of Bankrupt, a

Judge, or the Court named in the Warrant, for their Discharge.

Judge as aforesaid, or to any Judge of the said Superior Courts, or to the Court mentioned in the Affidavit of Debt or Warrant for the Arrest, for a Summons or Rule calling upon the Creditor who shall have obtained such Warrant to show Cause why the Warrant should not be set aside and vacated, if such Application shall be made before Arrest, or why the Debtor should not be discharged out of Custody, if the Application should be made after Arrest, and that it shall be lawful for such Commissioner or Judge or Court to make absolute or discharge such Summons or Rule, and direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Commissioner, Judge, or Court shall seem fit; provided that any such Order made by a Judge may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order.

Officer responsible for the due Execution of Warrant.

IX. The Officer to whom such Warrant shall be directed or addressed as aforesaid shall be subject to the Jurisdiction of the Court in which the Action shall be brought, or of any Judge thereof, and shall be responsible to such Court or Judge, and to the Person at whose Suit such Warrant shall issue, for the due Execution of the said Warrant, in the same Manner exactly as Sheriffs are now responsible for the due Execution of all Writs of Capias directed or addressed to them, and shall be entitled to the same Protection as Sheriffs now are entitled to on executing such Writs.

Costs of such Warrant to be Costs in the Cause, except as herein provided to the contrary.

X. The Costs of and attending the Warrant hereby authorized to be issued, and the Arrest thereon, shall be deemed to be Costs in the Cause: Provided always, that no such Costs shall be allowed to a Plaintiff unless the Court or the proper Officer thereof is satisfied, by Affidavit or otherwise, that the Plaintiff had good Reason to believe that he would probably have failed in causing the Defendant to be arrested if he had proceeded in the first instance by Application to a Judge of One of the Superior Courts for a Writ of Capias, without first applying to a Judge of a County Court or a Commissioner of the Court of Bankruptcy, as the Case may be, under the Provisions of this Act.

Fees to be taken in respect of Warrant to be issued.

XI. The Fees mentioned in Schedule B. to this Act annexed shall be paid to the Parties in the said Schedule named, and that no other Fees shall be allowed or taken in respect of the Warrant to be issued by virtue of this Act, and that the Costs of the Writs of Capias and Summons shall be the same as if this Act had not passed; and the said Fees shall be deemed subject to be regulated, varied, increased, or lessened, either by One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, as regards such Fees as are receivable by any Officer of the County Court, or by the Lord Chancellor, with the like Consent as regards such Fees as are receivable by any Officer of the Court of Bankruptcy; and a Table of such Fees as are hereby receivable by any Officer of either Court respectively shall be put up in some conspicuous Place in the County Court and the Bankruptcy Court respectively.

Short Title of Act.

XII. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Absconding Debtors Arrest Act, 1851."

SCHEDULE A.

The Absconding Debtors Arrest Act, 1851.

Whereas *A.B.* [*the Creditor*] hath this Day proved upon Oath [*or* solemn Affirmation, *as the Case may be,*] to my Satisfaction that *C.D.* [*the Debtor*] is indebted to the said *A.B.* in the Sum of £ , and that there is probable Cause for believing that the said *C.D.*, unless he be forthwith apprehended, is about to quit England with such Intent as is mentioned in the Absconding Debtors Arrest Act, 1851. These are to desire and authorize you, that you take the said *C.D.* wheresoever he may be found, and him safely keep until he shall have given you Bail, or made Deposit with you according to Law in an Action ["on Promises," *or* "of Debt," *or* "Covenant," *as the Cause of Action may be,*] at the Suit of *A.B.*, or until the said *C.D.* shall have paid the Debt and Costs endorsed on this Warrant, *or* shall by other lawful Means be discharged from your Custody. I do further command you to whom this Warrant is directed, that on Execution hereof you do deliver a Copy hereof to the said *C.D.* And I hereby require the said *C.D.* to take notice that Application will be made forthwith to the Court of [Queen's Bench, *or* Common Pleas, *or* Exchequer, *or* Common Pleas at Lancaster, *or* Pleas at Durham, *as the Case may be,*] for a Writ of Capias to be issued against the said *C.D.*, and a Copy of such Writ if obtained will be served upon the said *C.D.*, if still in Custody, within Seven Days from the Date of this Warrant, including the Day of such Date. And I do further command you to whom this Warrant is directed, that immediately after the Execution hereof you do certify by Endorsement hereon the Time and Place when and where you shall have executed the same. Dated the Day of A. D.

This Warrant is to be executed within Days from the Date hereof, including the Day of such Date, and not afterwards.

(*Endorsement.*)

This Warrant was issued by of Attorney for the within-named

A Warning to the Defendant.

Within Seven Days from the Day of the Date of this Warrant, including the Day of such Date, you will be served with a Writ of Capias, and thereafter you will be considered as arrested by virtue of such Writ of Capias, and all Proceedings will be had upon the said Writ of Capias as if this Warrant had not issued, or you may be discharged forthwith on depositing in the Hands of the Officer to whom this Warrant

rant is directed the Sum of £ and Ten Pounds for Costs, or on Payment to such Officer of the Debt and Costs endorsed on this Warrant, or on entering into a Bail Bond to such Officer, with Two sufficient Sureties, for the Amount endorsed on this Warrant.

The Plaintiff claims £ for Debt and £ for Costs.

Bail for the Sum of £ by Order of [*the Party issuing the Warrant*].

SCHEDULE B.

FEES.

	£	s.	d.
To the Attorney, for preparing the Affidavit of Debt, and showing that the Debtor is about to abscond, and Oath	0	10	0
To the same, for attending to issue the Warrant	0	6	8
To the Clerk of the County Court on the issuing of a Warrant	0	5	0
To the Party executing the Warrant, for the Caption	1	1	0
To the same, for every Mile from the Place where the Warrant shall be issued to the Place where it shall be executed, a further Sum of	0	0	6
To the same, for every Mile from the Place where the Debtor shall be arrested to the Gaol where he shall be lodged, the further Sum of	0	1	0

CAP. LIII.

An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts. [1st *August* 1851.]

'WHEREAS the Appointments of the Tithe Commissioners for *England* and *Wales*, and the other Appointments and Powers of Appointment under the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Seventy-one, and the Acts continuing and amending the same, will expire at the End of the present Session of Parliament; but certain Proceedings for the Commutation of Tithes under the said Acts have not been completed, and other Powers and Duties under such Acts have not been fully executed and performed: And whereas by the Act of the Session holden in the Fourth and Fifth Years of Her Majesty, Chapter Thirty-five, the said Tithe Commissioners for the Time being were appointed to be "the Copyhold Commissioners" for carrying that Act into execution, and should the same not be fully carried into effect before the Duties of the said Tithe Commissioners should cease One of Her Majesty's Principal Secretaries of State was empowered to appoint any Number of fit Persons, not exceeding Three, to be such Copyhold Commissioners: And whereas by the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and eighteen, Provision was made for the Appointment of Two Persons, who, with the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, were to be the Commissioners for carrying that Act into execution, and were to be styled "The Inclosure Commissioners for *England* and *Wales*:" And whereas the said Acts relating to the said Copyhold and Inclosure Commissioners have been amended by other Acts: And whereas under an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and other Acts relating to the Drainage of Lands in *Great Britain*, certain Powers and Duties are vested in the said Inclosure Commissioners in relation to such Drainage: And whereas the Appointments and Powers of Appointment of the said Copyhold Commissioners and Inclosure Commissioners, and of their Assistant Commissioners, Secretaries, and other Officers, will expire at the End of the present Session of Parliament: And whereas it is expedient to continue for the Period herein-after mentioned, and subject as herein provided, the Powers of Appointment contained in the said Act of the Fourth and Fifth Years of Her Majesty, and to transfer to the Commissioners to be appointed thereunder the Duties and Powers of the said Inclosure Commissioners, and to provide for the Completion of the Proceedings for the Commutation of Tithes which have not been completed, and for the Exercise and Performance of such of the Powers and Duties of the said Tithe Commissioners as remain to be exercised or performed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 W. 4. c. 71.

4 & 5 Vict. c. 35.

8 & 9 Vict. c. 118.

9 & 10 Vict. c. 101.

So much of 4 & 5 Vict. c. 35. as appoints Commissioners, &c. continued for Two Years. Salary of a Commissioner not to exceed 1,500*l*.

I. So much of the said Act of the Fourth and Fifth Years of Her Majesty as authorizes the Appointment of Commissioners and other Officers as therein mentioned shall be continued for Two Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and the Powers of Appointment so continued shall be construed as authorizing such Appointments as aforesaid, for all the Purposes of this Act: Provided always, that the Salary of any Commissioner to be appointed under the Power hereby continued shall not exceed Fifteen hundred Pounds.

Commissioners to come in the Place of Copyhold and Inclosure Commissioners, and to complete Proceedings vested

II. The Commissioners to be appointed as aforesaid shall be Commissioners for executing the said Acts of the Fourth and Fifth and the Eighth and Ninth Years of Her Majesty, and the Acts amending, explaining, and extending the same, and the Acts relating to the Drainage of Lands in *Great Britain*, in the Place of the said Copyhold Commissioners and Inclosure Commissioners respectively, and all the Powers and Duties of the said Tithe Commissioners which at the End of the present Session of Parliament are not fully exercised and performed shall by virtue of this Act be transferred to and become vested

ceedings under Tithe Acts, and to exercise all other Powers now vested in Copyhold, &c. Commissioners.

vested in the Commissioners appointed under this Act, and where under any Act of Parliament any Powers or Duties are or may be vested in or to be performed by the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners, or any or either of such Commissioners, all such Powers and Duties shall be vested in and performed by the said Commissioners to be appointed as aforesaid; and the Commissioners appointed under this Act shall, in all Proceedings in the Exercise and Performance of the Powers and Duties to be exercised and performed by them under this Act, in the Place of the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners, adopt and use the Style and Seal of the Commissioners in whose Place they come under this Act in respect of such Powers and Duties.

As to Continuance of Secretary and Officers.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct that such of the Secretaries, Assistant Secretaries, Clerks, and Officers employed under the said Tithe Commissioners, Copyhold Commissioners, and Inclosure Commissioners respectively as the said Commissioners of the Treasury shall think necessary be continued so long as such Commissioners may think fit, under and for the Purposes of this Act; and all such Officers may be removed as if they had been appointed under the Powers hereby continued; and no Assistant Commissioner, Secretary, or other Officer shall be appointed by the Commissioners appointed under this Act without the Consent of the said Commissioners of Her Majesty's Treasury.

Appointments and Powers of Assistant Commissioners continued.

IV. All Appointments and Powers of Assistant Commissioners under the said Acts or any of them which may be in force immediately before the End of the present Session of Parliament shall respectively continue in force until revoked by the Commissioners appointed under this Act, subject nevertheless to the Provision next herein-after contained.

Appointments under this Act limited to Two Years.

V. No Commissioner or Assistant Commissioner, Secretary, or other Officer or Person appointed or continued under this Act, shall hold his Office for a longer Period than Two Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Two Years and of the then next Session of Parliament so much of this Act as authorizes any such Appointment shall cease.

Provisions as to Copyhold, &c. Commissioners applicable to this Act.

VI. Save as herein provided all Provisions of any Acts applicable to the said Copyhold Commissioners, Inclosure Commissioners, and Tithe Commissioners respectively shall be applicable in like Manner to the Commissioners under this Act.

Powers of Assistant Commissioners appointed by Tithe, &c. Commissioners vested in Assistant Commissioners appointed under this Act.

VII. Where, under the said Acts of the Sixth and Seventh Years of King *William* the Fourth, and the Fourth and Fifth and the Eighth and Ninth Years of Her Majesty, and the Acts amending, explaining, and extending the same respectively, or any of such Acts, or any other Acts of Parliament, Powers and Duties are vested in or to be performed by an Assistant Commissioner appointed by or under the said Tithe Commissioners, Copyhold Commissioners, or Inclosure Commissioners, such Powers and Duties shall and may be exercised and performed by an Assistant Commissioner appointed or continued under this Act; and all Provisions having reference to any Assistant Commissioner appointed by the said Tithe Commissioners, Copyhold Commissioners, or Inclosure Commissioners shall be construed as having reference to an Assistant Commissioner appointed or continued under this Act.

Matters commenced by Tithe Commissioners, &c., to be completed by Commissioners under this Act.

VIII. All Acts, Matters, and Things commenced by or under the Authority of the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners shall and may be carried on and completed by or under the Authority of the said Commissioners appointed under this Act; and such Commissioners, for the Purpose of prosecuting or defending and carrying on all Actions, Suits, or Proceedings pending at the Time of the First Appointment of Commissioners under this Act, shall come into the Place of such Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners respectively.

Extending Powers of third-recited Act to authorizing Reservation of Easements for working Mines.

IX. 'And whereas it is expedient that the Powers of the said Act of the Eighth and Ninth Years of 'Her Majesty, and the Acts amending the same, should be extended to authorize the Reservation of 'Easements for working Mines of the Lord of a Manor (whose Consent may be required to an Inclosure), 'although such Mines may not be under the Lands to be inclosed:' Be it therefore enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of the said Acts of any Waste Lands of any Manor it shall be lawful for the Commissioners to require, and in their Provisional Order to specify, as One of the Terms and Conditions of such Inclosure, the Reservation to the Lord of the Manor, his Heirs, Successors, and Assigns, of Rights of Way and other Easements over the Lands intended to be inclosed, for working and carrying away any Mines, Minerals, Stone, and other Substrata the Property of the Lord of the Manor, not under the Lands proposed to be inclosed, and whether within the Manor or not within the Manor, and also for working and carrying away any Mines, Minerals, Stone, and other Substrata which may be intended to be reserved to or remain the Property of the Lord of the Manor under the Lands proposed to be inclosed, or for any of the Purposes aforesaid; and in case it shall have been so declared in such Provisional Order, then the Valuer shall and may reserve and award to the Lord of the Manor, his Heirs, Successors, and Assigns, such Liberty to construct Railways, Waggon-ways, and Roads, and such Rights of Way and other Easements over the Lands intended to be inclosed, for working and carrying away any such Mines, Minerals, Stone, or other Substrata, the Property of the Lord of the Manor as aforesaid, as by the Valuer, with the Approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent with the Terms of such Provisional Order; subject to such Provisions for Compensation for Damage to be done to the Surface in the Exercise and Enjoyment of such Rights and Easements as to the Valuer, with such Approbation as aforesaid, shall be thought reasonable.

CAP. LIV.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners. [1st *August* 1851.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in Common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of General and Local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents have been duly given: And whereas the said Commissioners have by a Special Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. 8 & 9 Vict. c. 118. Inclosures mentioned in Schedule may be proceeded with.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Second Annual Inclosure Act, 1851." Short Title.

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Hadleigh Common	Essex	14th February 1851.
Hainworth and Lees	York	6th February 1851.
East Anstey	Devon	20th March 1851.
Pitfold Manor	Surrey	14th March 1851.
Letton Common and The Fleete	Hereford	24th April 1851.
Skidbrooke-cum-Saltfleet	Lincoln	14th March 1851.
South Somercotes	Lincoln	20th March 1851.
Rudgwick	Sussex	14th March 1851.
Bentley	Southampton	13th November 1850.
Westhall	Suffolk	22d May 1851.
Aylesford	Kent	24th April 1851.
Edgware	Middlesex	14th March 1851.

CAP. LV.

An Act to amend the Law relating to the Expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain Cases. [1st *August* 1851.]

'WHEREAS by the Act of the Seventh Year of King *George* the Fourth, Chapter Sixty-four, certain Provisions were made relating to the Allowance of Costs, Expenses, and Compensations to Prosecutors and Witnesses in Cases of Prosecutions for Felonies and certain Misdemeanors therein mentioned, and the Regulation and ascertaining of such Costs and Expenses, and relating to the Allowance of Compensation to Persons who may have been active in the Apprehension of Offenders or Persons charged with Offences; and Provisions have been made by other Acts relating to Costs, Expenses, and Compensations in Cases of Prosecutions in respect of the Offences therein mentioned: And whereas it is expedient to amend the Law relating to Costs, Expenses, and Compensations in Cases of Criminal Prosecutions:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— 7 G. 4. c. 64.

I. So much of Section Twenty-three of the said Act of the Seventh Year of King *George* the Fourth as provides that in Cases of Misdemeanor the Power of ordering the Payment of Expenses and Compensation shall not extend to the Attendance before the examining Magistrate, shall be repealed. Part of 7 G. 4. c. 64. s. 23. as to Expenses before Magistrate, &c. repealed.

II. All the Provisions of the said Act of the Seventh Year of King *George* the Fourth, as amended by this Act, authorizing and empowering Courts to order Payment of Costs and Expenses, and Compensation for Trouble and Loss of Time, in Cases of the several Misdemeanors enumerated in Section Twenty-three of the said Act of King *George* the Fourth, and concerning Orders for Payment of such Costs, Expenses, and Compensation, and the Payment thereof, and all the Provisions of any other Act for, concerning, or applicable to the Payment of such Costs, Expenses, and Compensation in Cases of the said Misdemeanors, shall extend and be applicable in the Case of any of the Misdemeanors herein-after mentioned; namely, unlawfully and carnally knowing and abusing any Girl being above the Age of Ten Years and under the Age of Twelve Years; unlawfully taking or causing to be taken any unmarried Girl, being under the Age of Power of Courts to allow Expenses in Prosecutions for certain Misdemeanors extended to other Misdemeanors.

of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her; conspiring to charge any Person with any Felony, or to indict any Person of any Felony; conspiring to commit any Felony.

Parties bound by Recognizance to prosecute or give Evidence on Bills of Indictment for common Assaults to be allowed Costs as in Cases of Felony.

III. 'And whereas by an Act of the Ninth Year of King *George* the Fourth, Chapter Thirty-one, it is 'enacted, that where any Person shall unlawfully assault or beat any other Person, it shall be lawful for 'Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence; 'and it is by the said Act provided, that in case the Justices shall find the Assault or Battery complained 'of to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is 'from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from any 'Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would 'have done before the passing of the said Act: And whereas it is expedient that Courts before whom 'such Indictments shall be tried shall have Power to order Payment of Costs to Parties so bound by "Recognizance to prosecute or give Evidence:' Be it enacted, That in every Case of Assault so brought before such Justices for summary Decision in which the Justices shall be of opinion that the same is a fit Subject for Prosecution by Indictment, and shall thereupon bind the Complainant and Witnesses in Recognizance to prosecute and give Evidence at the Assizes or Sessions of the Peace, every such Court is hereby authorized and empowered at its Discretion to order Payment of the Costs and Expenses of the Prosecutor and Witnesses so appearing before such Court under such Recognizance, together with Compensation for their Trouble and Loss of Time, in the same Manner as Courts are authorized and empowered to order the same in Cases of Felony.

So much of 7 G. 4. c. 64. as empowers Quarter Sessions to make Regulations as to Costs and Expenses repealed.

IV. So much of the said Act of the Seventh Year of King *George* the Fourth as empowers the Justices of the Peace of any County, Riding, or Division, or of any Liberty, Franchise, City, Town, or Place chargeable with Costs and Expenses as therein mentioned, in Quarter Sessions assembled, to establish and alter Regulations as to the Rate of any Costs and Expenses to be allowed by virtue of that Act, shall be repealed: Provided always, that all such Regulations in force at the Time of the passing of this Act shall continue in force until revoked, or until Regulations in relation to the Matter thereof are made under the Powers of this Act.

Secretary of State may make Regulations as to Costs, Expenses, and Compensations, and Certificates to be granted by examining Magistrates.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State to revoke any Regulations made under the Provision herein-before repealed, and to make Regulations as to the Rates or Scales of Payment of all or any Costs, Expenses, and Compensations to be allowed or ordered to be paid under the said Act or any other Act or this Act to Prosecutors and Witnesses, and to Persons attending the Court in obedience to any Recognizance or Subpœna, in Cases of Criminal Prosecutions, and (except as hereinafter mentioned) to Persons who may have been active in or towards the Apprehension of Persons charged with Offences, and also Regulations as to the Rates or Scales of Payment according to which Certificates may be granted by the examining Magistrate or Magistrates in respect of the Expenses of any Prosecutor, or Witness or Witnesses for the Prosecution, or other Person, of attending before such Magistrate or Magistrates, and of any Compensation for Trouble and Loss of Time therein, in any Case where any Court or Judge is empowered under the said Act of the Seventh Year of King *George* the Fourth or any other Act or this Act to order Payment of such Expenses or Compensation, and concerning the Forms of such Certificates and the Details or Particulars to be inserted therein of the Expenses, Trouble, and Loss of Time to which such Certificates relate, and it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to alter any such Regulations, or make new Regulations in relation to any of the Matters aforesaid, and such Regulations for the Time being shall be binding on all Courts and Persons whomsoever.

Expenses and Compensations to be ascertained according to such Regulations, and Magistrates Certificate not to be conclusive.

VI. Where any Court or Judge empowered under the said Act of the Seventh Year of King *George* the Fourth, or under any other Act or this Act, in this Behalf, shall order Payment to any Prosecutor, or Witness or Witnesses for the Prosecution, or to any Person attending the Court in obedience to any Recognizance or Subpœna, in the Case of any Prosecution for Felony or any Misdemeanor or Offence, of any Costs or Expenses incurred, or of any Compensation for Trouble or Loss of Time, or order Payment (except as herein-after mentioned) to any Person who may appear to have been active in or towards the Apprehension of any Person charged with any Offence of Compensation for Expenses, Exertions, and Loss of Time in or towards such Apprehension, the Amount of such Costs, Expenses, or Compensation shall be ascertained by the proper Officer of the Court according to the Regulations made under this Act; and where the Expenses and Compensation in respect of attending before any examining Magistrate or Magistrates are so ordered to be paid, such Expenses and Compensation shall also be ascertained by the proper Officer of the Court according to such Regulations, but the Amount thereof as so ascertained shall not exceed the Amount mentioned in the Certificate of the examining Magistrate or Magistrates, and, save as aforesaid, the Certificate of any examining Magistrate or Magistrates shall not be conclusive as to the Amount to be allowed for Expenses of Attendance before him or them, or for Compensation for Trouble or Loss of Time therein.

Act not to interfere with Payments in respect of extraordinary Courage, &c.

VII. Provided always, That nothing in this Act or in any Regulations under this Act shall interfere with or affect the Power of any Court to order Payment to any Person who may appear to such Court to have shown extraordinary Courage, Diligence, or Exertion in or towards any such Apprehension as hereinbefore mentioned of such Sum as such Court shall think reasonable and adjudge to be paid in respect of such extraordinary Courage, Diligence, or Exertion.

Powers given to Judges by

VIII. 'And whereas by the said Act of the Seventh Year of King *George* the Fourth any Court of 'Oyer and Terminer and Gaol Delivery, and other Courts therein mentioned, are empowered to order

'Compen-

'Compensation to be paid to Persons who shall appear to the Court to have been active in or towards the 'Apprehension of any Person charged with Murder or with any other of the Crimes therein mentioned: 'And whereas it is expedient to extend such Power to Courts of Sessions of the Peace:' Be it enacted, That when any Person appears to any Court of Sessions of the Peace to have been active in or towards the Apprehension of any Party charged with any of the Offences in the said Enactment mentioned which such Sessions may have Power to try, such Court of Sessions shall have Power to order Compensation to be paid to such Person in the same Manner as the other Courts in the said Enactment mentioned; provided that such Compensation to any One Person shall not exceed the Sum of Five Pounds, and that every Order for Payment to any Person of such Compensation be made out and delivered by the proper Officer of the Court unto such Person without Fee or Payment for the same.

7 G. 4. c. 64. to order Payments in respect of the Apprehension of certain Offenders extended to Courts of Sessions of the Peace.

IX. 'And whereas it may be expedient to authorize the Payment of Clerks of the Peace and such 'other Clerks as herein-after mentioned by Salaries instead of Fees:' Be it enacted, That it shall be lawful for the Justices of the Peace at their General or Quarter Sessions for the several Counties, Ridings, Divisions of Counties, and Liberties throughout *England* and *Wales*, Notice being given at the preceding Quarter Sessions that a Motion will be made for such Purpose, and the Council or other governing Body in every Borough in *England* and *Wales*, from Time to Time, if they see fit so to do, to recommend to One of Her Majesty's Principal Secretaries of State that the Clerks of the Peace, the Clerks of Special and Petty Sessions, and the Clerks of the Justices of the Peace within their several Jurisdictions, or any of such Clerks as aforesaid, be paid by Salaries in lieu of Fees and other Payments, or where any such Clerks are for the Time being paid by Salaries, by virtue of any Order made under this Act or otherwise, to recommend that the Amounts of all or any of the Salaries for the Time being payable be reconsidered, or that all or any of such Clerks for the Time being paid by Salaries be paid by Fees in lieu of Salary, and where Payment by Salary in lieu of Fees or the Reconsideration of the Amounts of any Salaries is recommended, to state the Amount of Salary which in the Opinion of such Justices, Council, or governing Body should in each Case be paid; and every such Recommendation being signed by the Chairman of the Court of General or Quarter Sessions, or the Mayor or other Head Officer of the Borough, shall be transmitted to the Secretary of State; and it shall be lawful for such Secretary of State, when any such Recommendation is so made to him, by Order under his Hand, if he so think fit, to direct that all or any of the Clerks to which such Recommendation refers be paid by Salary, and to fix the Amount of Salary to be so paid, or vary the Amount of Salary for the Time being payable to any such Clerk, or to direct that any such Clerk for the Time being paid by Salary be paid by Fees in lieu of Salary; and such Secretary of State shall cause Copies of every Order made under this Enactment affecting any Clerk of the Peace, or any Clerks of Special Sessions or Petty Sessions, or Clerks to the Justices within the District of any Clerk of the Peace, to be transmitted to such Clerk of the Peace, to be by him distributed, where Occasion shall require, to such other Clerks as aforesaid; and the Salary for the Time being payable to any such Clerk under any such Order shall be paid out of any County Rate or Rate in the Nature of a County Rate made in the County, Riding, Division, or Liberty, or out of the Borough Fund of the Borough, as the Case may be, for or in which such Clerk of the Peace or other Clerk to whom the same is payable is appointed or acts: Provided always, that in fixing the Amount of any Salary to be paid to any Clerk of the Peace or other Clerk appointed before the passing of this Act regard shall be had to the Tenure of his Office and to his Rights in respect thereof, but no Clerk of the Peace or other such Clerk as aforesaid appointed after the passing of this Act shall be entitled to any Compensation on account of any Reduction of his Emoluments occasioned by any Order made under this Enactment: Provided also, that no Order shall be made in pursuance of any Recommendation of the Council or governing Body of any Borough in relation to the Mode of Payment or the Amount of Salary of any such Clerk other than the Clerk of the Peace for such Borough, unless the Justices of such Borough at a Meeting of such Justices approve of such Recommendation, and such Approval be certified to such Secretary of State, under the Hand of the Chairman of such Meeting.

Clerks of the Peace, &c. may be paid by Salaries in lieu of Fees.

X. Provided that any such Court of Sessions, or Council or governing Body, may, where they see fit, recommend that any Description (to be specified in the Recommendation) of the Business of any Clerk whom they may recommend to be paid by Salary should not be included in fixing the Amount of such Salary, but that such Clerk should be remunerated for the same by such Fees or other Payments as may be payable to him in respect thereof; and where any Order is made by the Secretary of State in pursuance of such Recommendation as last aforesaid, such Clerk shall be entitled to receive, for his own Use, the like Fees or Payments in respect of the Business in such Recommendation specified in this Behalf as he would be so entitled to receive if not paid by Salary; and, save as aforesaid, where any Clerk is paid by Salary under any Order made by virtue of this Act, such Salary shall include and be deemed the Remuneration for all Business which such Clerk may, by reason of his Office, be called on to perform; and no other Payment shall be made for any such Business, or for or to a Deputy of any such Clerk.

Certain Business may be excepted in fixing the Salaries.

XI. Save as herein-before provided, all the Fees which any such Clerk as aforesaid would have been for the Time being entitled to receive to his own Use if such Order had not been made shall, so long as any Order for Payment of such Clerk by Salary in lieu of Fees is in force, be by him received and paid in any County, Riding, Division, or Liberty to the Treasurer in aid of the County Rate or Rate in the Nature of a County Rate of such County, Riding, Division, or Liberty, and in any Borough to the Treasurer in aid of the Borough Fund, and such Fees shall be accounted for from Time to Time in such Manner and under such Regulations as the Justices at Quarter Sessions, or in any Borough the Council or other governing Body, may direct.

Clerks paid by Salaries to account for Fees.

Fees may be remitted by Justices.

XII. Where any Clerk is paid by Salary by virtue of any Order made under this Act, any Justices or Justice before whom any Proceeding is had, whereon a Fee is payable which should be accounted for by such Clerk under this Act, or before whom any Person is summoned for Nonpayment of any such Fee, may remit such Fee in whole or in part for Poverty or other reasonable Cause, in their or his Discretion, and in every such Case the Justices or Justice by whom any Fee is wholly or in part remitted shall cause an Entry to be made, in a Book or Books to be kept for that Purpose by such Clerk, of the Nature and Amount of the several Fees so remitted, and of the Reason for the Remission in such Case, which Entry shall be signed by the Justice, or Two or more of the Justices authorizing such Remission, and shall be a sufficient Voucher to discharge the Clerk therefrom.

So much of 4 & 5 W. 4. c. 36. as restrains Justices of London, &c. from trying certain Offences, &c., repealed.

Proviso.

XIII. 'And whereas by the Act of the Session holden in the Fourth and Fifth Years of King *William* 'the Fourth, Chapter Thirty-six, it was enacted, that the Justices of the Peace acting in and for the 'Cities of *London* and *Westminster*, the Liberty of the *Tower of London*, the Borough of *Southwark*, 'and the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, should not, at their respective General or 'Quarter Sessions of the Peace, or any Adjournment thereof, try any Person or Persons charged with 'any of the Offences therein mentioned committed or alleged to be committed within the Limits of that 'Act:' Be it enacted, That the said recited Enactment shall be repealed: Provided always, that such Repeal shall not be construed to give Authority to the said Justices of the Peace to try any Person or Persons for any Offence which the Justices of the Peace acting in and for any County, Riding, Division, or Liberty are restrained from trying under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Thirty-eight.

Deputy to Assistant Judge of the Middlesex Session need not be in the Commission of the Peace.

XIV. So much of the Act of the Session holden in the Seventh and Eighth Year of Her Majesty as requires that any Person to be appointed a Deputy to the Assistant Judge of the Court of the Sessions of the Peace for the County of *Middlesex* should be in the Commission of the Peace for the said County, and qualified by Law to act as a Justice of the Peace, shall be repealed, but any Person, being a Serjeant or Barrister at Law of not less than Ten Years standing, may, in the Cases and with the Allowance and in the Manner therein mentioned, be appointed such Deputy.

As to Powers of dividing Court of Quarter, &c. Sessions for Middlesex.

XV. The Court of Quarter or General Sessions or Adjourned Session of the Peace for the County of *Middlesex* shall possess the same Powers for dividing such Court of Quarter or General or Adjourned Sessions as are now possessed by the Courts of Quarter and General and Adjourned Sessions of the Peace in Counties in which there is an Order in force for the Appointment of a permanent Chairman and Deputy Chairman; and whensoever such Court shall exercise such Power the Assistant Judge shall appoint a Person qualified to act as Deputy Assistant Judge to preside as Chairman with the Justices who shall be appointed to sit apart: Provided always, that the Name of the Person who shall be so appointed shall at some previous Time have been transmitted to and approved of by One of Her Majesty's Principal Secretaries of State as a fit and proper Person to be from Time to Time appointed as such Deputy Assistant Judge.

Assistant Judge to appoint a Deputy to preside as Chairman with Justices appointed to sit apart.

When Presence of One of such Justices not essential.

XVI. The Presence of One of the Justices so as aforesaid set apart shall not be essential to the Formation of the Court in which such Deputy Assistant Judge shall preside, but the Jurisdiction of such Justices shall not be in any way lessened by such Appointment.

So much of 9 G. 4. c. 43. and 6 & 7 W. 4. c. 12. as exempts Middlesex repealed.

XVII. So much of an act of the Ninth Year of King *George* the Fourth, Chapter Forty-three, and of an Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Twelve, as enacts that nothing therein contained shall extend to the County of *Middlesex*, shall be repealed, and the said Acts shall be construed and take effect as if the County of *Middlesex* had not been excepted from the Operation thereof.

11 & 12 Vict. cc. 42. & 43.

XVIII. 'And whereas by Section Thirteen of the Act of the Session holden in the Eleventh and 'Twelfth Years of Her Majesty, Chapter Forty-two, Provision is made for indorsing such Warrants 'as therein mentioned by any Officer within any of the Isles of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, 'who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Appre-'hension of Offenders, and other Provisions are made in the same Act, and in the Act of the same Year 'of Her Majesty, Chapter Forty-three, by reference to the Enactment of the said Section, and Doubts 'have arisen by whom Warrants should be indorsed in the said Isles pursuant to the said Provisions:' Be it enacted, That the Bailiffs of *Jersey* and *Guernsey* respectively, or in their respective Absence the Lieutenant Bailiffs of such Islands respectively, within their respective Bailiwicks or Jurisdictions, the Judge of *Alderney*, or in his Absence any Jurat of such Island within such Island, and the Seneschal of *Sark*, or in his Absence his Deputy within such Island, shall have all such Power and Authority to indorse Warrants as by the said Acts respectively is given or expressed or intended to be given to any Officer within any of such Isles having Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders, and for such Purpose shall have Authority to administer an Oath, and all the Provisions of the said Acts shall be construed as if the Officers authorized to indorse Warrants by this Enactment had been so authorized by the said Section of the first-mentioned Act of the Eleventh and Twelfth Years of Her Majesty.

By whom Warrants to be backed in the Channel Islands.

In certain Counties of Cities and Towns Prisoners may be committed and tried at Assizes held

XIX. Whenever any Justice or Justices of the Peace, or Coroner, acting for any County of a City or County of a Town Corporate within which Her Majesty has not been pleased for Five Years next before the passing of this Act to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed, and until Her Majesty shall be pleased to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed within the same, shall commit for safe Custody to the Gaol or House of Correction of such County of a City or Town any Person charged with any Offence committed within the Limits of such

County

County of a City or Town not triable at the Court of Quarter Sessions of the said County of a City or County of a Town, the Commitment shall specify that such Person is committed pursuant to this Act, and the Recognizances to appear to prosecute and give Evidence taken by such Justice, Justices, or Coroner shall in all such Cases be conditioned for Appearance, Prosecution, and giving Evidence at the Court of Oyer and Terminer and Gaol Delivery for the next adjoining County; and whenever any such Person shall be so committed, the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize for such next adjoining County a Calendar of all Prisoners in his Custody so committed, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of such adjoining County; and the Justice, Justices, or Coroner by whom Persons charged as aforesaid may be committed shall deliver or cause to be delivered to the proper Officer of the Court the several Examinations, Informations, Evidence, Recognizances, and Inquisitions relative to such Persons at the Time and in the Manner that would be required in case such Persons had been committed to the Gaol of such adjoining County by a Justice or Justices, or Coroner, having Authority so to commit, and the same Proceedings shall and may be had thereupon at the Sessions of Oyer and Terminer or General Gaol Delivery for such adjoining County as in the Case of Persons charged with Offences of the like Nature committed within such County. for adjoining County.

XX. It shall be lawful for the Justices of the Peace, at their General or Quarter Sessions for any County, Riding, or Division, by Order made for that Purpose, to declare that any Gaol or House of Correction for such County, Riding, or Division is a fit Prison for Persons committed for Trial at the Assizes for such County, or for the County of such Riding or Division; and every such Order shall be signed by the Chairman of such Sessions, and transmitted to One of Her Majesty's Principal Secretaries of State; and in case such Secretary of State see fit to approve such Order, then, after the Approval thereof under the Hand of such Secretary of State, it shall be lawful for any Justice or Justices of the Peace, or Coroner, acting for such County, Riding, or Division, to commit for safe Custody for Trial at the next Assizes, to such Gaol or House of Correction, any Person charged with any Offence triable at the Assizes for such County, or for the County of such Riding or Division; and the Commitment shall specify that such Person is committed under the Authority of this Act; and the Recognizances to appear to prosecute and give Evidence taken by such Justice, Justices, or Coroner shall in all such Cases be conditioned for Appearance, Prosecution, and giving Evidence at the Court of Oyer and Terminer and Gaol Delivery for the County; and the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize a Calendar of all Prisoners in Custody for Trial at such Assizes, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of such County; and the Justice, Justices, or Coroner by whom Persons charged as aforesaid may be committed shall deliver or cause to be delivered to the proper Officer of the Court of Assize the several Examinations, Informations, Evidence, Recognizances, and Inquisitions relative to such Persons at the Time and in the Manner that would be required in case such Persons had been committed for Trial as aforesaid to such Common Gaol, and the same Proceedings shall and may be had thereupon at the Sessions of Oyer and Terminer or General Gaol Delivery for such County as in the Case of Persons so committed to such Common Gaol. Justices to declare when Gaols or Houses of Correction are fit Prisons for Persons committed for Trial.

XXI. All Persons who may under the Authority of this Act be committed to the Gaol or House of Correction of any County of a City or County of a Town Corporate for Trial at the Assizes to be holden for the next adjoining County, or to any Gaol (other than the Common Gaol of the County) or House of Correction for any County, Riding, or Division for Trial at the Assizes for such County, or for the County of such Riding or Division, shall in due Time, without Writ of Habeas corpus or other Writ for that Purpose, be removed by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of such County, in order that they may be tried at the Assizes to be holden for such County, and such Removal shall not be deemed or taken to be an Escape. Prisoners so committed to be removed to County Gaol previous to Trial.

XXII. Every Prisoner so removed shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he may have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in the County Gaol, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding he may in effecting such Removal have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County to the Common Gaol of which he is removed into or through any other County or Division of a County; and no Action or other Proceeding shall or may be maintained by such Prisoner, or by any other Person, against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner is removed, or against the Gaoler or Keeper of the Common Gaol of the County, by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of such County of a City or Town, County, Riding, or Division, from the Gaol or House of Correction of which such Prisoner is removed, into any other Jurisdiction, or out of such County to the Common Gaol of which he is removed into or through any other County or Division of a County. Prisoners while under Removal to be deemed in proper legal Custody.

XXIII. All the Provisions of the Act of the Fifty-first Year of King *George* the Third, Chapter One hundred, applicable to Convictions in pursuance of the Provisions of the Act of the Thirty-eighth Year of King *George* the Third, Chapter Fifty-two, and to the Execution of the Sentences passed upon any Convicts on such Convictions, and all the Provisions of the said Acts respectively concerning the Payment of The Provisions of 38 G. 3. c. 52. and 51 G. 3. c. 100. as to Execution of

Sentences, and as to Costs, extended to this Act.

of Expenses, shall be applicable in all Cases of Persons who may be tried in or removed for Trial to any adjoining County in pursuance of the Provisions of this Act, in like Manner as in Cases of Persons tried in or removed for Trial to any adjoining County in pursuance of the Provisions of the said Act of the Thirty-eighth Year of King *George* the Third.

What to be deemed the next adjoining County.

XXIV. For the Purposes of this Act the Counties named in the Second Column of Schedule (C.) to the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, shall be considered next adjoining the Counties of Cities and Towns Corporate in the First Column of the same Schedule in conjunction with which they are respectively named.

Extent of Act.

XXV. This Act shall not extend to *Ireland* or to *Scotland*.

CAP. LVI.

An Act to sanction the Service by Post of Notices relative to the Proceedings of certain charitable Institutions, and to make further Provision as to the Service of such Notices in future. [8th *August* 1851.]

'WHEREAS great Inconvenience has been occasioned, and may be occasioned, to incorporated and other charitable Institutions in *England*, by reason of Courts, Boards, and Meetings of Governors, Members, or Subscribers, and Elections of Presidents, Patrons, Treasurers, Hospitallers, Masters, Physicians, Surgeons, and other Officers of or to, and Recipients of the Benefits conferred by, such Institutions respectively, having from Time to Time taken place, of which the Notices or some of them have been issued through the Post, by the extreme Difficulty of proving the Service of such Notices, and by the Want of sufficient Provisions in the Charters, Statutes, Laws, or Rules of such Institutions as to the Service of Notices thereby required to be given; And whereas it is expedient immediately to provide a Remedy for the Inconvenience and Defects before mentioned:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Courts, &c. already held and not avoided, &c. to be considered as having taken place after proper Notices served.

I. That every such Court, Board, or Meeting, the Acts whereof have not already been avoided or annulled by some Court of Law or Equity, nor are now the Subject of some Action, Suit, or other Proceeding for the Avoidance or Annulling thereof now pending in some Court of Law or Equity, nor have been avoided or annulled by some subsequent regular Court, Board, or Meeting (as the Case may be) of any such Institution as aforesaid, and every such Election as aforesaid which hath not already been avoided or annulled nor brought into Litigation as aforesaid, nor avoided or annulled by some subsequent regular Election to the same Office or Benefit, shall be considered to have taken place respectively after sufficient Notice duly served on all Persons who ought to have had Notice thereof.

After passing of this Act all Notices may be sent by Post, &c.

II. That from and after the passing of this Act all Notices to the Governors or Members of or Subscribers to any present or future charitable Institution in *England*, whether incorporated or not, which by the Charter, Statutes, Laws, or Rules (as the Case may be) of such Institution for the Time being are or shall be required to be given, may be served by the same being transmitted through the Post, directed according to the Address given in the List of the Governors or Members of or Subscribers to such Institution for the Time being in use at the chief Establishment thereof, in such Time as to admit of their Delivery in the due Course of Delivery by Post at or before such Period (if any) as is or shall be prescribed by the Charter, Statutes, Laws, or Rules (as the Case may be) for the Time being of such Institution for the giving of such Notices; and in proving such Service it shall be sufficient to prove that such Notice was so directed as aforesaid, and put into a General Post Office in such Time as aforesaid; but so nevertheless that nothing in this Act contained shall be held to render invalid any personal Service of any Notice, or to render necessary to the effectual Service of any Notice any further Act, Matter, or Thing than would have been required for the Service thereof by the Charter, Statutes, Laws, or Rules for the Time being of the Institution which the same shall concern if this Act had not passed; and that no Notice of any intended Court, Board, Meeting, or Election shall be required to be served, either by Post or otherwise, on any Governor or Member of or Subscriber to any such Institution who shall not for the Time being be within the United Kingdom, anything in any such Charter, Statutes, Laws, or Rules to the contrary notwithstanding.

CAP. LVII.

An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors. [1st *August* 1851.]

'WHEREAS the Recovery of Small Debts by Civil Bill has been found beneficial to the Queen's Subjects in *Ireland*: And whereas it would conduce to the Improvement of the Administration of Justice there if the several Statutes and Parts of Statutes relating to the Recovery of Small Debts by Civil Bill, and of Tenements by Civil Bill Ejectments, and relating in other respects to the Jurisdiction of the Civil Bill Courts, were consolidated, with such Additions and Alterations as herein-after contained, and that the existing Acts relating to the said Matters should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

ritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Acts and Parts of Acts repealed.

I. From and after the Commencement of this Act the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be and they are hereby repealed, except as to anything heretofore done, and except so far as any of the said Acts or Parts of Acts, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act upon any Proceeding by Civil Bill before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Chairman of the County of Dublin.

The present Chairman to continue in Office.

II. The Person now holding the Office of Chairman of the Sessions of the Peace for the County of *Dublin* shall continue to hold the said Office as he heretofore has held the same; and that every Assistant Barrister already appointed for any County or Riding shall continue to hold his Office under and by force of this Act, and shall hold the same during good Behaviour, and no longer; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, on the Death, Resignation, or Removal of the Chairman of the Sessions of the Peace for the County of *Dublin*, or of any Assistant Barrister already appointed or hereafter to be appointed, to nominate and appoint to the Office of Assistant Barrister for the said County of *Dublin* (in the Place and Stead of a Chairman of the Sessions of the Peace for the said County), and for each and every other County and Riding, a practising Barrister-at Law of Ten Years standing at the least, who shall have actually practised Ten Years in Her Majesty's Superior Courts in *Dublin*, and shall not at the Time of his Appointment to such Office have retired from such Practice; and that every Assistant Barrister hereafter to be appointed, including every Assistant Barrister to be appointed for the said County of *Dublin*, shall also hold his Office during good Behaviour, and no longer: Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, to remove any such Assistant Barrister from his Office upon the Address of both Houses of Parliament; and the said Chairman and every Assistant Barrister shall be sole Judge of the Civil Bill Court to be holden under this Act, and shall be *ipso facto* in the Commission of the Peace, and a Justice of the Peace for the County for which or for any Riding of which he shall be so appointed, even though no Commission should be issued for the Purpose, and shall duly attend at every Session of the Peace and Adjournment thereof holden in such County or Riding, and shall continue such Attendance during the whole of every Session and every Adjournment thereof, save and except such Sessions or Adjournments as shall be held for any other Purpose than the Administration of Justice in Criminal Cases, and the hearing of Causes in manner herein mentioned by Civil Bill, and shall by virtue of his Office be and preside as Chairman of the Justices at General or Quarter Sessions, and it shall and may be lawful for such Chairman and Assistant Barrister to proceed in the criminal or other Business at such Sessions, although no other Justice of the Peace for the County, Riding, or Place shall be in attendance: Provided also, that no Person holding the said Office of Assistant Barrister shall be capable of being a Member of the House of Commons in the present or any future Parliament.

Assistant Barristers.

Appointment of Assistant Barristers, including an Assistant Barrister (in future) for the County of Dublin.

Oath of Chairman, &c.

Assistant Barristers to take an Oath before Lord Chancellor

Oath.

III. No Assistant Barrister already appointed, if removed to any other County or Riding, nor any Assistant Barrister hereafter to be appointed, shall proceed to act as Assistant Barrister, until he shall have first taken the following Oath before the Lord High Chancellor or Keeper or any Commissioner of the Great Seal of *Ireland* for the Time being; which Oath the said Chancellor, Keeper, or Commissioner is hereby empowered to administer; that is to say,

'I *A. B.* do swear, That I will execute the Office of Assistant Barrister for the County of
'[*or* Riding of the County of], and for any other County or Riding to which I
'may be hereafter appointed, diligently, justly, and impartially, and without Favour, Affection, or
'Malice, do equal Right to all the Queen's Subjects that shall come within my Jurisdiction, and that I
'will in all Things, to the best of my Skill and Power, faithfully execute all the Duties imposed or that
'shall hereafter be imposed on me in virtue of such Office. So help me GOD.'

Provided always, that any Assistant Barrister who shall have once taken the said Oath shall not be obliged to repeat the same on any subsequent Removal to any County or Riding.

Salaries and Pensions.

Salaries to Chairman of Sessions of the Peace for County of Dublin and Assistant Barristers.

IV. From and after the Commencement of this Act the Chairman of the Sessions of the Peace for the County of *Dublin*, and the several Assistant Barristers already appointed, and hereafter to be appointed, as aforesaid, shall (over and above the annual Sums payable to him and them in respect of the Registration or Revision of the Lists of Parliamentary Voters) severally and respectively receive the annual Salaries mentioned and specified, relating to them respectively, in the Schedule (B.) to this Act annexed, in lieu of his and their former Salaries and Fees, the said several Salaries to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* by Four quarterly Payments on the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of *September*, and Twenty-fifth Day of *December* in each and every Year, the First Payment thereof to be made on the quarterly Day of Payment which shall next ensue after the Commencement of this Act.

Provision for granting an Annuity to Chairman of County of Dublin of 500l.

V. It shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Letters Patent under the Great Seal of *Ireland*, to give and grant to the Person who now executes the Office of Chairman of the Sessions of the Peace of the County of *Dublin*, if he shall resign the same, an Annuity or yearly Sum not exceeding the Sum of Five hundred Pounds Sterling, and to any Person who shall have executed

Salaries and Pensions.

To Assistant Barrister, 400*l.* a Year. Conditions on which such Grant shall be valid.

executed the Office of Assistant Barrister, and who shall have resigned the same, an Annuity or yearly Sum not exceeding the Sum of Four hundred Pounds Sterling, the said several Annuities or yearly Sums to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that no such Annuity or yearly Sum of Money granted to the Person who now executes the Office of Chairman of the Sessions of the Peace of the County of *Dublin*, or to any Assistant Barrister, shall be valid, unless he shall have continued in Office Twenty Years, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant: Provided also, that the said Annuity to the Person now holding the Office of Chairman of the Sessions of the Peace of the County of *Dublin* may be granted to such Chairman when the Period of his Service as such Chairman, together with the Period of his Service as Assistant Barrister, previous to his Appointment as such Chairman, shall together amount to a Period of Twenty Years or upwards.

Power to Lord Lieutenant to remove Assistant Barristers to other Counties with Assent.

VI. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Consent of the Privy Council in *Ireland*, to remove any Assistant Barrister from any County or Riding to any other County or Riding, to act therein as Assistant Barrister: Provided always, that no such Removal shall take place without the Assent of such Assistant Barrister.

Deputy Chairman or Assistant Barristers during Absence.

When it appears to Lord Chancellor, upon Oath, that the Chairman or any Assistant Barrister is unable to attend, he may appoint another of Ten Years standing to do his Duty, who shall take the Oath before required, and shall be invested with all Powers of Chairman or Assistant Barrister during his Absence.

VII. 'And whereas it may sometimes happen that the Chairman of the Sessions of the Peace for the 'County of *Dublin*, or an Assistant Barrister, may, by reason of Sickness or other necessary Cause of 'Absence, be unable to attend at the Session of the Peace or Adjournment thereof, and to hold the said 'Court for hearing and determining Causes by Civil Bill as aforesaid, or to continue such Attendance 'thereat:' Be it therefore enacted, That when it shall appear to the Lord High Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, upon Oath before any Justice of the Peace, that the said Chairman or any Assistant Barrister is unable to attend at the Time appointed for any Session of the Peace in any County or Riding, or at any Adjournment thereof, or to continue his Attendance thereat as aforesaid, it shall and may be lawful for the Lord Chancellor, Keeper or any Commissioner of the Great Seal, for the Time being, to nominate or appoint some other Barrister of Ten Years standing at the least, and who shall not have retired from Practice, to do and execute the Duty of such Chairman or Assistant Barrister for such Time as such Illness or Absence shall continue; and every Person appointed under this Act to do and execute the Duty of Chairman or Assistant Barrister during the Absence or Non-attendance of such Chairman or Assistant Barrister shall, before he shall enter on the Duties of the said Office, take the Oath herein-before required to be taken by such Chairman or Assistant Barrister respectively, *mutatis mutandis*, either before such Chancellor, Keeper or Commissioner, or publicly in open Court at the Sessions of the Peace or Adjournment thereof on the First Day on which he shall attend at any Session or Adjournment thereof, (and which Oath the Clerk of the Peace or his Deputy is hereby authorized and required in such Case to administer,) to execute such Duty, and shall have all and every the Powers and Authorities given to such Chairman or Assistant Barrister by this and any other Act or Acts of Parliament, and be authorized in every respect to do and execute, during the Continuance of such Absence, and no longer, every Matter and Thing which such Chairman or Assistant Barrister might himself lawfully do if personally present.

In case of Absence of Chairman or Assistant Barrister, Sessions may be adjourned by One Justice, or by Registrar or Clerk of Peace, until Deputy arrives.

VIII. 'And whereas it may happen that such Illness or Cause of Absence may occur so suddenly as 'that there may not be sufficient Time to give Notice thereof to the Chancellor, Keeper or Commissioner 'of the Great Seal, and to have a Person appointed to do the Duty of the said Chairman or Assistant 'Barrister at such Sessions, or after having opened the Sessions the Chairman or Assistant Barrister 'may be prevented by Illness or other Cause from continuing his Attendance thereat:' Be it enacted, That in case it shall so happen that the Chairman or any Assistant Barrister shall not be in attendance to open such Sessions on the Day appointed for opening the same, or after having opened the same shall not continue his Attendance until the Business of such Sessions shall be completed, it shall and may be lawful for any One Justice of the Peace for the County, or for the Clerk of the Peace or his Deputy, or in the County of *Dublin* for the Registrar of the Chairman, so long as the said Chairman shall continue to hold Office, in the Absence of any Justice at the Hour of Five o'Clock in the Afternoon, and not before that Hour, to open and adjourn, or to adjourn only, as the Case may be, such Sessions, and so from Time to Time and for such reasonable Time as shall be sufficient for such Chancellor, Keeper or Commissioner, to be informed of such Illness or Absence, and to appoint some Person to do the said Duty, and for such Person to repair to the Place where such Sessions should be held, and take upon himself the Execution of such Duty.

Persons appointed during Absence to be paid so much as Lord Chancellor shall think fit, out of Salary.

IX. Every Person appointed under this Act during the Illness or Absence of the said Chairman or of any Assistant Barrister to do and execute the Duty of such Chairman or Assistant Barrister for him shall receive and be paid such Compensation for his Labour and Trouble therein as the Lord Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, shall think fit to direct and appoint, the same to be paid out of the Salary hereby provided for such Chairman or Assistant Barrister who shall so be absent.

Clerks of the Peace.

Clerks of the Peace to act as Clerks to Assistant Barristers and as Registrars;

X. The Clerks of the Peace for the several Counties respectively, or their sufficient Deputies, shall be and are hereby required to act as Clerks to the said Assistant Barristers respectively in the Execution of the Duty imposed on them by this Act, and as Registrars respectively of the said Court, and shall be obedient to the said Assistant Barristers respectively in all lawful Commands which they shall respectively receive from the said respective Assistant Barristers relative to the Business of the said Court, and the Duty imposed by this Act on the said Assistant Barristers and Clerks of the Peace respectively; and the

Clerks of the Peace.

the said several Clerks of the Peace and their respective Deputies shall and they are hereby required to keep Books for the entering and registering of all Civil Bill Causes, and shall enter and register the same, and such Books shall be Records of the respective Counties to which they shall belong; and no Clerk of the Peace, or any Deputy or Clerk of his, or any Person for his Use or Benefit, shall act as an Attorney in any Cause which such Assistant Barristers are by this Act empowered to hear and determine; and if he, they, or any of them shall so act as an Attorney in any such Cause, by himself or any other for his Use or Benefit, he shall forfeit the Sum of Fifty Pounds to any Person who shall, within One Year after such Offence committed, sue for the same by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record in *Dublin*, and shall, moreover, in case of Judgment being had against him, be incapable of ever holding such Office of Clerk of the Peace, or Deputy Clerk of the Peace, as the Case may be.

To keep Registry Books as Records.

Penalty on Clerk of the Peace acting as an Attorney in Causes before Assistant Barristers, 50*l.*

XI. Every Clerk of the Peace, and every Deputy Clerk of the Peace, already appointed, at the First Sessions after the Commencement of this Act at which they shall respectively attend, and every Clerk of the Peace, and Deputy Clerk of the Peace, hereafter to be appointed, at the First Sessions at which they shall respectively attend after their respective Appointments, and at the Commencement of such Sessions, shall and they are hereby respectively required to make and sign an Affidavit in Writing, to be attested by the Assistant Barrister of such respective County, and to be deposited in the Office of the Clerk of the Peace amongst the Records of the Court of such County, in the Form following; (that is to say,)

Clerk of the Peace to make Affidavit.

'I *A. B.*, Clerk of the Peace [*or* Deputy], do swear, That I have not already, directly or indirectly, taken, and will not, directly or indirectly, take, so long as I shall continue to hold the Office of Clerk of the Peace [*or* Deputy], any greater or other Fee, or Sum or Sums of Money, or other Thing, for or on account of any Matter or Thing done or to be done in any Cause to be heard and determined before the Assistant Barrister of this County [*or* Riding of the County of] by Civil Bill, than is or shall be allowed by Law.'

Form of Affidavit.

XII. In case of the Death, Disability, or Absence of any Clerk of the Peace, or his Deputy, during Sessions, the Assistant Barrister shall appoint a fit and proper Person to act as Clerk of the Peace until a Clerk of the Peace, or sufficient Deputy, be duly appointed, and shall allocate a due Proportion of the Fees or Salary in remuneration of the Person so acting; and such Person so appointed shall make and sign such Affidavit as is herein-before directed to be made by the Clerk of the Peace and his Deputy.

In case of Death of Clerk of the Peace during Sessions.

Attorneys.

XIII. No Person shall be admitted to practise as an Attorney before the Chairman of the County of *Dublin*, or before any Assistant Barrister, or the Recorder of *Dublin*, in any Civil Bill Court, or at the Court of General Quarter Sessions, but such Person only who is or shall be admitted an Attorney in One of Her Majesty's Superior Courts in *Dublin;* and that no Attorney shall be suffered to practise as aforesaid in any County wherein he is or shall be a Justice of the Peace.

No one to act as Attorney unless admitted in the Superior Courts.

XIV. It shall and may be lawful for the Chairman of the County of *Dublin*, the Recorder of *Dublin*, or any Assistant Barrister, if any Attorney practising in Causes by Civil Bill shall appear to him, either upon such Chairman, Recorder, or Assistant Barrister's own View in open Court, or by Examination of others upon Oath, to have acted in any such Cause corruptly, or knowingly and wilfully against his Duty as an Attorney, to make an Order, to remain of Record with the Clerk of the Peace, suspending such Attorney from practising on Civil Bills, for a given Time, in such County or Riding, which Order shall be binding: Provided nevertheless, that it shall be lawful for any Attorney against whom such Order shall be made to appeal, if such Order shall have been made in the County or County of the City of *Dublin*, to any of the Chief Judges or other Judge or Baron at Nisi Prius in *Dublin*, and if in any other County to the Judge of Assize at the Sittings or Assizes to be holden within Twelve Months after such Order made, which Judge may, by Examination on Oath, examine into the Ground of such Order, and reverse, vary, or affirm the same as he shall see Reason.

Power to Assistant Barristers to suspend Attorneys acting corruptly, &c. from practising on Civil Bills.

Attorneys may appeal to Judges of Assize.

Process Officers.

XV. The several Persons now holding the Office of Process Officer or Process Server in the several Counties and Ridings shall continue to hold the same as heretofore, until removed by the Chairman or Assistant Barrister of their respective Counties or Ridings; and that at the several Sessions of the Peace in and for the several Counties or Ridings which shall be holden after the passing of this Act, or at such other Times as Occasion may require, the Chairman and each and every of the Assistant Barristers shall and may, by Warrant under his Hand and Seal, from Time to Time, appoint such Number of fit and proper Persons, being Householders, residing in the principal Market Towns or in other convenient Places within the said Counties or Ridings, as to the said Chairman or Assistant Barrister shall from Time to Time appear to be necessary, to be Officers for the Service of Civil Bill Processes within such County or Riding, or within such Division of such County or Riding as shall be specified in any such Warrant, and it shall be lawful for each and every such Officer heretofore or hereafter so appointed, and he and they is and are hereby authorized and required, to serve such Process accordingly, within such County or Riding, or within such Division of such County or Riding as aforesaid; and it shall not be lawful for any Person whomsoever, other than One of such Officers so heretofore appointed or hereafter to be appointed, to serve any such Process; and that any Service or pretended Service of any Process by any other Person whomsoever (save as herein-after provided) shall be wholly null and void to all Intents and Purposes whatsoever; and that any such Officer already appointed or who shall be hereafter appointed for the Service of Process shall be removable and shall and may be removed at the Will and Pleasure of the Chairman or Assistant Barrister of the County or Riding for the Time being: Provided always, that nothing herein contained shall prevent the Service of any Process in any Proceeding by Ejectment or Replevin by any Person other than such Process Officer.

Power to Assistant Barristers to appoint Officers to serve Civil Bill Processes in the several Counties and Ridings.

After such Appointments, no other Persons to serve Process.

Service by unauthorized Persons declared void.

XVI. The

Process Officers.

Names and Places of Abode of Officers to be published in Newspapers.

XVI. The Name and Place of Abode of each and every Officer already appointed or who shall hereafter be appointed by the said Chairman or by any Assistant Barrister to serve such Process as aforesaid, and also the Name and Place of Abode of every Person removed as aforesaid from the said Office of Process Officer, shall be published in some One or more public Newspaper or Newspapers circulated in the County or Riding, and shall be otherwise promulgated and made known in such Manner and at such Times as to such Chairman or Assistant Barrister shall seem expedient.

Annual Salary to Officers serving Processes to be paid by Collector of Excise, on Certificate of Assistant Barrister.

XVII. Every Officer already appointed or who shall hereafter be appointed by said Chairman or by any Assistant Barrister for the serving of Process shall be entitled to and shall receive a Salary of Ten Pounds a Year, to be paid quarterly, upon a Certificate, signed by the Chairman or Assistant Barrister of the County or Riding, specifying the Amount so to be paid, and stating that such Officer has duly performed the Duty of his Office to the Satisfaction of the Chairman or Assistant Barrister during the preceding Quarter, or during such Period thereof as such Person shall have so served; and upon the Production of such Certificate to the Collector of Excise for any District within which the Sessions shall be holden or within which such Officer shall reside it shall be lawful for such Collector of Excise and he is hereby required to pay to such Officer the Amount of the Sum mentioned in such Certificate; and all Monies so paid shall be allowed to the Collector of Excise in his Account, upon Production of such Certificate, endorsed by the Officer to whom such Money shall be payable.

Officers may receive certain Fees, in addition to their Salaries, for Service of Process.

XVIII. It shall be lawful for any Officer already appointed or who shall be hereafter appointed by the Chairman or any Assistant Barrister for the serving of Process, in addition to the Salary made payable under this Act, to receive a Fee of Sixpence for the Service of every Process which he shall be required to serve in Cases where there is only One Defendant or there are several Defendants residing in the same Dwelling House, and One Shilling in case of Two or more Defendants not residing in one and the same Dwelling House; and which said Sums of Sixpence or One Shilling, as the Case may be, shall be paid to such Officer on the Delivery of such Process to him for the Purpose of being served by him; and if any Person whosoever, other than One of such Officers so appointed as aforesaid, shall serve or pretend to serve any such Process (save in Ejectment or Replevin Cases), and shall receive or take any Fee or Reward for such Service, he shall be guilty of a Misdemeanor, and shall be liable to be prosecuted accordingly: Provided always, that if a Process Server of any County or Riding shall be required (as herein-after provided) to serve Process upon any Defendant residing out of the County or Riding for which he shall be acting as such Process Officer, he shall be entitled to receive a Fee of Two Shillings and Sixpence for such Service, together with his reasonable Travelling Expenses incurred in effecting such Service.

Book to be kept by Officers for entering Particulars of Service of Process.

XIX. A Book or Books shall be kept by every Officer appointed for the Service of Process, in such Form as shall be directed or approved by the Chairman or Assistant Barrister, in which shall be entered the Names of the Plaintiff and Defendant by or against whom any Process shall be issued, the Cause of Action, the Day on which such Process shall be received to be served, the Day on which such Process shall be served or executed, the Place where and the Name or Description of the Person on or with whom such Process shall be served or left, and in case any such Process shall not have been duly served or left, then the Cause of such Service not having been effected shall be stated; and each and every Process Officer shall attend, and produce such Book or Books to the Chairman or Assistant Barrister, at each and every Sessions of the Peace, or shall cause such Book or Books to be produced to such Chairman or Barrister in case of the unavoidable Absence of such Process Officer; and in case of the Death, Illness, or such Absence as aforesaid of any such Process Officer, the Book or Books of such Process Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall be produced at the Sessions, and shall there be *primâ facie* Evidence of the Truth of the several Matters entered therein as aforesaid.

Process Server's Books to be Evidence.

Interpreters.

Salary of Interpreter to be paid by Grand Jury.

Assistant Barrister to appoint Interpreter or Interpreters.

XX. Whenever it shall be certified by the Assistant Barrister of any County to the Grand Jury of such County that an Interpreter is necessary at the Quarter Sessions for such County, it shall be lawful for the Grand Jury and they are hereby required to present, without any previous Application at Sessions, to be levied off such County, any Sum not exceeding Fifteen Pounds, at each Assizes, as a Salary or Payment for such Interpreter; and that it shall be lawful for any such Assistant Barrister to appoint either One Interpreter for the whole of such County or Riding of a County, or separate Interpreters for each District in which Sessions shall be holden, at his Discretion, and to direct the Salary to be presented as aforesaid to be paid among such Interpreters, if more than One shall be appointed, in such Manner as he shall think fit; and that upon a Certificate, signed by such Assistant Barrister, specifying the Amount of such Payment, being produced to the Treasurer of such County, it shall be lawful for such Treasurer and he is hereby required to pay to such Interpreter or Interpreters, after every Assizes, the Amount of the Payment mentioned in such Certificate, not exceeding in the whole the Sum presented by the Grand Jury for such Purpose; and each and every such Interpreter may be removed at the Will and Pleasure of the Assistant Barrister for the Time being, and any other Person or Persons appointed in his Place by such Assistant Barrister.

Assistant Barrister may remove Interpreter.

Times of holding Quarter Sessions.

XXI. In each Year the General or Quarter Sessions of the Peace in and for every County (save and except the County of the City of *Dublin* and the County of *Cork*) shall be held at the following Times; that is to say, the *Easter* Sessions on any of the Fourteen Days next after the Twenty-fifth Day of *March*; the Summer Sessions on any Day between the Fourth Day and the Twelfth Day next after the last Day of *Trinity* Term, both Days inclusive; the *October* Sessions on any of the Fourteen Days next after the Eighth Day of *October*; and the *Hilary* Sessions on any of the Fourteen Days next after the Twenty-

sixth

sixth Day of *December;* and it shall and may be lawful for the Chairman of the County of *Dublin*, and the Assistant Barrister in each County (except the County of *Cork*), at the General or Quarter Sessions to be held in such respective County next before each *Michaelmas* Term, to fix and appoint the Times for holding the next Four General or Quarter Sessions, of which Time due Notice shall be posted by the Clerk of the Peace on or before the Fifteenth Day of *November* in each Year, and also Six Weeks before the Day of holding each such Sessions.

Interpreters.

Future Sessions to be appointed at the Sessions held before Michaelmas Term in each Year.

XXII. The Recorder of the City of *Dublin* and the Recorder of the Borough of *Cork* shall continue to hold Courts for the hearing of Civil Bills in the Manner and at the Times that they have respectively heretofore held the same, and that nothing herein contained shall extend to affect the Power of such Recorders respectively to appoint the Time or Times for the holding of such Courts respectively; and the Recorder of the City of *Dublin* shall, in lieu of all Fees heretofore payable to him on Civil Bill Proceedings, receive the annual Sum of Two hundred and fifty Pounds, to be paid to him out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by Four quarterly Payments, on the Days heretofore appointed for Payment of the Salaries of Assistant Barristers; and the Recorder of the Borough of *Cork* shall, in lieu of all Fees heretofore payable to him on Civil Bill Proceedings, receive the annual Sum of One hundred Pounds, to be paid to him out of said Consolidated Fund by like quarterly Payments.

Recorder of Dublin and of Cork to hold Civil Court as heretofore.

Annual Payment to him in lieu of Fees.

XXIII. ‘ And whereas an Act was passed in the Fourth Year of His late Majesty King *George* the ‘ Fourth, intituled *An Act to divide the County of* Cork *for the Purpose of holding additional General* ‘ *Sessions therein*, whereby, after reciting that the County of *Cork* is very extensive and populous, and ‘ that it is requisite, for the due Administration of Justice within the said County, and the Preservation ‘ of the Peace therein, that General Sessions of the Peace should be holden frequently therein, it was ‘ enacted, that from and after the First Day of *September* One thousand eight hundred and twenty-three, ‘ for the Purpose of holding the General Sessions of the Peace in the said County of *Cork*, and for and in ‘ respect of all Matters relating to such General Sessions, but not for any other Purpose or in any other ‘ respect, the said County of *Cork* should be and the same was thereby declared to be divided into Two ‘ Ridings, to be called the East Riding and the West Riding of the County of *Cork;* and that the East ‘ Riding of the said County of *Cork* should comprise and contain the Baronies and the Liberties following, ‘ that is to say, the Barony of *Duhallow*, the Barony or united Baronies of *Orrery* and *Kilmore*, the ‘ Barony or united Baronies of *Condons* and *Clongibbons*, the Barony of *Fermoy*, the Barony of *Kinnatalloon*, the Barony of *Imokilly*, the Barony of *Kerry-Currihy*, the Barony of *Kinnalea*, the Barony of ‘ *Barrymore*, the Barony of *Barretts*, the Barony of *East Muskerry* (except only the Parishes of *Aheena* ‘ and *Ahabullog* within the said Barony), the Liberties of the City of *Cork*, the Liberties of *Youghal*, ‘ and the Liberties of *Kinsale*, and the West Riding of the said County of *Cork*, should comprise and ‘ contain the Baronies and Parts and Divisions of the Baronies following, that is to say, the Barony of ‘ *Beer* or *Bear*, the Barony of *Bantry*, the Barony of *West Muskerry*, the Parishes of *Aheena* and ‘ *Ahabullog* in the Barony of *East Muskerry*, the Barony of *Kinalmeaky*, the Barony of *Courcies*, the ‘ Barony or united Baronies of *Ibanne* and *Barryroe* otherwise called *Barryroe* and *Ibanne*, and the ‘ Baronies of *East Carberry* and *West Carberry*, consisting of the Eastern and Western Divisions of ‘ *East Carberry* and the Eastern and Western Divisions of *West Carberry;* and from and after the said ‘ First Day of *September* the said County was thereby declared to be divided accordingly for the Purposes ‘ aforesaid, and no other; provided that such Division of the said County of *Cork* for the Purposes aforesaid should not be extended nor construed to extend to change or alter, or to limit or abridge, or abolish, ‘ any Power, Authority, Jurisdiction, Right, Duty, or Privilege of any High Sheriff, Sub-Sheriff, or Under ‘ Sheriff, Justice of the Peace, or other Magistrate, Clerk of the Crown, Clerk of the Peace, or other ‘ Officer whatsoever, of or in the said County, who should at the passing of the said Act, or at any Time ‘ after the passing of the said Act, hold, exercise, or enjoy any such Office, or any other Civil Office ‘ whatever within the said County of *Cork*, but that all the Powers, Authorities, Jurisdictions, Rights, ‘ Duties, and Privileges of such Officers should continue in force and be exercised and carried into effect ‘ throughout the said County of *Cork* in like Manner, to all Intents and Purposes whatsoever, as if the ‘ said Act had not been had or made, except only so far as it was expressly provided and directed by ‘ the said Act:’ Now be it enacted, That the said County of *Cork* shall be deemed to have been from the said First Day of *September* One thousand eight hundred and twenty-three, and shall from and after the passing of this Act continue to be, until altered as herein-after provided, for the Purposes aforesaid, and none other, divided in such Manner and Form, and under such Regulations, Conditions, and Provisions, as hereby above recited and herein set forth as aforesaid: Provided always, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, at any Time, and so from Time to Time, by and with the Advice and Consent of the Privy Council, to alter the Boundaries or Divisions of the said Two Ridings now existing or hereafter to exist, and to direct that such Ridings shall comprise and contain such Baronies, or Parts or Divisions of Baronies, as to him, with such Advice, shall seem fit, and to direct that such new Boundaries or Divisions shall become and be the Boundaries of the said Two Ridings; and from thenceforth the Boundaries herein-before provided of the said Two Ridings shall cease, and the said Two Ridings shall thenceforth contain and comprise the several Baronies and Parts and Divisions of Baronies so ordered and directed as aforesaid, subject to the several Regulations, Conditions, and Provisions herein-before set forth.

Cork County.

The County of Cork to continue to be divided for the Purpose and in the Manner herein recited.

Lord Lieutenant may alter Boundaries.

XXIV. Five General Sessions of the Peace shall be holden in the course of every Year in each of the said Ridings of the County of *Cork* so constituted and hereby continued, so that One General Session shall

Five General Sessions shall be holden in every

Year, alternately, in the East and West Riding.

shall be holden in every Month, excepting in the Two Months in which the General Assizes shall be holden for the County of *Cork* at large; and that such General Sessions shall be holden alternately in the East Riding and in the West Riding of the said County, and at such Times that there shall, if possible, be One Week between the End of the Session in One of the said Ridings and the Beginning of the ensuing Session in the other of the said Ridings; and that a General Sessions for the said East Riding shall be held as soon as may be in the Month of *September* in each Year, and that a General Sessions for the said West Riding shall be held in the Month of *October* in each Year, and that the subsequent General Sessions of the Peace shall be holden alternately in the said East and West Ridings, and so from Year to Year in the like Order: Provided always, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, at any Time, by and with the Advice and Consent of the Privy Council, to order and direct that Four General Sessions of the Peace, and no more, shall thenceforth be holden in each of the said Ridings of the said County of *Cork* in each Year, for the Discharge of all such Criminal and other Business as may be determinable at General or Quarter Sessions of the Peace, or in a Civil Bill Court, in place and stead of the said Five General Sessions of the Peace so herein-before appointed, and to order and direct that the same shall be holden at such Times and Places and in such Manner, in each of the said Ridings, as to the said Lord Lieutenant or other Chief Governor or Governors, with such Advice as aforesaid, shall seem fit, and also to direct and appoint the Manner of making known the Periods at which the same shall be holden; and from thenceforth the several Provisions herein-before contained for holding Five General Sessions of the Peace in and for the said County, and for regulating the Times of holding the same, shall cease and determine, and all the Criminal and other Business of the General Sessions of the Peace and of the Civil Bill Courts in and for the said several Ridings of the said County shall thenceforth be heard and determined at the said Four General Sessions of the Peace so to be appointed as aforesaid.

Lord Lieutenant may order that Four General Sessions, and no more, in each Year, shall be held in each of the Divisions of the County of Cork.

Power to Lord Lieutenant and Council to divide Counties into Ridings.

XXV. 'And whereas, from the Extent and Population of certain Counties, it may be expedient that 'they should be hereafter divided into Two Ridings or Districts for the Purpose of holding Sessions 'therein:' Be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of the Privy Council, on an Application made by the Magistrates of the County, at a Meeting of such Magistrates duly convened by the Lieutenant of such County, to order and direct that any County in *Ireland* shall be divided into Two Ridings or Districts, for the Purpose of holding Sessions therein, and to direct and appoint what Baronies or Half Baronies or other Portions of Land shall be contained in each of such Ridings, and to order and direct that General Quarter Sessions shall be holden in and for such Ridings respectively, and at such Time and Times and in such Towns or Places as shall be deemed most expedient for that Purpose.

Power to appoint Assistant Barrister for such Ridings, and providing for Payment of Salaries.

XXVI. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to nominate and appoint a practising Barrister at Law, of Ten Years standing at the least, and who shall have actually practised Ten Years, and shall not at the Time of his Appointment have retired from Practice in Her Majesty's Courts of Law in *Dublin*, to act as an Assistant to the Justices at the several Sessions of the Peace and Adjournments thereof to be holden under this Act for each of the Ridings of the Counties so divided as aforesaid, and that the said respective Assistant Barristers shall have all such Powers, Jurisdiction, and Authority in and for such respective Ridings for which they shall be respectively appointed as any Assistant Barrister can or may have in and for any County in *Ireland*; and it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and declare that each of such Assistant Barristers so appointed for such Ridings as aforesaid shall receive and be paid such One of the several yearly Salaries as are herein provided for Assistant Barristers mentioned in the Class 2. or Class 3. in the Schedule (B.) to this Act annexed, as to the said Lord Lieutenant shall seem meet.

In all Processes County shall be distinguished by Cork County, East Riding, and Cork County, West Riding.

XXVII. For the Purpose of holding the said General Sessions of the Peace, and of all Matters connected with or relating to such General Sessions, the said Two Ridings of the County of *Cork*, and the Two Ridings of any other County which shall be hereafter divided under this Act, shall be distinct and separate Counties, and shall be deemed and considered and shall be distinguished as such (as regards the County of *Cork*) by the Names and Descriptions of *Cork* County, East Riding, and *Cork* County, West Riding, and so in every other County which shall be hereafter divided, by the Names of the respective Ridings, in all Warrants, Processes, and Proceedings relative to any Matters determinable at any such General Sessions respectively; and that all such Matters and Causes shall be heard, tried, and determined, and all such Proceedings shall be had and done, at such General Sessions, for each of such Ridings respectively, for and in respect of Matters arising within the said Ridings respectively, as might have been heard, tried, determined, had, or done at any General or Quarter Session of the Peace for the County of *Cork*, or such other Counties as shall be hereafter divided, under any Act or Acts, or Law or Laws in force immediately before the passing of this Act, for and in respect of Matters arising within the said respective County at large; and that no Process, Plea, or Proceeding, nor any Cause, Matter, or Thing whatever, shall be removed or removable, or transferred or transferrable, from any General Session to be holden in any One of such Ridings to any General Session holden in any other of such Ridings; and no Decree or other Order or Proceeding at any General Session to be holden in any of such Ridings shall be of any Validity, Force, or Effect, nor shall or may be executed or be enforced or put in execution, in any other of such Ridings, otherwise than if the said respective Ridings were Two distinct and separate Counties; and any and every Person who shall be charged in any of such respective Ridings with any

No Process removable from One Riding to the other.

Offence

Cork County.

Offence cognizable at the General Sessions shall be held to Bail, and shall be arraigned and tried, in that Riding only in which the Offence shall be charged or alleged or supposed to have been committed; and all Justices of the Peace and Magistrates shall and they are hereby authorized and required to return any Informations for Offences taken before them, and returnable to the General Sessions, to such Sessions to be holden within the Riding in which such Offence shall be charged or alleged or supposed to have been committed.

The Two Assistant Barristers to settle the Time of holding the several alternate Sessions, &c.

XXVIII. The several Days to be from Time to Time appointed for commencing and holding the several alternate General Sessions of the Peace in the East and West Ridings of the said County of *Cork*, pursuant to the Directions of this Act, shall be from Time to Time ascertained and settled by the Two Assistant Barristers for the said Ridings, in concert with each other, but so as to provide as far as possible that the said Sessions shall not be holden at the same Times as the Assizes for the County; and so in every other County that shall be hereafter divided under this Act; and due Notice of the Times for holding such Sessions shall be posted by the Clerk of the Peace on or before the last Day of the preceding Sessions for each of the said respective Ridings.

Grand Jury of County of Cork to provide for Salaries of Criers at Sessions.

XXIX. It shall and may be lawful for the Grand Jury of the County of *Cork*, and for the respective Grand Juries of the several Counties which shall be hereafter divided under this Act, and such Grand Juries are hereby respectively required to present, to be raised (as regards the County of *Cork*) off the respective Portions of the said County of *Cork* constituting the East Riding and West Riding of the said County, and so in any other County which shall be so divided, Two several Sums not exceeding Twenty-five Pounds yearly, as regards the County of *Cork*, and not exceeding Twenty Pounds yearly, as regards any other County, to be paid by half-yearly Payments, as and for the Salary of each of the Criers at Sessions in such Two Ridings.

Divisions and Sessional Towns.

Existing Divisions and Sessional Towns to be continued until altered.

XXX. From and after the Commencement of this Act the several Districts or Divisions of the several Counties and Ridings, and the several Towns and Places within such Districts or Divisions respectively, appointed under and by virtue of the Provisions of the several Acts heretofore in force and relating to the Jurisdiction of the Civil Bill Courts, for the Purpose of holding Sessions therein, and wherein such Sessions respectively have been heretofore held, shall be and shall continue to be the Districts or Divisions, and the Towns and Places respectively within such Districts or Divisions, for holding of Sessions for hearing and determining Causes by Civil Bill, and for transacting all such criminal and all such other Business as may be determinable at any General or Quarter Sessions of the Peace, until the same or any of them are or shall be altered in the Manner herein-after provided.

Powers to alter Divisions.

Power to alter existing Divisions, and appoint additional Places for holding Sessions.

XXXI. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, by and with the Consent and Advice of the Privy Council, to alter the Divisions and Districts for the holding of Sessions in any County or Riding now existing or hereafter to exist, and to divide the several Counties or any of them, or any Riding or Division of a County, including all Counties of Cities and Counties of Towns, Boroughs, Towns, and Places, into as many Divisions or Districts as shall be thought proper or expedient for the Purpose of more conveniently hearing and determining Causes by Civil Bill, and of transacting all such criminal or all such other Business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint One or more convenient Town or Place, Towns or Places, in any such Division or District, in which a Civil Bill Court, and a Court for transacting such criminal and other Business as aforesaid, or a Civil Bill Court only for hearing and determining Causes by Civil Bill, shall be held, and from Time to Time to alter any such Division or District, or any Town and Place, Towns or Places, within such Division or District, or to discontinue any such Town or Place, as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Advice aforesaid, shall seem fit; and every such Division or District shall be distinguished by the Name of such Town or Place; and every such Sessions, and Adjournment thereof, shall be good and effectual for the Administration of criminal Business and Civil Bill Cases, and doing all other Business that may by Law be done at the General Quarter Sessions of the Peace, or for hearing and determining Causes by Civil Bill only, as the Case may be; and in case of any Town or Place being so discontinued as aforesaid the same shall thereupon cease to be a Town or Place for the holding of Sessions therein for any Purpose whatsoever.

Lord Lieutenant may direct Sessions to be held Four Times in every Year in any Town.

XXXII. From and after the passing of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court, or a Civil Bill Court only, shall be held any Number of Times not exceeding Four Times in every Year in all or any of the Towns or Places now appointed or which may hereafter be appointed for holding Sessions, and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall nominate and appoint the Baronies or Half Baronies or Parishes for which respectively such Sessions shall be held.

Jurisdiction in Counties of Cities and Towns.

Assistant Barrister for the East Riding of the County of Cork shall try Causes in the City of Cork.

XXXIII. The Assistant Barrister now appointed or hereafter to be appointed for the East Riding of the County of *Cork* shall hear and determine Causes by Civil Bill in and for the County of the City of *Cork*, in Cases where the Defendant or One of the Defendants in the Cause shall reside within the County of the said City, at the several Sessions of the Peace, or Adjournments thereof, for the County of *Cork*, to be held at *Cork*; and that such Assistant Barrister shall at the same Time hold such Court as aforesaid for the hearing of such Causes by Civil Bill for One Division of the County of *Cork*; and that the City of *Cork* shall be deemed and taken, for the Purposes of this Act only, as a Town within One Division of the said East Riding of the County of *Cork*.

XXXIV. The

Assistant Barristers of certain Counties to have Jurisdiction in certain Cities and Towns.

XXXIV. The respective Assistant Barristers for the Time being of the Counties herein-after mentioned shall have Jurisdiction by Civil Bill in and for the respective Counties of Cities, Counties of Towns, Cities, and Towns herein-after named, as fully as they respectively have in and for their respective Counties; that is to say, the Assistant Barrister of the County of *Waterford*, in and for the County of the City of *Waterford*; the Assistant Barrister for the County of *Limerick*, in and for the County of the City of *Limerick*; the Assistant Barrister for the County of *Kilkenny*, in and for the County of the City of *Kilkenny*; the Assistant Barrister for the County of *Antrim*, in and for the County of the Town of *Carrickfergus*; the Assistant Barrister for the County of *Galway*, in and for the County of the Town of *Galway*; the Assistant Barrister for the County of *Louth*, in and for the County of the Town of *Drogheda*; and each and every of the said several Counties of Cities and Counties of Towns shall be deemed and taken, for the Purposes of this Act only, as a Town within One Division of the said several and respective Counties at large.

Jurisdiction in ordinary Cases.

What Actions Assistant Barristers may hear and determine to the Amount of 40*l.*

XXXV. From and after the Commencement of this Act it shall and may be lawful for each and every Assistant Barrister to hear and determine by Civil Bill all Disputes and Differences between Party and Party for any Sum, Damages, or Penalty, not exceeding Forty Pounds Sterling, in all Cases whatsoever (Slander, Libel, Breach of Promise of Marriage, and Criminal Conversation with a Man's Wife, only excepted), and for any ascertained and unpaid Balance, not exceeding Forty Pounds, of a Partnership Account, and also in all Actions by Civil Bill under any Act or Acts of Parliament now in force in *Ireland*, and not hereby repealed, giving a Remedy by Civil Bill in any particular Cases, to the Extent and pursuant to the Provisions of the said Act or Acts respectively: Provided always, that the several Assistant Barristers may award Interest in all Cases where in Equity Interest ought to be decreed, so that the Debt or Damages and Interest shall not together exceed the Amount of the Jurisdiction, according to the Nature of the Case.

Cause of Action not to be divided.

Costs of Dismissal when Causes are split.

Proviso if Sum does not exceed Jurisdiction of this Act.

XXXVI. No Cause of Action in the whole amounting to a Sum beyond such Sum as is made recoverable by force of this Act shall be split or divided so as to be made the Ground of Two or more different Actions, in order to bring such Cases within the Jurisdiction of this Act, but if any of the said Assistant Barristers shall find that the Plaintiff in such Cause shall have split his Cause of Action as aforesaid, he shall dismiss every such Action, with the ordinary Costs of a Dismiss, without Prejudice however to the Plaintiff's proceeding to sue upon such Cause of Action in any other Court, and in such other Manner as he lawfully may: Provided also, that if such Plaintiff shall be satisfied to recover such Sum as the Jurisdiction hereby conferred is made to extend to, in full of the whole of such his Demand, then such Assistant Barrister shall and may, if such Plaintiff shall satisfactorily prove his Case, make and pronounce One Decree for such Plaintiff for such Sum as shall in such Case be demanded by the Process, so as such Sum does not exceed the Jurisdiction under this Act, and the same shall be expressed in such Decree to be and shall be in full Discharge of the whole of such Demand.

Provisions as to Civil Bill in 15 G. 2. c. 8. s. 4. (Irish), 2 G. 3. c. 17. s. 18. (Irish), extended to Civil Bill before Barristers, and original Jurisdiction of Judges abolished.

XXXVII. 'And whereas Doubts are entertained whether the Provisions as to Proceedings by Civil Bill 'contained in a certain Act passed in the Parliament of *Ireland* in the Fifteenth Year of the Reign of 'King *George* the Second, and intituled *An Act for the more effectual securing the Payment of Rents* '*and preventing Frauds by Tenants*, (and which Act is continued and made perpetual by an Act passed 'in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the Third,) have by the 'several subsequent Acts of Parliament, or any of them, relating to Civil Bills before Assistant Barristers, 'been extended and applied to Proceedings by Civil Bill before such Assistant Barristers:' Be it declared and enacted, That the Provisions relating to Proceedings by Civil Bill contained in the said Act of the Fifteenth Year of King *George* the Second, and continued as aforesaid, shall extend and apply to Proceedings by Civil Bill before such Assistant Barristers, subject to the Provisions and Regulations of this Act; and that from and after the Commencement of this Act all original Proceedings by Civil Bill provided by the said Act passed in the Fifteenth Year of King *George* the Second, and continued by the Act aforesaid, shall be brought in the respective Courts of the several Assistant Barristers, and shall not be brought before any Judge or Judges of Assize on their respective Circuits, or in their respective Courts at *Dublin*, save by way of Appeal, as herein-after provided in relation to Appeals.

How Tenant shall proceed in Cases of Distress by the head Landlord, where Rent shall have been paid to his immediate Landlord, and how and what Damages shall be recovered.

XXXVIII. 'And whereas it is fit and just that Provision should be made for securing the occupying 'Tenant as far as may be against being called upon for Payment more than once of the Rent reserved 'and made payable to his immediate Landlord or Lessor out of the Land which he occupies, in conse- 'quence of superior Landlords distraining for the Rents due to them respectively:' For Remedy thereof be it enacted, That in all Cases where the entire Rent due and payable from the occupying Tenant to his immediate Landlord or Landlords shall have been paid or in any Manner satisfied, if, in consequence of the Fraud, Malfeasance, or Neglect of such Landlord or Landlords to pay and satisfy the Rent due and owing by him or them to any superior Landlord or Landlords, the Lands in the Hands of such occupying Tenant shall be distrained for any such Rent, or such occupying Tenant shall have been compelled to pay any Sum of Money to any such superior Landlord, to avoid a Distress for Rent due to such superior Landlord, then and in every such Case it shall be lawful for such occupying Tenant to proceed against such his immediate Landlord through whose Default or Neglect to make such Payment the Lands in the Possession of such occupying Tenant shall have been distrained or threatened to be distrained, to recover the Amount of Costs and Damages by him sustained thereby, by Civil Bill before the Assistant Barrister of any County or Riding where such Lands shall be; and that the Amount of such Costs and Damages, when ascertained by the Decree of such Assistant Barrister, and the Amount of any Costs and Damages which may be ascertained by the Judgment of any Superior Court, upon any Action which may be brought for

for that Purpose, may be tendered by the occupying Tenant, or his or their Representatives, in Payment of so much of the subsequently growing and accruing Rent as shall thereafter become due and payable to such his immediate Landlord, and shall be accepted by such Landlord in Payment of the same, or shall be recovered by Process of Execution as the said occupying Tenant so aggrieved shall deem most advisable.

Jurisdiction in ordinary Cases.

XXXIX. If on such Trial by Civil Bill before the Assistant Barrister the Complainant shall prove the Facts of Payment of Rent by Distress or otherwise to his immediate Landlord, and of the subsequent Seizure of his Goods or Stock under Distress by a superior Landlord, or his being compelled to pay any Sum of Money in or towards Satisfaction of Rent due to such superior Landlord, to avoid any such Distress, he shall be entitled to recover in Damages, and shall so recover, upon such Proof made of the Facts hereinbefore mentioned, without any other or further Proof of Damages sustained, Ten Pounds in the Hundred of the Rent reserved and distrained for, in addition to the whole Sum he shall have paid under such Distress to the superior Landlord, but shall not be precluded from entering upon Proof of other more aggravated or special Damage sustained, if he shall prefer such Mode of proceeding for Recovery of due and adequate Compensation on such Account.

If Complainant prove Facts of Payment of Rent by Distress, he may recover Damages.

XL. If in any Action brought after the Commencement of this Act in any of Her Majesty's Superior Courts of Record in *Dublin*, in Debt, Covenant, Detinue, or Assumpsit, (save for Breach of Promise of Marriage,) where the Parties to the Proceedings reside within the Jurisdiction of the Civil Bill Court of the County in which the Cause of Action has arisen, the Plaintiff shall recover, for Debt or Damages, exclusive of Costs, a Sum not exceeding Twenty Pounds, or in any Action of Trespass, Trover, or Trespass on the Case (not being in Replevin, or for Slander, Libel, Malicious Prosecution, Breach of Promise of Marriage, Seduction, or Criminal Conversation with a Man's Wife,) a Sum not exceeding Five Pounds, the Plaintiff in any such Action shall not be entitled to any Costs, unless at the Trial of such Cause the Judge shall certify on the Back of the Record, either that the Case was one which could not have been tried in the Civil Bill Court, or that, although within the Jurisdiction of the Civil Bill Court, it nevertheless was a fit Case to be tried in One of such Superior Courts, or (in case there shall be no Trial) unless the Court or a Judge shall on Motion make an Order to the like Effect; and in case there shall be no such Certificate or Order, it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled to Costs by reason of any Privilege in consequence of either the Plaintiff or Defendant being an Attorney or Officer of such Court or otherwise.

As to Costs in case of Actions in Superior Courts, where the Proceedings might have been by Civil Bill.

Replevin.

XLI. The respective Assistant Barristers shall and they are hereby authorized and empowered to hear and determine within their respective Jurisdictions all Actions of Replevin relating to Distresses for Rent made by any Landlord, or Person claiming as such, where the annual Rent reserved for or in respect of which any Distress shall have been made shall not exceed Fifty Pounds, whether a greater annual Rent may have been claimed by the Landlord or not.

Jurisdiction in Replevin Cases.

XLII. The Sheriff for the Time being for every County, County of a City, or County of a Town in *Ireland* shall, within Ten Days after he shall be sworn in as Sheriff, depute a sufficient Number of Persons in such County, County of a City, or County of a Town to act as Replevinger or Replevingers in Cases of Distresses for Rent, so that there shall be at least One such Replevinger in every Town wherein General or Quarter Sessions of the Peace are held; and for every Refusal or Neglect to appoint within Ten Days a Replevinger, or a sufficient Number of Persons to act as Replevingers, as aforesaid, and also for every Month during which there shall not be One such Replevinger in each such Sessions Town, every such Sheriff shall forfeit and pay the Sum of Twenty Pounds, to be recoverable by Civil Bill by any Person who will sue for the same; and such Replevinger or Replevingers so to be appointed as aforesaid shall have Authority in the Sheriff's Name to grant Replevins and make Deliverance of all Distresses in such Manner or Form as the Sheriff may and ought to do, and shall be entitled to receive the Fees in that Behalf mentioned in the Schedule (D.) hereunto annexed, and no more.

Appointment of Replevingers.

XLIII. Where any Party whose Goods or Chattels shall have been distrained for Rent shall dispute the Validity of the Distress, and the annual Amount of the Rent in respect of which such Distress shall or ought to have been made shall not exceed Fifty Pounds, it shall be lawful for such Party to lodge with the Clerk of the Peace for the County wherein such Distress shall have been made a Civil Bill in the Form (1.) in the Schedule (C.) to this Act annexed, stating the Particulars of the Property distrained, and the Place where, and the Person or Persons by whom or on whose Behalf such Distress was made, and requiring such Person or Persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the Division or District in which such Distress was made, in case there shall be Ten clear Days between the Day of lodging such Civil Bill and the First Day of holding such Sessions, and if not, then at the Sessions for such Division or District next after the Expiration of Ten Days from the Day of lodging such Civil Bill, and thereupon the said Clerk of the Peace shall issue an Order in the Form (2.) of the said Schedule (C.), requiring the Sheriff of the County to replevy the Goods and Chattels so distrained; and the Sheriff to whom any such Order shall be directed, or his Replevinger, shall and he is hereby required, upon good Security being given to him by the Bond of the Person obtaining such Order, and Two or more responsible Persons, not exceeding Four in Number, as Sureties, in double the Amount of the Value of the Property distrained, to execute such Order, and make a correct and proper Return in Writing of the Manner in which the same shall have been executed, or to signify the Cause why the same has not been executed, to the Court of the Assistant Barrister for the County or Riding, within Seven Days next after such Order shall have been delivered to him; provided that the Value of the Property distrained shall be ascertained by the said Sheriff or Replevinger in like Manner as the Value of Goods distrained is now ascertained by Law by the said Sheriff on taking Security in Replevins

Mode of proceeding in Replevin Cases.

Form of Bond.

Replevins returnable to any of the Superior Courts at *Dublin;* and the Bond so to be given to the said Sheriff shall be in the Form (3.) of the said Schedule (C.), or as near thereto as the Circumstances of the Case will admit.

If proposed Sureties be objected to, the Reason of Refusal to be stated in Writing.

XLIV. In every Case where any of the Persons who shall be proposed as Sureties on behalf of any Party whose Goods or Chattels shall have been distrained shall be rejected, the Reason or Ground of such Rejection shall be stated in Writing by the Sheriff or Replevinger so rejecting: Provided always, that nothing herein contained shall be deemed or taken to exonerate any Sheriff from any Liability by reason that he, or his Replevingers, or any of them, shall have taken insufficient Sureties in any such Replevin.

Copy of Civil Bill to be served on Defendant.

XLV. In every Case where any Goods distrained shall be replevied as aforesaid a Copy of the Civil Bill which shall have been lodged with the Clerk of the Peace as aforesaid shall be served, on the Part of the Plaintiff in such Civil Bill, upon every Person named as Defendant therein, in the same Manner as Civil Bills for Recovery of Debts are hereby required to be served: Provided always, that in case the Party on whose Behalf such Distress was made shall not reside within the Jurisdiction of such Assistant Barrister, Service of such Civil Bill on the Person who made the Distress for him, or on any Bailiff who shall be in charge of the Goods so distrained, shall be deemed good Service on such Party; and such Party, although not residing within the County or Riding, shall, for the Purposes of this Act, be deemed and taken to be within the Jurisdiction of the Assistant Barrister of the County or Riding in which the Distress was made.

Assistant Barrister to hear and determine such Civil Bill.

XLVI. The Assistant Barrister shall in every such Case of Replevin hear and determine the Civil Bill, and if it shall appear to him that such Distress was legally made, and that the annual Rent in respect of which such Distress was made did not exceed Fifty Pounds, shall ascertain whether any and what Rent was due to the Defendant at the Time of making such Distress; and if it shall appear that any Sum was due for Rent, and that no Tender of the Sum so due was made before the said Civil Bill was lodged, it shall be lawful for such Assistant Barrister and he is hereby required to ascertain the Sum due for Rent, and to make a Decree for Payment of the same, and the Costs for defending such Civil Bill, and of such Distress; and such Sum and Costs shall and may be levied by virtue of such Decree, and such Decree shall be in the Form (4.) in the Schedule (C.) to this Act annexed; and in case it shall appear that no Rent was due at the Time of such Distress, or that a Tender was made of the Amount due, together with reasonable Costs of Distress, previous to the lodging of such Civil Bill, or that such Distress was illegally made, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid to be delivered up to the Party complaining of the Distress, and also to make a Decree in the Form (5.) of the said Schedule, for Payment by the Defendant to such Party of such Damages as the Court may think fit, and, if necessary, to direct that such Damages and Costs shall be set off against or deducted from any Rent then due or thereafter to accrue due by the Party complaining, and to make a Decree accordingly.

Bailiff a competent Witness in Replevin.

XLVII. In all Cases of any Proceedings in Replevin under this Act it shall and may be lawful, on the hearing of the Civil Bill, for the Bailiff or other Person who may have made the Distress on the Part of the Landlord claiming the Rent to be examined as a Witness on behalf of such Landlord, and he is hereby declared to be a competent Witness, notwithstanding that he may be a Party Defendant in such Action or Proceeding.

Bond to be assigned if Plaintiff do not prosecute Suit.

XLVIII. In case the Plaintiff in Replevin shall not cause said Civil Bill to be served as herein-before mentioned, or shall not duly appear at the Sessions, and there prosecute his Civil Bill, or, having appeared, his Civil Bill shall be dismissed because the annual Rent in respect of which the Distress was made exceeded Fifty Pounds, or by reason of his disputing that the Person by or on whose Behalf the Distress was made was Landlord as aforesaid, and in every Case where he shall not obtain a Decree therein, the Assistant Barrister shall, at the Request of any Party named as a Defendant in such Civil Bill, make an Order that the Bond so directed to be given to the Sheriff as aforesaid shall be assigned to the Defendant, or, if more than One, to such of the Defendants as he shall think fit; and such Bond shall be assigned by the Sheriff or his Representative to such Person or Persons as the Assistant Barrister shall direct; and such Assignment shall be by an Indorsement, signed by the Sheriff or his Representative, on the Bond, to the Effect following; that is to say,

Mode of Assignment of Bond.

'I *A.B.*, Sheriff of do hereby assign the within Bond to his
'Executors or Administrators, this Day of

Which Indorsement shall not require any Stamp; and such Bond shall be and stand as a Security for the full Amount of the Value of the Goods distrained, and the Costs of the Proceedings in relation to the Distress, and of the Proceedings on such Civil Bill and on such Bond; and the Assignee of such Bond shall be at liberty to sue in his own Name, upon such Bond, all or any One or more of the Obligors thereof in the Court of the Assistant Barrister within whose Jurisdiction any One of such Obligors shall reside, without regard to the Amount of the Penalty of such Bond; and it shall be lawful for the Assistant Barrister to order that the Goods distrained shall be returned to the Party who distrained the same; and in every such Case where the Goods distrained shall be actually returned to the Party who distrained the same, and the Costs of the Proceedings paid, no further Proceeding shall be had on the Bond which shall have been given as aforesaid; and all such Goods, if returned or recovered under any such Decree as aforesaid, may be be sold, for the Recovery of the Rent due, and Expenses, not sooner than after the Expiration of the Second Day after the Day of the Return thereof.

If Goods returned no Proceedings to be had on Bond, and Goods may be sold.

XLIX. Where

Legacies.

Legacies and distributive Shares payable out of Assets of any deceased Person (when Assets shall not exceed 200*l.*) recoverable by Civil Bill.

XLIX. Where the Amount of the Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds it shall and may be lawful for any Legatee of any specific Chattel, or for any Legatee of any pecuniary Legacy payable out of the Assets of any such deceased Person, or for any Residuary Legatee, or for any Person or Persons entitled as next of Kin of any such deceased Person, or the Executors, Administrators, or Assigns of such Legatee or next of Kin, and they and each of them are and is hereby authorized and empowered, to proceed by Civil Bill against the Executor or Administrator of such deceased Person in the County or Riding in which such Executor or Administrator, or One of such Executors or Administrators, in case there shall be more than One, shall be resident, for the Recovery of such Legacies or distributive Shares, at any Time after the Expiration of One Year from the Decease of the Testator or Intestate, but not sooner; and such Civil Bill shall be in the Form (6.) in the Schedule (C.) to this Act annexed; and it shall and may be lawful for such Assistant Barrister, upon due Proof that the Defendant had received, or without wilful Default might have received, Assets of the Testator or Intestate sufficient, and liable, after Payment of all just Debts, for the Satisfaction in a due Course of Administration, either in the whole or in part, of the Plaintiff's Demand, to make a Decree for Payment of such Legacy in the Form (7.) in the said Schedule, or to make a Decree for Payment of the distributive Portion rateably and proportionably with other Legatees standing in the same Situation, or other next of Kin respectively, as the Case may be, in the Form (8.) in the said Schedule; and in case the Plaintiff shall establish his Right to any specific Chattel, it shall and may be lawful for such Assistant Barrister to make an Order for Delivery of the same to the Party entitled thereto, or to make a Decree for Payment of the Value thereof, and Costs of Suit; and in case the Plaintiff shall establish his Right as Residuary Legatee, it shall and may be lawful for such Assistant Barrister to make an Order for the Delivery, Transfer, or Payment of such Residuary Estate and Effects to the Party decreed entitled thereto.

Executors and Administrators to lodge Accounts, if required.

L. Where the Property or Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, every Executor or Administrator shall, if thereunto required by Notice in Writing by any Legatee, next of Kin, Creditor, or other Person interested therein, at any Time after Twelve Months from the Decease of the Testator or Intestate, lodge with the Clerk of the Peace of the County wherein such Testator or Intestate resided at the Time of his Death, and if he shall reside in a County different from that in which such Testator or Intestate resided, also in the County wherein such Executor or Administrator resides, a Schedule or Account, setting forth the Particulars of the Property or Assets which the Testator or Intestate died possessed of or entitled to, and the Amount, Produce, and Value of the same respectively, and the Amounts and Particulars of the Debts due by the said Testator or Intestate, and the Amounts and Particulars of the Debts, Legacies, and Funeral and Testamentary Expenses of the Testator or Intestate paid by or on account of any such Executor or Administrator, and showing the Balance applicable to the Purposes of the Will of the said Testator, or distributable amongst the next of Kin of the said Intestate, or the Property or Chattels then undisposed of; and every such Schedule or Account shall be signed by such Executor or Administrator, and verified by the Oath or Affirmation (as the Case may be) of the Executor or Administrator, to be sworn or made before the Clerk of the Peace for the County wherein such Executor or Administrator resides, and which Oath or Affirmation the said Clerk of the Peace is hereby authorized and required to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace amongst the Records of their respective Counties or Ridings, and shall be deemed and taken as Evidence against the said Executor or Administrator of the several Matters therein contained; and in case any such Executor or Administrator shall neglect to lodge such Schedule or Schedules as aforesaid within the Time herein-before specified, he shall forfeit any Sum not exceeding Twenty Pounds, to be recoverable by Civil Bill before the Assistant Barrister of the County wherein such Executor shall reside, by any Person so requiring such Account.

Penalty on Executors or Administrators neglecting to lodge such Account.

Examination of Executor or Administrator.

LI. In all Proceedings by Civil Bill by any Legatee or next of Kin for Recovery of any Legacy or distributive Share as aforesaid, it shall and may be lawful for the Plaintiff, as such Legatee or next of Kin in such Civil Bill as aforesaid, to examine such Executor or Administrator on Oath in open Court, if the Court shall deem it necessary, in order to obtain a Discovery of the Estate and Effects of the Testator or Intestate at the Time of his or her Decease, and the Value thereof, and of his or her Debts, Funeral and Testamentary Expenses, and to obtain an Admission that the Defendant is the Executor or Administrator (as the Case may be), and to ascertain all such Facts of which a Party suing as Legatee or as next of Kin in a Court of Equity is entitled to a Discovery.

Executors or Administrators to produce Copy of Will and Letters of Administration, and to submit to be examined on Oath on Trial of Civil Bill.

LII. Every Executor or Administrator may be compelled by Summons, to be issued and signed in the Manner herein-after prescribed for Witnesses summoned to give Evidence in Civil Bill Courts, to attend and produe the Probate (if any) of the Will of the Testator or the Letters of Administration of the Testator or Intestate (as the Case may be), and submit to be examined on Oath in open Court touching the Matters aforesaid on the Trial of any such Civil Bill in any Division where such Cause shall be heard; and every Executor or Administrator who shall disobey any such Summons shall forfeit and pay, to the Party at whose Request such Summons was issued, the Sum of Ten Pounds, as a Penalty, but such Fine or Penalty may be reduced or wholly remitted, if the Assistant Barrister before whom he shall have been required to attend shall, upon good and sufficient Cause being shown, think fit to reduce or remit the same.

Assistant Barrister may advertise for Claims or Assets.

LIII. It shall be lawful for any Assistant Barrister, in any Civil Bill Proceeding for a Legacy or a distributive Share of the Property or Assets of a Testator or an Intestate, to order the Party suing to give Notice, either by Advertisement or otherwise, requiring Persons having Claims on the Property or Assets

Legacies.

Assets of the Deceased to produce and verify such Claims; and no such Advertisement shall be charged with or liable to any Duty; and all Costs relating to such Notice shall be borne and paid in such Manner and by such Parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such Notice to be given, adjourn the Hearing of the Civil Bill to some future Sessions, and from Time to Time as Occasion may require, so as to allow sufficient Time for publishing or giving such Notice.

Money may be ordered by Assistant Barrister to be paid into the Bank.

LIV. In any such Action or Proceeding the Assistant Barrister may, if he shall think fit, order Money to be paid into the Bank of *Ireland*, or such Branch Bank of the Bank of *Ireland* as he shall direct, in the Name of such Clerk of the Peace, to the Credit of the Cause in question, and such Money shall be applied and disposed of according to the Order and Directions of the Assistant Barrister, and all Payments of such Monies shall vest in the Clerk of the Peace for the Time being, and shall be made upon an Order in Writing under the Hand of the Clerk of the Peace, countersigned by the Assistant Barrister, which Order shall be a good and sufficient Warrant to all Intents and Purposes.

Legacies not exceeding 20*l.* charged on Real Estate to be recoverable by Civil Bill.

LV. It shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds charged upon or payable out of any Real Estate or any Chattel Real, or for any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Rentcharge or Annuity charged upon or payable out of any Real Estate or Chattel Real, to proceed by Civil Bill against the Person who shall be entitled to the Real Estate or Chattel Real charged with such Legacy or Arrears; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Real Estate or Chattel Real is liable to such Legacy or Arrears, unless the Owner thereof shall satisfy the said Assistant Barrister that he has not received therefrom, for his own Use and Benefit, a Sum equal to the Amount of the Legacy or Sum sought to be recovered, and which was properly applicable to the Payment thereof, or that there is Personal Property liable to the Payment thereof available for that Purpose, to decree the Payment of such Legacy or Arrears by the Owner of such Real Estate or Chattel Real.

Legacies and Annuities not exceeding 20*l.* charged on Personal Estate to be recoverable by Civil Bill.

LVI. It shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds, payable out of any Personal Estate, or for any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Annuity payable out of any Personal Estate, (whatever may be the Amount of such Personal Estate,) to proceed by Civil Bill against the Executor or Administrator of such Personal Estate; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Personal Estate is liable to such Legacy or Arrears, and that the Executor or Administrator thereof has received therefrom sufficient Assets applicable to the Payment thereof, and available for that Purpose, to decree the Payment by such Executor or Administrator of such Legacy or Arrears, or of such Part thereof as such available Assets will extend to pay.

Executors de son tort to be liable.

LVII. Any Person rendering himself an Executor de son tort shall be liable to be sued by Civil Bill, as if he were a rightful Executor, in the Manner and to the Extent herein mentioned respecting rightful Executors, provided that such Executor de son tort shall not be liable beyond the Amount of the Assets actually received by him.

Parties.

One or more of several Persons liable may be sued by Civil Bill.

LVIII. Where any Person shall have any Demand recoverable under this Act against Two or more Persons jointly liable, it shall and may be lawful for him to sue by Civil Bill all such Persons so jointly liable who shall reside within the County or Riding in which such Civil Bill shall be brought, and a Decree may be made and Execution issued against the Person or Persons so sued, notwithstanding that any other or others jointly liable may reside out of the Jurisdiction of such Assistant Barrister.

Where Assistant Barrister is Plaintiff or Defendant in any Suit, or resides within his County, Civil Bill may be brought to next adjoining County.

LIX. If any Assistant Barrister shall have any Cause of Action, in Replevin or otherwise, against any Person residing within the County or Riding in which he shall act as such Assistant Barrister, or if any Person shall have any Cause of Action, in Replevin or otherwise, against an Assistant Barrister who shall reside within the County or Riding in which he shall act as such Assistant Barrister, then and in every such Case such Assistant Barrister shall sue or may be sued in the Civil Bill Court of any of the next adjoining Counties, and nearest to the Residence of the Defendant, or any of the Defendants if more than One; and Service of the Process in the County or Riding in which the Defendant shall reside, made by any Process Officer of such County, or by any Process Officer of the County in which the Process is intended to be heard, shall be deemed good Service on such Defendant to appear before the Assistant Barrister at the Sessions of such adjoining County, who shall have Jurisdiction to hear and determine such Civil Bill; and the Decree or Dismiss of such last-mentioned Assistant Barrister shall have full Force and Effect in and shall be executed by the Sheriff or Sheriff's Bailiff of the County in which the Party against whom the said Decree or Dismiss has been made shall reside: Provided always, that in every such Case the Reason for bringing such Civil Bill in such next adjoining County shall be stated upon the Civil Bill Process: Provided also, that if the Service of such Process shall be made by any Process Officer of the County in which the Defendant resides, such Service may be verified by an Affidavit of Service by him made before any Justice of the Peace of the County in which such Service was effected, who is hereby authorized and required to take the same; and for every such Service and Affidavit such Process Officer shall be entitled to a Fee of Two Shillings and Sixpence, and no more.

Process.

Civil Bill need not be signed by Attorney, but by the Plaintiff, or

LX. The Civil Bill Process to be served upon the Defendant in all Cases not otherwise provided for, requiring him to appear before the Assistant Barrister, shall be in the Form (9.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will permit, always preserving the Substance of the same; and it shall not be necessary that any such Civil Bill Process shall be signed by any Attorney, or by the Clerk of the Peace, or by the Assistant Barrister, or any other Officer, but it shall be sufficient if the same be signed by the Plaintiff or any One or more of the Plaintiffs therein mentioned,

or by any other Person on behalf of the said Plaintiff or Plaintiffs: Provided always, that in all Ejectment Cases the Civil Bill Process shall be signed by an Attorney, who shall set forth his Place of Residence thereon. some one on his Behalf, save in Ejectment.

LXI. Every Civil Bill Process, and Decree or Dismiss had thereon, under this Act, shall contain the Addition and last known Place of Residence of the Parties, Plaintiffs and Defendants; and that in case of the Omission thereof any such Civil Bill, unless amended under the Provisions of this Act, or Decree or Dismiss, shall be null and void to all Intents and Purposes whatsoever: Provided always, that it shall be sufficient to describe Corporate Bodies or Joint Stock Companies, whether Plaintiffs or Defendants, by the proper and respective Titles in which they are entitled to sue or to be sued, without inserting any Addition or Place of Residence, and where the Attorney General shall be a Party on behalf of the Crown, it shall not be necessary to set forth his Addition or Residence. All Civil Bills, Decrees, and Dismisses to contain Addition and Residence of Parties.

LXII. 'And whereas under the Provisions of this Act divers Sums of Money will become annually 'charged upon and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and '*Ireland* for additional Salaries to the Assistant Barristers, in lieu of the Fees heretofore payable to 'them by the Suitors upon certain Civil Bill Proceedings, which Fees henceforth will cease to be pay-'able, and it is reasonable, in order to meet the said Charges, that certain Duties of Stamps herein-after 'specified should be granted and be made payable upon certain of the Civil Bill Forms and Proceedings 'herein specified:' Be it therefore enacted, That the Forms next herein-after mentioned hereby provided to be used shall be severally subject to the following Stamp Duties payable to Her Majesty; that is to say, Stamps on Civil Bill Forms of Process and Copies.

	s.	d.
Every original Civil Bill Ejectment Process	2	6
Every Civil Bill for Redemption	2	6
Every original Civil Bill Process in Replevin	2	6
Every original Process for the Recovery of any Legacy or distributive Share of Assets	2	6
Every other original Civil Bill	0	6
Every Copy thereof served	0	6
Every Notice of Renewal	0	6
Every Copy thereof served	0	6
Every Recognizance of Appeal	1	0

And in the event of the Plaintiff's obtaining a Decree the Amount of such Stamps shall be charged against the Defendant or Defendants as Part of the Costs of his Proceeding; and printed Forms, with such Stamp on each as aforesaid, shall be issued from the Office of the Commissioners of Inland Revenue to the several Distributors of Stamps in *Ireland*, under such Regulations as the said Commissioners shall make for the Sale of the same by the several Sub-Distributors of Stamps, or by any other Persons; and any such Sub-Distributor of Stamps, or other Person, who shall, without express Authority from the said Commissioners for such Purpose, demand or receive for any One of such Forms, from any Person whatever, any greater Sum of Money than the Amount of the Stamp Duty on such Form, or who shall in any other Way offend against such Regulations as aforesaid, or against any other Regulations made or to be made by the said Commissioners, and which shall be from Time to Time in force as to any other Stamps, shall be liable to the same Forfeitures and Punishments as are by any Act or Acts provided for any like Offence in respect to any other Stamps issued by the said Commissioners: Provided always, that if it shall appear to the Court upon the Hearing of any Civil Bill that any original Civil Bill Process or Notice of Renewal, or any Copy thereof served upon any Defendant, shall not have been duly stamped, or had been previously used as a Process, Notice, or Copy thereof in any other Suit, the several and respective Assistant Barristers are hereby required forthwith to dismiss the said Civil Bill, and to order and direct that the original Process, Notice, or Copy thereof so wanting the said Stamp required by this Act shall be held and impounded by the Clerk of the Peace. Commissioners of Inland Revenue to issue stamped Forms. Penalty on taking more than Amount of Stamp Duty.

LXIII. If any Sub-Distributor of Stamps or other Person whatsoever shall (without express Authority for such Purpose from the said Commissioners), by himself, or any other for his Use or Profit, ask, demand, receive, or take any greater Sum of Money or other Thing for any One such printed Form than the Sum which is hereby made chargeable thereon to Her Majesty as and for the Stamp Duty on such printed Form, and so in proportion for any greater Number of such printed Forms, such Person so asking, demanding, receiving, or taking, or the Person for whose Use and Benefit such greater Sum of Money or other Thing shall be asked, demanded, received or taken, by the Authority of, or Consent, Direction, or Approbation of, such Person for whose Use and Benefit the same shall be asked, demanded, received, or taken, shall forfeit and pay to the Person injured the Sum of Five Pounds, to be recovered by Civil Bill to be brought by such Person within Twelve Months from the Time of such Offence committed; provided that the Plaintiff in such Civil Bill may, at his Election, sue either the Person who shall have so asked, demanded, received, or taken such greater Sum or other Thing, or the Person for whose Use or Benefit such greater Sum or other Thing was so as aforesaid asked, demanded, received, or taken, but not both of them. Distributors or others taking more than Stamp Duty chargeable on printed Forms to forfeit Five Pounds to Person injured. Plaintiff may sue either the Person who takes such greater Sum or the Person for whose Use taken.

LXIV. The said Stamp Duties by this Act imposed and granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several Acts of Parliament relating to any Duties Powers and Provisions of former Acts to be applied to the Stamp

Duties imposed by this Act.

Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Stamp Duties by this Act granted or imposed, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Stamp Duties by this Act granted or imposed.

Service of Process.

How Process is to be served.

No Decree to be made unless satisfactory Proof of Service.

LXV. Service of any Civil Bill Process on the Defendant shall be effected, either by personal Service of the Civil Bill Process, or by leaving a Copy thereof at the Defendant's House or Place of Residence, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, with the Wife, Child, Father, Mother, Brother, Sister, or any other Relation of the Defendant, or of his Wife, or with any Servant or Clerk of the Defendant, (the Person with whom such Copy shall be left being of the Age of Sixteen Years or upwards,) and showing to such Person the Original of such Civil Bill Process; and that no Decree, other than a Decree in Ejectment or Replevin, shall be made by any Assistant Barrister unless the Process in such Cause shall, by the Oath of the Process Officer in open Court before the said Assistant Barrister, or by the Production of the Books of the Process Officer in the Cases herein-before provided, be satisfactorily proved to have been duly served, and unless it shall be proved that the House or Place of Residence in which the Defendant, or, in the Case of more than One Defendant, in which One of the Defendants, shall at the Time of such Service have usually resided, or that the Office, Warehouse, Counting-house, Shop, Factory, or Place of Business of the Defendant or One of the Defendants is situate within such Division of the County where the said Court is held at which the said Defendant or the said Defendants shall be required to appear.

As to Service of Process on Lodgers.

LXVI. Where any Defendant in any Civil Bill shall be a Lodger in any House in which his Landlord shall also reside, Service of any Civil Bill Process within such Dwelling House upon such Landlord so residing, or upon the Wife, Child, or Servant, being of the Age of Sixteen Years or upwards, of such Landlord, and posting a Copy of such Process on the usual Place for posting Notices on the nearest Police Barrack to the House in which the said Defendant shall so lodge, shall be deemed good Service of such Civil Bill Process upon the said Defendant; provided that it shall appear to the Satisfaction of such Assistant Barrister that due Diligence had been used to effect personal Service upon the Defendant, or Service upon his Wife.

As to Service of Process outside Dwelling House.

LXVII. If the Wife, Child, Father, Mother, Brother, Sister, or other Relative of the Defendant in any Civil Bill Process, or of his Wife, or any Servant of the Defendant who respectively usually resides with the said Defendant, shall be outside the Dwelling House or Place of Residence of the Defendant, but within reasonable Distance, it shall and may be lawful for the Process Officer to deliver to the said Wife, Child, Father, Mother, Brother, Sister, or other Relative of the said Defendant, or of his Wife, being of the Age of Sixteen Years or upwards, so usually residing with the said Defendant, or to such Servant of the said Defendant, a Copy of the said Process for the said Defendant, outside the Dwelling House or Place of Residence of the said Defendant, and within such Distance as aforesaid from the same, and such Service of Process shall be deemed as good and effectual to all Intents and Purposes as if Service on any of said Parties of said Copy of said Process had been effected within the said Dwelling House or Place of Residence: Provided always, that at the Time of such Service personal Service on the Defendant, or Service on any Person within such Dwelling House, Lodging, or Place of Residence, could not have been effected.

As to Time when Processes are to be served.

LXVIII. The Civil Bill Process shall, in all Cases of Ejectment, and in all Cases for the Recovery of Legacies, and distributive Shares of Assets, and in all Cases where the Demand shall exceed Twenty Pounds, be served Fifteen clear Days before the First Day of the Sessions, and that in all other Cases every Civil Bill Process shall be served Six clear Days before the First Day of the Sessions, unless otherwise provided by any Act or Acts giving the Jurisdiction in the particular Case, and not hereby repealed, and then so as required by such Act or Acts; and that in no Case whatsoever shall any Civil Bill Process be served on *Sunday*, *Good Friday*, or *Christmas Day*, and Service upon any of said Days shall be absolutely null and void.

Defendant not to be sued out of Division in which he lives, unless as herein specified.

What shall be deemed a Residence within County.

LXIX. No Defendant shall be liable to be sued or proceeded against by Civil Bill under this Act or obliged to appear in any Cause to be heard and determined at any Session or Adjournment thereof to be held out of the Division in which he usually resides, unless there shall be more than One Defendant in such Cause, in which Case the Plaintiff shall be at liberty to bring his Civil Bill in such Division of the County where any One of the Defendants shall so reside: Provided always, that if any Person shall have and occupy any House, Warehouse, Counting-house, Shop, Factory, or Office for the Sale of Goods, or for carrying on any Business, in any County, he shall be deemed to have a Residence within such County for the Purposes of this Act.

In case of forcible Resistance to serving the Process, a Copy thereof may be posted on the Court House and on the posting Place in the nearest Market Town.

LXX. In any Case where it shall appear to the Assistant Barrister, by Examination on Oath in open Court, that any Officer appointed to serve the Process of the said Civil Bill Court has been prevented by forcible Resistance, or by reasonable Apprehension of personal Injury, from effecting Service of any Process of the said Court, it shall and may be lawful for such Assistant Barrister in every such Case to direct, by an Order to be signed by him, and entered in the Book of the Clerk of the Peace, that posting a Copy of a Civil Bill Process on the Court House in which the Court may be then sitting, and on the usual Place for posting Notices in the nearest Market Town to the Residence of the Defendant named in such Process, or of One of the Defendants if there be more than One, at least Twenty-one Days before the First Day of the next Sessions to be holden for the same Division of the County or Riding, shall be deemed good Service of such Process, and at Foot of every such Copy shall be affixed a Notice that the

same

same is so posted by Order of the said Assistant Barrister, and that such Process will be held good Service thereof; and upon its being proved on Oath to the Satisfaction of the Assistant Barrister at the next Sessions holden for the same Division that such Copy and Notice have been so duly posted, it shall be lawful for such Assistant Barrister and he is hereby authorized and required to proceed to hear and determine such Civil Bill, in all respects as if the Process thereon had been personally served on the Defendant or Defendants named therein.

Service of Process.

Ejectments.

Assistant Barrister empowered to put Landlords in possession of deserted Tenements in arrear for Half a Year's Rent.

LXXI. The respective Assistant Barristers shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences between Party and Party respecting or relating to Lands, Tenements, or Hereditaments, or any Part thereof, situate within their respective Jurisdictions, to the Extent and in manner following; that is to say, that if any Tenant holding any Tenement who shall be in arrear for One Half Year's Rent shall desert the Tenement demised to him, whether by Deed, Contract, or Minute in Writing, or by Parole, or from Year to Year, or leave the same uncultivated, or carry off the Stock and Crop, or otherwise abandon the same, so that no sufficient Distress may be had to countervail the Arrears of Rent due for the same at the Time of such Desertion, it shall be lawful for the Landlord or Lessor of the Tenement so deserted, or left unoccupied or uncultivated, to proceed by way of Civil Bill before the Assistant Barrister of any County or Riding in which the Tenement or any Part thereof shall be situate, to obtain Possession of the Tenement so deserted or left unoccupied or uncultivated, and thereupon it shall and may be lawful for Two or more Justices of the Peace of the County or Riding in which such Tenement or any Part thereof shall be, having no Interest in the demised Premises, at the Request of such Landlord or Lessor, his Bailiff or Receiver, to go upon and view the same between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and, having fully ascertained to their Satisfaction, by Examination of Witnesses or by their own View, that the Premises are so deserted by the Tenant, or left so unoccupied or uncultivated as aforesaid, and without sufficient Distress to countervail the Arrears of Rent due at the Time of such Desertion, to certify to the Assistant Barrister before whom such Proceedings by Civil Bill shall be, under the Hands and Seals of such Justices, that they have together viewed the Tenement in question (fully describing the same), and that the same appeared to them deserted and unoccupied or uncultivated, and without any Distress thereon sufficient to countervail the Arrear of Rent ascertained by Affidavit of the Landlord or Lessor, his Agent, Bailiff, or Receiver, to be due thereon, after all just and fair Allowances; which Certificate, when proved to have been duly executed, shall be Evidence of the Facts therein contained, unless the same shall be disproved by contrary Evidence to the Satisfaction of the Assistant Barrister before whom the Case shall come, upon such Civil Bill as aforesaid, or to the Satisfaction of a Judge upon Appeal from such Civil Bill; and it shall and may be lawful for the said Landlord, after obtaining from the said Justices the said Certificate, to serve a Civil Bill Process, together with a Copy of such Certificate, on the Tenant against whom such Proceeding shall be had, if such Tenant can be found, and if not, to affix such Process and a Copy of such Certificate upon some conspicuous Part of the said Tenement, and also upon the Door or Gate or one of the Piers of the Door or Gate of the Parish Church (if any within the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if any within the Parish), summoning the Tenant or Tenants who may have so deserted the Premises personally to appear before the Assistant Barrister on the First Day of the Quarter Sessions to be held for the Division of the County in which the Premises or any Part of them shall be, or, in Cases where the Premises shall be situate within the County of the City of *Dublin*, at a Court to be held before the Recorder, to answer the said Bill of the Landlord or Lessor; and that it shall be lawful for the said Assistant Barrister, Chairman of the County of *Dublin*, or Recorder, as the Case may be, upon such Civil Bill, and upon Proof of such Certificate by any Person who may have witnessed the Execution of the same, and upon Proof that at least One Half Year's Rent was due to such Landlord or Lessor for the Premises when such Certificate was made, and that the Civil Bill Process and a Copy of such Certificate were served as aforesaid, or that the Tenant could not be found so that the same could be served, then, upon Proof that such Process and a Copy of such Certificate had been duly affixed as herein-before mentioned, and upon hearing the Tenant, in case such Tenant shall appear, and such Evidence as shall be offered on behalf of such Tenant, if any shall be offered, and duly considering the same, to decree the said Landlord or Lessor to be put into possession of the Premises.

Ejectment for Premises held by Tenant at a Rent not exceeding 50*l.* per Annum, withheld after legal Notice, where Tenant's Interest is determined, and Possession has been demanded.

LXXII. In all Cases where any Lands, Tenements, or Hereditaments shall have been held by any Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and the Tenant's Interest in the same shall have determined, and after Demand made by the Landlord or Lessor, his Agent, Bailiff, or Receiver, and Delivery of Possession of the same shall be withheld, it shall and may be lawful for the said Landlord or Lessor to proceed by Civil Bill against such Tenant, and such other Person, if any, as shall be in the actual Possession of the Premises, and thereupon to serve such Tenant and such other Persons as aforesaid with a Civil Bill Process, if such Service can be effected, and if it shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal that such Service cannot be effected, or in case there be not any Person in actual Possession of the Premises, to affix such Process upon some conspicuous Part of the Premises, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if any within the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any within the Parish), by which Process all Persons claiming to have any Interest in the Premises shall be required to appear before the Assistant Barrister, Chairman of the Sessions of the Peace, or Recorder, as the Case may be, on the First Day of the Quarter Sessions for the Division of the County or Riding in which the Premises or any Part thereof

Ejectments.

shall be situate, or at a Court to be held before the Recorder for the hearing and determining of Civil Bills, in Cases where the Premises are situate within the County of the City of *Dublin*, to answer the Bill of the said Landlord or Lessor, praying to be put into possession thereof; and it shall and may be lawful for the said Assistant Barrister, Chairman of the Sessions of the Peace, or Recorder, as the Case may be, upon such Civil Bill, and upon Proof of such Service as aforesaid, or in case of Impossibility or unreasonable Difficulty of Service, to be ascertained in manner herein-before provided, or in case there shall be no Person in actual Possession of the Premises, upon Proof of affixing the said Process as herein-before required, and that the Premises had been held by the Tenant against whom such Proceedings shall be at a Rate not exceeding Fifty Pounds *per Annum*, and that the Interest of the Tenant had determined, and that Notice to quit (in Cases where such Notice is by Law necessary) had been duly served, and the Time for the Delivery of the Possession thereof expired, to decree the said Landlord or Lessor to be put in possession of the Premises.

How Landlord shall proceed in Cases where a Year's Rent shall be due.

LXXIII. In all Cases where any Lands, Tenements, or Hereditaments shall have been held by any Tenant under any Lease, Article, Minute, or Contract in Writing, or by Parol Demise, or under a Tenancy from Year to Year, at a Rent not exceeding Fifty Pounds *per Annum*, and that a full Year's Rent shall be due thereout, it shall and may be lawful for the Lessor or Landlord to proceed by Civil Bill Ejectment against such Tenant, and also against such Persons (if any) as shall be in actual Possession of the said Premises, and also against Persons having any Interest for valuable Consideration, in Cases where the Deeds or Instruments, if any, creating such Interests shall have been duly registered, and thereupon to serve such Tenant and such other Persons as aforesaid with Civil Bill Process (if such Service can be effected), and if it shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal that such Service cannot be effected, or in case there be not any Person in actual Possession of the Premises, to affix such Process upon some conspicuous Part of the said Premises, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if there shall be any in the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any in the Parish), by which Process all Persons claiming to have Interest in the Premises shall be required to appear before the said Assistant Barrister, Chairman of the County of *Dublin*, or Recorder of any City or Borough, as the Case may be, on the First Day of the Quarter Sessions for the Division of the County or Riding in which the Premises or any Part of them shall be situate, or at a Court to be held before such Recorder for the hearing or determining of Civil Bills, in Cases where the Premises shall be situate within the Jurisdiction of such Recorder, to answer the Bill of the said Lessor or Landlord praying to be put in possession thereof; and it shall and may be lawful for the said Assistant Barrister, Chairman, or Recorder, as the Case may be, upon Proof of such Service as aforesaid, or, in case of Impossibility or unreasonable Difficulty of Service, to be ascertained as herein-before provided, upon Proof of such affixing of the said Process, and that the Premises were then held by the Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and that a Sum equal to One full Year's Rent at such Rent was due when such Proceeding by Civil Bill was commenced, and still remained due, to decree the said Lessor or Landlord to be put into possession of the said Premises; and in case the Tenant or Tenants, his or their Assignee or Assignees, or other Person or Persons claiming or deriving under him or them, shall suffer the Decree to be executed putting the Lessor or Landlord into possession of the Premises, without paying the Rent and Arrear thereon, with full Costs, or without preferring a Civil Bill for Relief to the Assistant Barrister, Chairman, or Recorder, as the Case may be, or filing any Bill or Bills for Relief in Equity within the Time now limited by the several Statutes which regulate the Action of Ejectment for Nonpayment of Rent after such Execution executed, then and in such Case the said Tenant or Tenants, his or their Assignee or Assignees, and all other Persons deriving under him or them, shall be barred and foreclosed from all Relief or Remedy in Law or Equity, other than by Appeal from the Decree, the said Appeal to be brought within the Time by this Act limited for bringing of Appeals on Civil Bills: Provided always, that the Tenant or other Person so evicted under the Provisions of this Act for or by reason of Nonpayment of Rent may, at any Time within Six Calendar Months after Execution executed, tender the Rent and Costs, for the Purpose of redeeming the said Premises; and that in all Cases where he or they shall have made such Tender, he and they may be restored to the Possession of such Premises by a Decree of the Assistant Barrister, Chairman, or the Recorder, as the Case may be, on a Civil Bill for Redemption preferred for that Purpose, and due Proof made of their being respectively entitled thereto, anything in this Act contained to the contrary notwithstanding.

Tenant, after Execution of Decree, may appeal therefrom;

and may tender Rent and Costs to redeem Possession.

In Civil Bill Ejectments for Nonpayment of Rent the Amount claimed shall be stated.

LXXIV. In all Cases of Ejectment by Civil Bill for Nonpayment of Rent the Amount claimed to be due for Rent, and the Times at which the same accrued, shall be stated upon the Civil Bill, which Statement shall be written or printed thereon in the following Form, or as near thereto as the Nature of the Case will admit; (that is to say,)

'THE Plaintiff claims being for .. Years Rent up to the
'Day of and if the Amount thereof be paid to the Plaintiff or his Attorney, or
'his known Agent or Receiver, together with the Sum of Shillings, the Amount of the
'Stamp Duty paid on the original Ejectment and Copies served, and Five Shillings for Service and filling
'the Ejectment, the said Sums, making together the Sum of in full of all Costs of such
'Ejectment Proceedings, before the Day of (being the Day next but One
'before the First Day of the next Sessions), further Proceedings will be stayed.'

And

And upon Payment or Tender within the Time so mentioned of the Rent so specified, together with such Sum as aforesaid for Costs, to the Plaintiff, or his Attorney, known Agent, or Receiver, all further Proceedings in such Ejectment shall cease and be stayed accordingly.

Defendant may deposit Rent and Costs Five Days before the First Day of the Sessions.

LXXV. It shall be lawful for any Defendant in any Civil Bill Ejectment for Nonpayment of Rent, Five Days previous to the Day on which by such Civil Bill he is required to appear, to deposit with the Clerk of the Peace a Sum of Money for Rent, together with the Sum mentioned on said Civil Bill for Costs, for which Deposit the Clerk of the Peace, upon Payment of a Fee of One Shilling and Sixpence, shall give to the Defendant a Certificate according to the Form (10.) in the Schedule (C.) hereto annexed, and also a Duplicate of such Certificate, which Certificate and Duplicate shall be free from the Payment of Stamp Duty, and of which Certificate a Copy shall be entered by the Clerk of the Peace in the Book kept by him for entering Decrees in Civil Bill Ejectments; and the Defendant shall, Three Days previous to the Day on which he is required to appear as aforesaid, deliver to or leave at the Place of Abode of the Plaintiff, his Agent, Receiver, or Attorney in such Cause, such Duplicate Certificate; and in case the Plaintiff or his Attorney in such Cause shall receive from the Clerk of the Peace the Sum so deposited, which the said Clerk of the Peace is hereby required to pay over to the Plaintiff or his Attorney on Demand, such Receipt and Payment shall be deemed to be in full Discharge of the Rent claimed by such Civil Bill and of Costs; but in case the Plaintiff or his Attorney, after such Certificate shall have been delivered or left as aforesaid, shall not accept the Sum so deposited, on or before the Day next previous, or (in case of *Sunday* intervening) on or before the Day next but one previous to the Day on which the Defendant is required to appear as aforesaid, and if upon the Hearing of such Civil Bill it shall appear that no greater Sum than the Sum so deposited for Rent was due to the Plaintiff for Rent at the Time of the Service of such Civil Bill Ejectment, and that such Duplicate Certificate has been delivered or left as aforesaid, it shall be lawful for the Assistant Barrister to dismiss such Civil Bill, with the Costs of the Proceedings subsequent to the Time of the making of such Deposit, as in other Cases of Dismisses of Civil Bill Ejectments; or if it shall appear that any greater Sum than the Sum so deposited for Rent was due to the Plaintiff for Rent, then it shall be lawful for the Assistant Barrister to make a Decree for the Plaintiff, with Costs, and thereupon the Amount of the Deposit shall be returned to the Defendant.

In such Civil Bill Ejectments, if the Defendant, before a Decree, pay or tender the Rent and Costs, the Proceedings shall be stayed.

LXXVI. If the Tenant or the Defendant in any such Civil Bill Ejectment shall at any Time after the Period herein-before limited for making such Deposit for Rent and Costs, and before the signing and issuing of a Decree upon such Civil Bill, pay or tender to the Lessor or Landlord, his Executors or Administrators, or his or their Agent, or the Attorney in such Civil Bill Ejectment, all Rent and Arrears then due, together with the Costs, it shall be lawful for the Assistant Barrister to order all further Proceedings on such Civil Bill to be stayed and discontinued, upon Payment of such Costs as he shall deem reasonable to be paid by the Defendant, not exceeding such Costs as would be properly payable at the Time of such Tender: Provided always, that in case of such Tender as last aforesaid, and Refusal to receive the Sum so tendered, such Money shall be lodged in the Hands of the Clerk of the Peace, and shall be paid over to such Landlord or Lessor on Demand: Provided also, that the Decision of the Assistant Barrister in any of the Cases aforesaid shall be subject to such Appeal as herein-after provided in other Cases of Civil Bill Ejectments for Nonpayment of Rent.

The Warrant for Execution in Ejectment for Nonpayment of Rent shall state the Amount due, and upon Payment, Execution to be stayed.

LXXVII. Upon every Sheriff's Warrant under a Decree in any Civil Bill Ejectment for Nonpayment of Rent there shall be a Statement of the Amount of the Rent then due, according to the Affidavit of the Landlord or his Agent verifying the Ejectment, and of the Plaintiff's Costs; and if at any Time before Execution executed the Defendant or Tenant shall pay to the Sheriff the said Sums for Rent and Costs, together with One Moiety of such Sheriff's Fees for such Execution as would be legally payable if such Execution had been executed, such Sheriff shall stay such Execution, subject nevertheless to any Order which may be made by the Court from which such Execution shall have issued, and the Sheriff shall endorse on such Civil Bill as a Return thereto the Receipt by him of such Rent, Costs, and Fees.

Remedy for obtaining Arrears of Rent.

LXXVIII. Every Lessor or Landlord recovering Possession by such Decree as aforesaid shall and may have the same and like Remedy for all Arrears of Rent to the Time of the Execution of the said Decree as such Lessor or Landlord might have had if Possession had not been obtained under such Decree.

As to Ejectment on Title.

LXXIX. The Chairman of the County of *Dublin*, and the several Assistant Barristers, and the Recorder of the County of the City of *Dublin*, and the several Recorders herein mentioned, shall and they are hereby authorized and empowered to hear and determine within their respective Jurisdictions all Disputes and Differences respecting the Possession of any Lands, Tenements, or Hereditaments held under any Grant, Lease, or other Instrument for any Term or Interest the Duration or Extent whereof when originally granted or created did not or shall not exceed Three Lives, without any Provision for the Renewal thereof, or a Term of Sixty-one Years determinable on Three Lives, or Three Lives with a concurrent Term of Years not exceeding Sixty-one Years, or a Term of Sixty-one Years absolute, and the yearly Rent reserved or payable in respect whereof under such Grant, Lease, or other Instrument shall not exceed Twenty Pounds, and in respect of which no Fine exceeding Twenty Pounds shall appear on the Face of such Grant, Lease, or other Instrument to have been paid on the granting or Execution of such Grant, Lease, or other Instrument, or held under a Parole Demise for a Term not exceeding Three Years at a Rent not exceeding Twenty Pounds, whether any Fine was paid upon the Creation of the same or not, or held for any Term or Tenancy from Year to Year at a Rent not exceeding such Amount as aforesaid; and every Person claiming such Possession may proceed by Civil Bill in the Court for

Ejectments.

for the Division of the County or Riding wherein such Lands, Tenements, or Hereditaments or any Part thereof shall be situate, for Recovery of such Possession.

As to Ejectment on Acknowledgments.

LXXX. The said Chairman, and the several Assistant Barristers, and the said Recorders, shall and they are hereby respectively authorized and empowered to hear and determine within their respective Jurisdictions all Disputes and Differences respecting the Possession of Lands, Tenements, or Hereditaments held under an Acknowledgment in or substantially according to the Form (11.) in the Schedule (C.) to this Act annexed, between the Plaintiff in the Civil Bill Decree, to which such Acknowledgment shall refer, or on which the same shall be founded, or any Person claiming or deriving under him, and any Occupier who shall have signed as aforesaid such Acknowledgment, or any Person claiming or deriving under him.

As to Service of Bill in such Cases.

LXXXI. Every Civil Bill Process brought for the Recovery of the Possession of any Lands, Tenements, or Hereditaments held in the Manner specified in either of the Two immediately preceding Provisions shall be duly served upon all and every Person or Persons who shall be in the actual Possession of the Lands, Tenements, or other Hereditaments specified in and claimed by any such Civil Bill, and also such other Person or Persons (if any) as shall be interested in the same or in any Part thereof, under any registered Conveyance; and if there be not any Person in the actual Possession of such Lands, Tenements, or Hereditaments, then the affixing of such Civil Bill to or upon some conspicuous Part of the Premises so claimed, and upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if there shall be any in the Parish), and also upon the Door or Gate or upon One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any in the Parish wherein the said Premises shall be situated), shall be and be deemed to be good and sufficient Service of such Civil Bill; and it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up of Possession of such Lands, Tenements, or Hereditaments to the Party entitled thereto.

As to Ejectments against Tenants at Will or permissive Occupants.

LXXXII. 'And whereas Owners of Land in *Ireland* are often Sufferers by Caretakers, Servants, 'Herdsmen, and other Persons holding over the Possession of Lands and Premises which they do not 'hold under any Lease or Parole Demise, but strictly at Will or by Sufferance, or merely by Permission:' Be it enacted, That if any Person who shall have been heretofore, or shall hereafter be, by the Owner of any Land, Tenements, or Hereditaments, or by his Agent, Receiver, or Bailiff, put or let into occupation or possession thereof by Permission, or as Servant or Caretaker, or as Tenant strictly at Will or by Sufferance, shall refuse or omit to quit and deliver up Possession of the said Premises, on Demand made by the Owner thereof, or his known Agent or Bailiff, it shall and may be lawful for such Owner, his Heirs, Executors, Administrators, or Assigns, (after such Demand and Refusal or Omission to deliver up the same,) to proceed by Civil Bill Ejectment Process for the Recovery of the Possession thereof against such Person or Persons so in occupation or possession, or any Person or Persons being or claiming to be in occupation or possession by, through, or under such Person or Persons; and it shall and may be lawful for the respective Assistant Barrister, Chairman, or Recorder to hear and determine such Civil Bill in the same or like Manner as he is hereby empowered in Cases of Ejectment against over-holding Tenants, and to make a Decree or Dismiss thereon: Provided always, that nothing in this Provision contained shall be deemed to affect or prejudice any Right or Remedy which any such Owner of Land, his Heirs, Executors, Administrators, or Assigns, might have used or exercised in such Case for taking or obtaining the actual Possession of such Premises, if this Act had not been passed.

What the Civil Bill in Ejectment Cases shall specify.

LXXXIII. That in every Ejectment by Civil Bill, the Civil Bill in Cases between Landlord and Tenant shall specify the Names of the Landlord or Lessor and Tenant or Tenants respectively, the Nature of the Tenancy, the Description of the Premises, and the Baronies or Parishes wherein the same shall be respectively situated, and the Rent at which the same shall be then or had been last holden; and also, in Cases where the Proceeding shall be grounded on Desertion, the Fact of Desertion by the Tenant, and the Amount of Rent due, after all fair and just Allowances, and the Insufficiency of Distress to countervail the same; and in Cases where the Proceedings shall be grounded on the Tenancy having determined, the Fact of the Determination of such Tenancy, and the Means by which the same shall have been determined, and Refusal to deliver up Possession; and in Cases where the Proceedings shall be grounded on Nonpayment of Rent, the Amount of the Rent due after all fair and just Allowances, and up to what Gale Day due; and in Cases where the Proceedings shall be grounded on a Claim respecting the Possession of Lands, Tenements, and Hereditaments held under any Grant, Lease, or other Instrument, or by Parole Demise, or as Tenant from Year to Year, the Name and Residence of the Claimant, the Description of the Property sought to be recovered, and the Barony or Parish where situate, and how the said Lands and Tenements were held, whether for Lives or Years, or by Parole Demise, or from Year to Year; and in Cases where the Proceedings shall be grounded on the Tenancy having determined, and when such Tenancy was created by Agreement after a Decree for Delivery of Possession obtained by an Ejectment, the Fact of the Determination of such Tenancy, and the Means by which the same shall have been determined, and the Refusal to deliver the Possession, and where the Occupation was permissive the Fact of its having been so, and of a Demand and Refusal of Possession, and the Truth of the Contents of the said Civil Bill, shall be verified by the Affidavit of the Landlord or Lessor or Owner, his known Agent or Receiver, such Affidavit to remain in the Custody of the Clerk of the Peace of the County in which such Bill shall be filed.

Where Tenement in question shall be situate in Two Counties, Pro-

LXXXIV. If any Lands, Tenements, or Hereditaments touching which any Proceeding by Civil Bill shall be had in pursuance of this Act shall be situate in Two or more Counties, such Proceeding shall be in any One of such Counties; and the Sheriffs of the respective Counties in which any Part of such

Tenement

Tenement or Premises shall be, and in which such Proceedings shall not be had, shall, so far as relates to the Portion of such Tenement or Premises within their respective Bailiwicks, execute such Decree as shall be made on such Civil Bill, upon Delivery to him or them of a Copy thereof, signed by the Chairman, Assistant Barrister, or Recorder who shall have made such Decree: Provided always, that if any Tenement shall be situate in the whole or in part within the County of any City or Town which is a County of itself, except the County of the City of *Dublin*, the Assistant Barrister of the County at large having Jurisdiction for other Purposes within such County of a City or Town, and the Justices of the Peace for such County at large, shall have the same Jurisdiction and exercise the same Powers with respect to such Tenement as if the same had been situate in the County at large, anything in this Act or any Law or Usage to the contrary notwithstanding: Provided also, that in all Cases where it may happen that the Assistant Barrister, or the said Chairman or Recorder, as the Case may be, shall be the Landlord, Lessor, or Owner, or shall claim to be entitled to the Possession of any Lands, Tenements, or Hereditaments situate in Two or more Counties, and where any Part of the same shall be situate within his respective Jurisdiction, and that he shall be desirous to institute Proceedings in respect of the said Tenements or Premises under or by virtue of this Act, such Proceedings shall be in the County or Place without the Jurisdiction of such Assistant Barrister, Chairman, or Recorder where the other Part of such Lands, Tenements, or Premises may still be situate.

ceedings to be in either of them, &c.

Assistant Barrister to have Jurisdiction in any City or Town being a County of itself.

In case Assistant Barrister sues for Lands situate in his own Jurisdiction, Proceedings to be had in a Place without his Jurisdiction.

LXXXV. 'And whereas it is reasonable, in Cases where it may happen that the Chairman, or any 'Assistant Barrister, or the Recorder, is the Landlord or Lessor of or claims to be entitled to the 'Possession of any Lands or Tenement, within his own Jurisdiction, that Provision should be made for 'extending to such Chairman, Assistant Barrister, or Recorder the Benefits of this Act:' Be it therefore enacted, That in every such Case it shall and may be lawful for such Chairman, Assistant Barrister, or Recorder to proceed by way of Civil Bill respecting such Lands or Tenements before the Chairman or any Assistant Barrister of any of the Counties next adjoining to that wherein such Lands or Tenements shall be so situate, in the same Manner as any other Landlord or Claimant might proceed respecting any other Tenement before such Chairman or Assistant Barrister; and an Appeal shall lie from any Decree of such Chairman or Assistant Barrister upon such Civil Bill to the Judge at Nisi Prius, or the next going Judge of Assize, as the Case may be, in the same Manner, and subject to the same Restrictions, Conditions, and Limitations, as are applicable to other Civil Bill Decrees and Dismisses, as herein provided.

Assistant Barrister, being a Landlord in his own Jurisdiction, may proceed by Civil Bill before Assistant Barrister of any adjoining County.

Appeal.

LXXXVI. Whenever it shall happen that the Defendant in any Ejectment Proceeding brought for the Recovery of any Lands, Tenements, or Hereditaments under the Provisions of this Act shall not be resident on such Lands, Tenements, or Hereditaments, the Delivery of any Notice or Process to such Defendant in Person, or, at the Dwelling House or Place of Residence of such Defendant, to his Wife, or to any Child or Servant of such Defendant, or to the Father, Mother, Brother, Sister, or other Relation of the said Defendant or of his Wife residing with the said Defendant, and being of the Age of Sixteen Years or upwards, shall in all Cases be deemed good and sufficient Service of any such Notice or Process, although such Defendant or Defendants shall not be resident, or his or their Dwelling House or Houses or Place of Residence shall not be situate, on the Lands or Tenements comprised in such Ejectment, or to which such Notice or Process shall relate, any Law, Usage, or Custom to the contrary in anywise notwithstanding: Provided always, that if a Defendant shall have gone out of *Ireland*, and shall have left his Wife and Family residing in the Dwelling House usually occupied by him while in *Ireland*, Service of the Process in Ejectment upon his Wife or any Member of his Family, being of the Age aforesaid, at such Dwelling House, shall be deemed and taken as good Service of the Process upon the Defendant, so as to enable the Landlord or Owner to obtain a Decree for the Possession of said Lands.

Service of Ejectment off the Premises on the Wife, Child, or Servant of the Defendant at Dwelling House deemed good Service.

LXXXVII. If any Lands or Tenements, or any Part of any Lands or Tenements, for which any Proceeding by Civil Bill Ejectment shall be had under the Authority of this Act, shall be in any extra-parochial Place, and there shall be any Chapel or Place of Public Worship in such extra-parochial Place, all Processes and Copies of Certificates before required to be fixed on the Door or Gate or on the Pier of the Door or Gate of a Parish Church or Roman Catholic Chapel in Places not extra-parochial shall be fixed on the Door or Gate or on One of the Piers of the Door or Gate of such Church, Chapel, or Place of Public Worship in such extra-parochial Place; and if there shall be more than One such Church, Chapel, or Place of Worship, then such affixing upon any One, in manner aforesaid, shall be sufficient.

How Ejectment Process shall be fixed in extra-parochial Places.

LXXXVIII. In all Proceedings under this Act by Civil Bill Ejectment for Nonpayment of Rent the Affidavit of the Landlord or Lessor, or his Agent or Receiver, for ascertaining the Amount of the Rent due, shall be admissible.

Affidavits of Landlords *admissible in Ejectments.*

LXXXIX. In all Cases of Ejectment by Civil Bill, as between Landlord and Tenant, except where the Proceedings shall be grounded on Nonpayment of Rent, the Chairman, Assistant Barrister, or Recorder shall, if required, sign Two Copies of every Decree which shall be made, and also a Memorial thereof, for the Purpose of Registry in manner herein-after mentioned, and that his affixing his Signature to One of the said Copies shall be witnessed by some Person present at the Time of such Signature; and that it shall and may be lawful for the Landlord or Lessor, if he thinks proper, at any Time between the Termination of the Assizes for the County then next ensuing and the Commencement of the Assizes thereafter next following, to register One Copy of the said Decree in the Office for the Registry of Deeds and Wills in *Ireland*, by lodging a Memorial, and proving the Perfection of the same, in like Manner as is now provided by Law for the registering of Deeds; and that from and after the Registry of the said Decree

Assistant Barrister to sign Two Copies of Ejectment Decrees for Registry.

Ejectments.

Decree it shall have the further Effect of a Conveyance to the said Landlord or Lessor of any Interest which the Tenant, or any Person claiming under him, may or might have in and to the said Lands and Premises, freed and discharged from all Leases, Contracts, Mortgages, Debts, Charges, or Incumbrances which the said Tenant, or any Person claiming under him, may have charged, made, or created thereon.

No greater Fee to be demanded for the Registry of a Decree than for Deed. Penalty.

XC. If any Person in the said Office for the Registry of Deeds in *Ireland* shall demand or take any greater Fee, Gratuity, or Sum of Money, for or on occasion of the Registry of any of the said Decrees, than he is now by Law entitled to for the Registry of a Deed, he shall forfeit the Sum of One hundred Pounds for every such Offence, to be recovered in an Action of Debt by any Person suing for the same.

Clerk of Peace to keep Books in which Ejectments are to be entered.

XCI. The Clerk of the Peace of each County, and the respective Registrars of the County and County of the City of *Dublin*, shall enter in a Book to be kept for that Purpose all Decrees in Ejectment which shall be made at any Sessions of the Peace of such County or County of a City, and which Entries shall specify the Names of the Plaintiffs and Defendants, and the Tenements recovered, as the same shall be specified in the Civil Bills concerning the same, which Book every Person shall have Liberty to inspect and examine, paying to the Clerk of the Peace or Registrar for such Inspection and Examination the Fee of One Shilling and Eightpence; and that the said Clerk of the Peace or Registrar, within Three Days next after the Close of each Session of the Peace, shall post on the Outside of the Door of the Court House where such Sessions were held a correct List of such Causes in which any Tenements shall have been recovered at such Sessions under this Act, which List shall specify the Parties Names and the Description of the Tenements as set forth in the Civil Bill upon which the same shall have been recovered, upon pain of forfeiting for every such Omission the Sum of Ten Pounds, to be recovered by Civil Bill by any Person suing for the same: Provided always, that the Omission to make such Entry or posting shall not invalidate or in any way affect any Decree, or the Recovery of the Possession of any Lands or Premises.

Assistant Barrister, &c. to tax Costs of Ejectments.

XCII. It shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, and they are hereby respectively required, in Cases of Civil Bill Ejectment, on the Request of either Party or his Attorney, to tax the Costs between Party and Party, and to include the same in the Decree or Dismiss, as the Case may be, and further, on the like Request, to tax Costs between Attorney and Client upon any Proceedings that shall have been taken or may hereafter be taken for the Recovery of the Possession of Lands or Tenements under the Provisions of this Act, and no Clerk of the Peace shall have any Power to tax the same, and no Fee shall be payable for such Taxation; and no Attorney shall be entitled to recover any Sum against any Client for or by reason of any Proceedings in Ejectment under this Act, or any Preparation for such Proceedings, unless the same shall have been previously taxed in manner herein provided; and it shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, and they are hereby respectively required, to examine upon Oath (which Oath they are hereby respectively authorized to administer) the Attorney seeking to charge such Client, as to all Matters and Things which it may appear to the said Chairman, Assistant Barrister, or Recorder necessary to ascertain for the due Taxation of the said Costs: Provided always, that no Sum shall be allowed to the Plaintiff's Attorney for any Searches for Incumbrances affecting the Lands and Tenements, unless he shall have received Directions in Writing from the Plaintiff or his Land Agent authorizing him to make the same.

No Attorney entitled to recover until such Costs are taxed.

Assistant Barrister to examine Attorney on Oath as to Costs.

Forms to be used in proceeding by Ejectment under this Act.

XCIII. The Forms in the Schedule (C.) to this Act annexed (marked 12, 13, 14, 15, 16, and 17), or any other Forms to the like Effect, may be used in the respective Cases in the said Schedule mentioned, as and for the Process in such Cases; and the Forms in the said Schedule (marked 18, 19, 20, 21, 22, and 23), or any other Forms to the like Effect, may be used in the respective Cases in the said Schedule mentioned, as and for the Decrees in Ejectment; and the Form (marked 24) in the said Schedule, or any other Form to the like Effect, may be used by the Magistrates in the said Act mentioned, as and for a Certificate for Desertion; and the Form (marked 25) in the said Schedule, or any other Form to the like Effect, may be used for the Affidavit ascertaining the Rent due, to enable the Magistrates to grant such Certificate.

Costs to be paid by One Defendant in Ejectment only.

XCIV. It shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, upon the Hearing of any Ejectment, where there shall be more than One Defendant, upon his pronouncing a Decree, to order and direct that the Costs of such Ejectment Proceedings shall be paid by and recovered from One or more of such Defendants by Name, and not from the other or others of them.

Sheriff to execute all Decrees for Possession within One Fortnight. Fee for the same. Sheriff may grant Warrant to Special Bailiff for Execution of Decree. Fee for such Warrant.

XCV. It shall be lawful for every Sheriff or Under Sheriff, and he is hereby required, in every Case in which no Special Bailiff shall have been appointed at the Nomination of the Plaintiff, as herein-after provided, to execute all Decrees for delivering the Possession of any Lands, Tenements, or Hereditaments within One Fortnight after the same shall be so delivered to him; and every such Sheriff or Under Sheriff shall be entitled to and be paid a Sum of One Pound One Shilling, and no more, in every Case where he shall so execute the same: Provided nevertheless, that it shall be lawful for the Sheriff or Under Sheriff, and he is hereby required, if called on by the Plaintiff so to do, to grant his Warrant to a Special Bailiff, at the Plaintiff's Nomination, in like Manner as for the Execution of any other Civil Bill Decree; and that it shall and may be lawful for such Special Bailiff to whom such Warrant shall be granted, together with his Assistants, to execute the same by delivering the Possession of the Lands, Tenements, or Hereditaments therein named to the Plaintiff to whom the same shall have been decreed, or to any Person appointed by the said Plaintiff to receive the Possession on his Behalf; and in every Case where the said Sheriff or Under Sheriff shall grant his Warrant to a Special Bailiff for executing any such Decree for delivering Possession as aforesaid he shall be entitled to and be paid the Fee of Two Shillings and Sixpence, and no more.

XCVI. The

Title to Lands, &c. not to be drawn into question.

XCVI. The Title to Lands, Tenements, and Hereditaments (except in the Cases herein-before mentioned) shall not be drawn into question in any Proceeding by Civil Bill under this Act; and every Defendant in every Civil Bill shall be entitled, on the Hearing of such Civil Bill, to every Defence which he may have at Law or in Equity.

Regulation of the Courts.

As to Courts of Record.

XCVII. The Courts held by the said Chairman, Recorder of *Dublin*, or Assistant Barristers, and every of them, for hearing and determining Causes by Civil Bill as aforesaid, shall be respectively Courts of Record.

Time for sitting at Sessions.

XCVIII. The Court for the Hearing of Civil Bills, and of Quarter Sessions, shall, after the First Day of every Sessions, commence its Sittings, in the Months of *December* and *January*, not earlier than Nine nor later than Ten of the Clock in the Forenoon, and in other Months not later than Nine of the Clock in the Forenoon, save when prevented by the Illness or unavoidable Absence of the Assistant Barrister, or other Fatality, and shall at once proceed with the criminal or civil Business, after the Assistant Barrister shall be in attendance; but no Decree or Proceeding shall be in any Manner impeached or questioned in consequence of any Trial or Civil Bill having been commenced or heard at any Time before or after any of those Hours; and that no Trial or Case, criminal or civil, or other Business, shall be entered upon after the Hour of Six of the Clock of the Afternoon of any Day, nor shall any Civil Bill be called on after that Hour, except at the Request of both Parties.

Civil Bills to be heard at every Sessions in alphabetical Order, except, &c.

May be heard in Baronial or other Divisions.

XCIX. All Civil Bills, save Ejectments and Replevins, shall be heard and determined at every Sessions in alphabetical Order according to the Surnames of the Plaintiffs, and be entered accordingly in the Book of the Clerk of the Peace, save and except in any Case or Cases where the Assistant Barrister shall see Reason to vary the same: Provided always, that nothing herein contained shall prevent any Assistant Barrister from hearing and determining such Civil Bills in such Baronial or other Divisions as to him shall seem meet; provided that within such Divisions they shall be heard and determined in alphabetical Order as aforesaid, and provided that such Assistant Barrister shall give Three Months Notice of his Intention to hear and determine such Civil Bills in such Baronial or other Divisions.

Jury may be summoned for Trial of all Actions except in Ejectment and Replevin.

C. That in all Actions other than in Ejectment and Replevin when the Amount claimed shall exceed the Sum of Twenty Pounds, it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action, and such Jury shall be summoned in the Manner herein-after mentioned; provided always, that the Party requiring a Jury to be summoned shall, Eight Days previous to the First Day of the Sessions at which said Jury may be so required, give to the Sheriff or leave at his Office a Notice in Writing setting forth that a Jury was demanded by such Party for the Trial of such Action; and such Notice shall contain the Names of the Parties to the said Action, and the Sessions to which said Process is returnable; and the said Jurors so to be summoned by the Sheriff shall be taken from the List of Persons now or at any Time hereafter liable to serve as Jurors at the Assizes or Quarter Sessions of the respective Counties; and the Sheriff shall cause so many of the Jurors of the said Court as in his Opinion he shall deem sufficient (but not less than Twelve) to be summoned to attend the said Court at a Time and Place to be mentioned in the said Summons, and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Assistant Barrister shall direct, not being more than Five Pounds for each Default, same to be recovered as Fines imposed on defaulting Jurors are now recoverable; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to the Wife or Servant or any Inmate at his usual Place of Abode, not less than Three Days before the Day mentioned in said Summons for his Attendance, shall be deemed good Service: Provided also, that no Person shall be summoned or compelled to serve on such Jury more than twice within One Year, or who shall have been summoned and shall have attended any Jury at the Assizes, or any Court of Nisi Prius, or at the Quarter Sessions, within Six Calendar Months next before the Delivery of such Summons: Provided also, it shall be lawful for the said Sheriff to summon any Person to act on such Jury for the Trial of such Actions as aforesaid who may be summoned to serve on Juries for the Trial of Criminal Cases at the same Sessions: Provided also, that whenever there are any Jury Trials Six Jurymen shall be empannelled and sworn as Occasion shall require to give their Verdicts in the Causes which shall be brought before them in the said Court, and being once sworn shall not need to be re-sworn at each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors, in the like Manner as he would be entitled in any of the Superior Courts; and the Jurymen so sworn shall be unanimous in their Verdict: Provided also, that all Civil Bill Cases which shall be tried by any such Jury shall be tried and heard on such Day of the Sessions to which such Civil Bill Process shall be returnable as to the Assistant Barrister shall seem fit: Provided always, that in case any Assistant Barrister upon any Hearing, or any Judge of Assize upon any Appeal, shall think it proper to have any Fact or Facts controverted in any Cause at Hearing before him tried by a Jury, in such Case a Jury, consisting of not less than Three nor more than Twelve Persons, shall be returned instantly by the proper Officer to try such Fact or Facts as shall seem doubtful to such Assistant Barrister or Judge, and the Assistant Barrister or Judge shall proceed to make his Decree or Dismiss on the Verdict of such Jury, or as he shall deem fit.

Power to issue Summonses to Witnesses.

CI. For the Purpose of procuring the Attendance of Witnesses in the Civil Bill Courts it shall and may be lawful for the respective Clerks of the Peace of or acting for the several Counties and Counties of Cities and Towns in *Ireland*, upon the Request of any Person, a Party to any Proceeding by Civil Bill, whether Ejectment or other, to issue a Summons in the Nature of a Subpœna ad testificandum or Duces tecum, directed to any Person in *Ireland*, requiring him personally to appear and give Evidence before the Assistant Barrister, or before the Judge on Appeal, by whom the Matter in dispute is to be heard and determined;

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determined; and in case any Person so served with any such Summons, without sufficient Cause shall not attend pursuant thereto, and produce any Deeds, Documents, Papers, or Writings required by such Summons to be produced, it shall and may be lawful for the said Assistant Barrister, or Judge on Appeal, upon Proof that proper Service thereof had been duly made in sufficient Time before the Day for Appearance named therein, of the Sufficiency whereof the Assistant Barrister or Judge on Appeal is to determine, and that the reasonable and suitable Expenses of such Person had been paid or tendered to him at the Time of such Service, to award such Fine against any such Person who shall not attend, not exceeding Ten Pounds, as the said Assistant Barrister or Judge on Appeal shall deem fit and proper, he the said Assistant Barrister or Judge on Appeal causing to be filed of Record in his Court an Affidavit of the Time, Place, and Manner of the Service of such Summons, and of the Payment or Tender of such Expenses, to be made by the Person proving the same, which said Fine shall be paid or payable to the Party or Parties at whose Instance and Request the said Summons shall have been issued: Provided always, that it shall and may be lawful for the Assistant Barrister or Judge on Appeal to tax and award against the unsuccessful Party in any Proceeding by Civil Bill such Sum or Sums of Money as and for the Expenses of Witnesses residing out of the District or Division in which such Civil Bill shall be heard not exceeding Five Pounds in the Case of any One Witness, and not exceeding Two Pounds in the Case of any One Witness residing within the Jurisdiction of the Assistant Barrister; or if the Assistant Barrister or Judge on Appeal shall think fit, it shall be lawful for him to award a certain limited Sum to be paid for or in lieu of all the Costs of all Witnesses, but not in any Case exceeding the Rate aforesaid; and the Costs so awarded, when payable by a Defendant, shall be recoverable in like Manner as and with and in addition to the Sum ordered to be paid by him in the Decree or Order of the Assistant Barrister or Judge of Assize on Appeal, and when payable by a Plaintiff shall be recoverable in like Manner as herein provided as to the Costs of a Dismiss: Provided also, that upon the Hearing of any Ejectment or other Civil Bill it shall be lawful for the Assistant Barrister or Judge on Appeal, in his Discretion, to receive in Evidence Proof of the Handwriting of any Party or of any subscribing Witness to any Instrument whatsoever, upon satisfactory Proof being given before him that such Party or Witness resides out of the County where such Civil Bill shall be so heard.

Fine for Non-attendance.

Expenses of Witnesses summoned from another County to be taxed against the unsuccessful Party.

Handwriting of Party or subscribing Witness may be proved when out of Jurisdiction.

Parties may appeal to the Oath of each other.

CII. The Parties, Plaintiff and Defendant, shall in all Ejectment and other Cases be mutually at liberty to appeal each to the Oath of the other, provided that a Notice in Writing be served on the Party so intended to be examined at least Three Days previous to the Commencement of the Sessions; but the Assistant Barrister or Judge on Appeal may dispense with the Examination of any Party in any Case in which he may think it expedient so to do; and if he shall deem it to be a Case in which he ought not to dispense with the Oath of such Party, it shall be lawful for such Assistant Barrister or Judge on Appeal, in case of the Non-attendance of any Plaintiff, either to dismiss the Process without Prejudice, or to nil the same, or in case of the Non-attendance of any Defendant, and the Plaintiff thereby failing to prove his Case, to impose on such Defendant a Fine not exceeding Five Pounds, to be recovered by Civil Bill: Provided always, that in case a Defendant shall by such Notice require the Attendance at the Hearing of the Civil Bill of any Plaintiff therein who shall reside out of the Jurisdiction wherein such Civil Bill is to be heard, he shall at the Time of the Service of such Notice pay or tender to such Plaintiff his reasonable Expenses (the Reasonableness thereof to be determined by the Assistant Barrister or Judge upon Appeal); and in the event of the Defendant's omitting so to do such Plaintiff so residing out of the Jurisdiction shall be excused from Attendance in compliance with such Notice, and the Cause shall proceed and be determined as if no such Notice had been served; but in the event of such Expenses having been paid or tendered, and of the Non-attendance of the Plaintiff, or of his Attendance and of the Plaintiff's Case being dismissed, the Sum paid to the Plaintiff shall be added to the ordinary Costs of such Dismiss: Provided also, that it shall be lawful for the Assistant Barrister to examine on Oath any Party who shall be in Court, although no Notice may have been served upon such Party.

Civil Bill for Fines for Non-attendance.

CIII. It shall and may be lawful for any Party at whose Instance any Summons or Notice shall have issued, requiring the Attendance of any Person as a Witness, or of the opposite Party to be examined, when the Person so summoned as a Witness, or the Party noticed to attend, shall not have attended in pursuance of said Summons or Notice, as the Case may be, and shall have been fined for such Non-attendance, to proceed by Civil Bill against such Person or Party for Recovery of the Amount of the Fine so awarded, together with such Expenses as may have been paid to such Witness in the Civil Bill Court of the Division of the County or Riding in which such Person or Party shall reside, and the Certificate, signed by the Clerk of the Peace of the County in which such Fine had been imposed, or by his Deputy, upon Proof of the Handwriting of such Clerk of the Peace or Deputy, shall be conclusive Evidence that the Person so fined for Non-attendance had been duly called in Court, and did not attend, and had been fined for Non-attendance in the Amount stated in such Certificate: Provided always, that on the Hearing of such Civil Bill it shall and may be lawful for the Assistant Barrister to receive Evidence on the Part of the Defendant in such Civil Bill to satisfy him the said Assistant Barrister that the said Defendant had not been served with the Summons or Notice, or had not been served in sufficient Time to enable him to have attended, or that there was a reasonable and just Excuse for the Non-attendance of the said Defendant; and the Assistant Barrister shall be at liberty to pronounce a Decree, either for the full Amount of such Fine or for any smaller Sum, or a Dismiss, and with or without Costs, as he may under the Circumstances think fit.

Decree pro confesso.

CIV. In case any Plaintiff in any Civil Bill shall be desirous to appeal to the Oath of the Defendant in such Civil Bill, it shall be lawful for such Plaintiff to cause a Notice in Writing annexed to the Civil Bill

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Bill Process to be served upon such Defendant at the Time of the Service of the Civil Bill, or upon his Wife, Child, Clerk, or Servant, or Relative of the Defendant or of the Defendant's Wife, aged Sixteen Years and upwards, residing in his Dwelling House, setting forth that the Plaintiff in such Civil Bill requires the personal Attendance of the said Defendant upon the Hearing of such Civil Bill, to be examined on Oath touching the Matters therein contained, and that in default of his Appearance for that Purpose an Application would be made to the Assistant Barrister for a Decree founded upon the Affidavit of the Plaintiff; and in such Case, if the Defendant shall not appear upon the said Civil Bill being called on for Hearing, the Assistant Barrister shall postpone the same, so as to enable the Plaintiff to make an Affidavit setting forth the Facts of the Case, and such Circumstances, if any, as in his Judgment would justify the Court in making a Decree, and also the Amount then justly due to him by the Defendant in such Civil Bill, over and above all just and fair Credits and Allowances; and such Affidavit shall be filed and kept with the Records of the County or Riding where the same shall have been sworn, and the Party so swearing such Affidavit shall be liable to be prosecuted for Perjury in case any false Statement shall be contained in the same; and it shall be lawful for the Assistant Barrister, upon due Proof of the Service of the said Process, and such Notice annexed thereto as aforesaid, and upon being satisfied that the said Defendant was resident at the Time of the Service other than personal at such Dwelling House where such Service was made, and was not at the Time of the Hearing of the said Civil Bill disabled by Sickness or other sufficient Cause from attending thereat, and upon Consideration of the Matter of such Affidavit, and upon Examination on Oath of the Plaintiff, in case he shall think fit to examine him, and if he shall be satisfied of the Justice of the Claim of the Plaintiff, to make a Decree for such Sum as to him shall seem just, or to decline making any Decree: Provided also, that in case any Decree shall be made it shall appear on every such Decree so made as last aforesaid that the same was made upon the Affidavit of the Plaintiff filed in the said Court, specifying the Date thereof.

Process not to be void for technical Errors.

CV. No Action or Proceeding under or by virtue of this Act shall be treated or considered as invalid on account of any verbal or technical Error in the same; and it shall be lawful for every Assistant Barrister, or Judge on Appeal, to decide and determine what is a verbal or technical Error or Mistake in any Action or Proceeding, but all Errors or Mistakes which have not a Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Variances.

Assistant Barristers may amend Variances and correct Misjoinders.

CVI. It shall and may be lawful for the several Assistant Barristers, and Judges on Appeal, and they are hereby respectively empowered, in all Cases, to amend all Variances between the Statement of the Cause of Action in any Civil Bill or other Process or Proceeding in their respective Civil Bill Courts, and the Evidence in support of such Cause of Action, and also to amend all Variances, Omissions, and Misdescriptions in the Descriptions, Additions, and Residence of the Parties or any of them, or otherwise howsoever of or in any such Process, or between the Original and any Copy or Copies thereof, provided such last-mentioned Variances, Omissions, or Misdescriptions shall not, in the Opinion of the Assistant Barrister, be calculated to mislead the Defendant or Defendants therein; and in every Case of any Misjoinder of Parties or Causes of Action it shall and may be lawful for every Assistant Barrister to strike out of the Process the Name or Names of any One or more Plaintiffs or Defendants, or any Count or Counts in such Process, by reason of whom or which such Misjoinder shall arise, and thereupon to proceed therein as to Justice shall appertain.

Evidence.

Official Copy of Judgment to be Evidence.

CVII. In every Proceeding before the Court of the Assistant Barrister or of the Judge of Assize upon Appeal an Office Copy of any Judgment, Decree, or Order made by or before any Court of Law or Equity in *Ireland*, certified to be a true Copy by the proper Officer of such Court of Law or Equity, as the Case may be, shall, upon Proof of such Officer's Handwriting, be deemed and taken as *primâ facie* Evidence of such Judgment, Decree, or Order of such Courts respectively: Provided always, that in every Civil Bill Proceeding under this Act, where it may become necessary to prove the Appointment of any Person to be a Receiver in any Cause in any of the Superior Courts of Equity in *Dublin*, an Office Copy of the Order appointing such Person such Receiver, duly proved as aforesaid, shall be sufficient Evidence of the Appointment of such Person as such Receiver; and it shall not be necessary to produce in proof of such Appointment the Bill and Answer or any other Proceeding in the Cause in which said Person shall have been so appointed such Receiver.

Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts.

CVIII. In every Proceeding before any Assistant Barrister in any Civil Bill Court, or before a Judge of Assize on Appeal, an Office Copy of any original Will or other testamentary Document lodged in any Ecclesiastical Court in *Ireland*, or in the Registry thereof, and which shall appear by such Copy to have been duly proved, and Probate or Letters of Administration thereof granted, shall, upon due Proof of the Signature of the proper Officer of such Ecclesiastical Court, certifying the same to be a true Copy of such original Will or other testamentary Document, be admitted as *primâ facie* Evidence of the Contents of such original Will or testamentary Document of which it purports to be an Office Copy, without the Production of the original Will or testamentary Document; and the proper Officer of any such Ecclesiastical Court is hereby required to make a Memorandum in Writing upon such Office Copy of the Time at which and the Person or Persons to whom such Probate or Letters of Administration shall have been granted.

Assistant Barrister may grant Time or adjourn the Hearing of a Cause.

CIX. The Assistant Barrister may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Civil Bill, and also may from Time to Time, and to the next subsequent Sessions for the same Division, but not longer, adjourn the Hearing or the further Hearing of any Civil Bill, as to the said Assistant Barrister may seem fit.

CX. Every

Decrees.

To be in Form in Schedule.

Execution.

Provision as to Costs.

CX. Every Decree and Dismiss made and signed by an Assistant Barrister, and not otherwise provided for, shall respectively be according to the Forms (26, 27.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will permit; and every such Decree may direct Execution against the Body or Goods of the Defendant, save when by Law it is otherwise provided.

CXI. Wheresoever any Assistant Barrister shall, in any Civil Bill brought under and by virtue of this Act, grant a Decree, the same shall be with such Costs as are provided by this Act; but in case the Plaintiff in any Civil Bill shall not proceed with the same, or shall fail to establish his Case to the Satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill, with such Costs as are by this Act provided (save as herein-after mentioned), and either without Prejudice to the Plaintiff's proceeding by a new Civil Bill, or on the Merits, as he shall think just.

Decrees may be ordered to be paid by Instalments.

CXII. The Assistant Barrister, upon pronouncing any Decree for any Sum of Money, may order the Time or Times when and by what Instalments the Debt or Damages and Costs for which such Decree shall be obtained shall be paid, and such Decree shall be in the Form (28.) in the Schedule (C.) to this Act annexed; provided, that if the Assistant Barrister shall have made such Order for the Payment of such Sum of Money and Costs by Instalments the said Decree shall not issue against the Defendant until after Default in Payment of some Instalment according to such Order, and immediately upon such Default being made, and Affidavit thereof lodged with the Clerk of the Peace (and which Affidavit any Justice of the Peace is hereby authorized and required to take), the said Decree may issue for the whole, or for such Balance as may then remain due after deducting such Instalment or Instalments as were previously paid.

Dismiss may be given in favour of One Defendant and Decree against another.

CXIII. It shall and may be lawful for the Assistant Barrister, upon the Hearing of any Civil Bill where there shall be more than One Defendant, to grant a Decree, with Costs, against One or more of such Defendants, and to grant a Dismiss as to the other or others of the Defendants, either with or without Costs, as he shall think fit.

Decrees of Assistant Barrister may be signed by his Successor.

CXIV. In case of the Death, Removal, or Incapacity of any Assistant Barrister, it shall and may be lawful for his Successor, or the Barrister for the Time being acting for him, to sign any Order or Decree pronounced by the Barrister so dying or removed, or becoming incapable as aforesaid, and to act in all respects in reference to the Orders made as the Barrister so dying or removed, or being incapable as aforesaid, might have done; and the Order and Decree so signed shall be as valid and effectual as if the same had been signed by the Assistant Barrister who pronounced the same.

All previous Decrees, Orders, &c. to remain in full Force.

CXV. All Decrees and other Proceedings, of every Nature and Kind soever, obtained in any Civil Bill Court in *Ireland*, and in force at the Time of the Commencement of this Act, shall, notwithstanding this Act, remain and be in full Force as long as the same would have been in force and effect if this Act had not been passed, and may be renewed and enforced under this Act.

Process of Arrest.

Defendant exempted from Arrest by 11 & 12 Vict. c. 28. may, by Civil Bill Process, (in Form 29.) be required to show Cause why Process of Arrest, &c. should not issue.

CXVI. In all Cases in which any Decree or Order for any Sum in respect of which the Power of Arrest without special Order is taken away under the Provisions of an Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Twenty-eight, and the Plaintiff having obtained such Decree or Order shall not have recovered his Demand out of the Goods and Chattels of such Defendant, it shall be lawful for such Plaintiff to cause a Civil Bill Process to be issued against the Defendant in such Decree or Order, thereby requiring him personally to appear before the Assistant Barrister for the County or Riding at the General or Quarter Sessions for the Division or Place in which such Defendant shall reside, and to show Cause why a Decree should not issue against his Person in respect of such Decree or Order; and such Civil Bill Process shall be according to the Form (29.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will admit; and the respective Assistant Barristers within their respective Jurisdictions shall have Power to hear and determine any such Civil Bill; and the Service, and the several Proceedings of, in, or relating to such Civil Bill, and the Costs of or relating to the same, shall be subject to the like Provisions and Regulations, so far as the same are applicable, as any Civil Bill in other Cases, save as herein otherwise provided.

If Assistant Barrister shall find that Defendant has Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him.

CXVII. At the Hearing of such Civil Bill it shall be lawful for the Assistant Barrister to investigate the Amount of the Debts or Demands due or owing by or claimable against the Defendant, and the Nature and Amount and Circumstances of any Property, of whatsoever kind, he, or any one in trust for him, is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it shall appear that the Defendant, or any one in trust for him, is possessed of or entitled to Property of any kind, which, regard being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against the Defendant and to the Security of his several Creditors, ought, in the Opinion of the Assistant Barrister, to be administered under the Provisions of the Acts relating to Insolvent Debtors in *Ireland*, or that the Defendant is of sufficient Ability to discharge the Plaintiff's Debt or Demand, or that he is in receipt of any Income, Pension, Wages, or Salary, or Monies, which, in the Opinion of the Assistant Barrister, would enable the said Defendant to pay the Demands of the Plaintiff, by Instalments or otherwise, then and in such Case it shall be lawful for the Assistant Barrister to issue a Decree, in like Manner as in other Cases of Civil Bill, to take in Execution the Body of the Defendant to satisfy the Plaintiff's Demands and Costs, or to issue such Decree, with Stay of Execution for a Period thereby limited, which Decree may be according to the Form (30.) in the Schedule (C.) to this Act annexed, or as the Circumstances of the Case may require; and under any such Decree the said Defendant may be arrested and detained in Custody accordingly, as in other Cases of Execution against the Body under a Civil Bill Decree; but if at such Hearing

Process of Arrest.

Hearing it shall appear to such Assistant Barrister that there is not Property of the Defendant which ought, in the Opinion of such Barrister, to be administered under the said Acts relating to Insolvent Debtors, or that the Defendant is not of sufficient Ability to discharge the Plaintiff's Debt or Demand, in any such Manner as aforesaid, or otherwise, but that such Defendant in incurring the Debt due to the Plaintiff or other Liability has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, Income, Pension, Salary, or Wages, or shall have charged, removed, pledged, incumbered, or concealed the same, with Intent to defraud his Creditors or any of them, it shall be lawful for the Assistant Barrister, if he shall think fit, by a Decree according to the Form (30.) in the Schedule (C.) to this Act annexed, or as the Circumstances of the Case may require, to order that any such Defendant may be committed to the Common Gaol or House of Correction of the County, District, or Place in which the Defendant is resident, for any Period not exceeding Three Calendar Months, unless the Demand of the Plaintiff be sooner paid, without Prejudice to any Remedies for the Recovery of the Plaintiff's Demand out of the Property or Effects of the Defendant: Provided also, that there shall be no Appeal from any such Decision of the Assistant Barrister, and such Assistant Barrister may dismiss such Civil Bill, either with or without Costs, as he may think fit; and in case of a Dismiss with Costs, the Costs thereof shall be paid by the Plaintiff, or set off against his Demand, as the Assistant Barrister shall direct: Provided also, that if the Defendant in such Civil Bill shall not personally appear as thereby required at such Hearing, it shall be lawful for such Assistant Barrister to proceed to the Hearing of such Case in his Absence, and to make such Decree or Order as might be made on his Appearance, or as the Assistant Barrister shall think fit.

In default of Defendant's Appearance, Decree may be made.

Power to examine or commit at the original Hearing of a Civil Bill in certain Cases.

CXVIII. In any Action brought in any Civil Bill Court in any Case where the Power of Arrest without special Order is taken away under the Provisions of the said last-mentioned Act, the Assistant Barrister, at the original Hearing of the Cause, shall have the same Power and Authority of granting a Decree against the Person of the Defendant, or of committing him to Prison, as he might have and exercise under the said last preceding Provision in case the Plaintiff had (after a Decree obtained) proceeded specially by a Civil Bill for such Purpose, as in the said last preceding Provision mentioned, anything herein-before contained to the contrary thereof notwithstanding: Provided always, that in any Case in which a Plaintiff shall seek for a Decree against the Person of a Defendant, or for an Order for his Committal at the original Hearing of a Cause, when the Sum demanded shall not exceed Ten Pounds, he shall cause a Notice to be annexed to or endorsed upon the Civil Bill of such his Intention to seek for such Decree or Order: Provided also, that the Committal of a Defendant under an Order, and under any of the Circumstances in the last preceding Provision mentioned, shall not operate as an Extinguishment or Satisfaction of the Plaintiff's Debt or Demand.

Jurisdiction of the Court for Relief of Insolvent Debtors on Circuit transferred to the Assistant Barristers.

CXIX. From and after the First Day of *January* in the Year One thousand eight hundred and fifty-two, the Circuits of the Commissioners of the Court for the Relief of Insolvent Debtors in *Ireland* shall be abolished; and that if thereafter any Insolvent Debtor in Custody in any of Her Majesty's Gaols in *Ireland* situated elsewhere than within the County of *Dublin* or the County of the City of *Dublin*, or any detaining Creditor of such Insolvent Debtor so in Custody as aforesaid, shall petition such Court under any Act or Acts relating to Insolvent Debtors in *Ireland*, or if any such Prisoner or detaining Creditor shall have so petitioned prior to the before-mentioned First Day of *January*, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, such Court or a Commissioner thereof shall, after the Schedule of such Prisoner shall have been duly filed, in the Case of any new Petition, and at any Time which to such Court or Commissioner shall seem fit in the Case of any such Petition which shall not have come on for Hearing, or the Hearing of which shall have been adjourned, make an Order referring such Petition for Hearing to the Assistant Barrister within whose Jurisdiction such Insolvent Debtor is in Custody, and shall transmit such Petition and Schedule to the Clerk of the Peace of the respective County for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister, and shall cause the usual Notices to be given; and any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, might make, give, or do in the Matters of Petitions heard before such Court or Commissioner under such Acts relating to Insolvent Debtors, and if he shall deem fit shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment; and that every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done thereon in all and every the Matters aforesaid by such Assistant Barrister, shall be forthwith, as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the said Court for the Relief of Insolvent Debtors, signed by such Assistant Barrister and Clerk of the Peace respectively, to be a Record of the said Court for the Relief of Insolvent Debtors, and to be kept as such among the Records thereof; and the said Clerk of the Peace is hereby required to return the same accordingly; and the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, shall have

Assistant Barrister to whom the Petition as to Insolvents is referred to have the same Powers as the Insolvent Court, or a Commissioner, for discharging or remanding Insolvent, &c.

Order for bringing the

Insolvent before the Assistant Barrister.

have Power to issue his Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent Debtor shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any adjourned Sitting held in the Matter of such Petition; and every such Governor, Keeper, or Gaoler shall obey such Warrant; and the Expense of conveying such Prisoner to any such Quarter Sessions Town where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding Threepence *per* Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town in obedience to any Rule or Order of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town: Provided always, that nothing herein contained shall extend or be construed to deprive the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees, which can now be lawfully done by the said Court or a Commissioner thereof prior to or pending the Hearing of any such Prisoner before a Commissioner of said Court upon his Circuit: Provided also, that after the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Rehearing of such Petition pursuant to any Order that may be made by the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, as if this Act had not been passed: Provided also, that nothing in this Act contained shall extend to the Case of any Prisoner of unsound Mind.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

Insolvent Court to have Jurisdiction before and pending an Adjournment.

Exception as to Prisoners of unsound Mind.

Recognizances of Sureties entered into for enforcing Attendance of Insolvents to bind Persons to appear before Assistant Barrister.

CXX. 'And whereas divers Persons as Sureties have entered into Recognizances to the Provisional 'Assignee of the Court for the Relief of Insolvent Debtors in *Ireland*, with Conditions that the 'Insolvents therein named should duly appear as therein mentioned, and it may be necessary that some 'of such Insolvents should appear before Assistant Barristers under this Act:' Be it therefore enacted, That every such Recognizance shall extend to bind the Persons who may have entered into the same, in case the Insolvent Debtor therein mentioned shall not at the Time and Place appointed by any Order made pursuant to this Act duly appear before the Assistant Barrister to whom the Matter of the Petition of such Insolvent shall be referred, and on every adjourned Hearing thereof, or shall not abide by the final Judgment of such Assistant Barrister.

Indemnity to Sheriffs, Gaolers, &c. for anything done under the Act.

CXXI. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, or of any Assistant Barrister, or of any Officer of the said Court for the Relief of Insolvent Debtors, or of such Assistant Barrister, by virtue of the Provisions of this Act as to Insolvent Debtors, shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto; and that if any Action of Escape, or any Suit or Action, be brought against any such Commissioner or Assistant Barrister, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office in pursuance of the said Provisions of this Act, such Commissioner, Assistant Barrister, Sheriff, Gaoler, Keeper of Prison, and other Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his Action, or a Verdict shall pass against him, or Judgment shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

Retiring Salary to senior Commissioner of the Insolvent Court on his Resignation, &c., and One Commissioner to perform the Duties thereafter.

CXXII. 'And whereas by reason of the Provisions in this Act contained relating to the Discharge of 'Insolvent Debtors One Commissioner of the Court for the Relief of Insolvent Debtors in *Ireland* will 'be sufficient for the Discharge of all the Duties relating to the Office of the Commissioners of the said 'Court:' Be it enacted, That upon the Death, Resignation, or Removal of the senior of the present Commissioners of the said Court at any Time after the passing of this Act the surviving or remaining Commissioner of the said Court shall alone discharge all the Duties of Commissioner of the said Court; and upon the Death, Resignation, or Removal of such surviving or remaining Commissioner it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to appoint in his Place and Stead a Commissioner of the said Court, in such Manner as he or they are now by Law empowered to appoint a Commissioner thereof, and who shall be the sole Commissioner of the said Court; and upon the Resignation or Removal as aforesaid of the said senior of the present Commissioners of the said Court it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct such Superannuation or annual Compensation to be paid to the said Commissioner as they shall think fit; and such Superannuation or Compensation shall be paid out of the Consolidated Fund of the

the United Kingdom of *Great Britain* and *Ireland* annually, by Four quarterly Payments at the Periods at which any Commissioner of the said Court is now by Law entitled to receive his Salary.

Process of Arrest.

CXXIII. Provided always, That nothing herein contained shall extend to take away the Power of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* of appointing a Deputy, in the Case of Illness of a Commissioner of the said Court for the Relief of Insolvent Debtors, or other reasonable Cause, according to the Provisions of the Act of the Third and Fourth Years of Her Majesty's Reign, Chapter 107, or of appointing a Commissioner for taking Bail under an Act of the Fourth and Fifth Years of Her Majesty's Reign, Chapter 47.

Proviso as to appointing a Deputy in case of Illness.

CXXIV. From the Time when the Duties of Commissioner of the said Court for the Relief of Insolvent Debtors shall be performed by a sole Commissioner as aforesaid, the Office of the Registrar of the Commissioner so dying, resigning, or being removed as aforesaid shall be abolished, and such Office shall not be again filled up; and thereupon it shall be lawful for the said Commissioners of Her Majesty's Treasury to order and appoint to be paid to such Person, whose Office shall be so abolished, such annual Compensation as they shall think fit, and the same shall be paid annually out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* by Four quarterly Payments.

Office of One of the Registrars of the Insolvent Court to be thenceforth abolished, &c.

CXXV. 'And whereas it is expedient to protect, to the Extent herein-after mentioned, the Tools and 'actual Necessaries of or belonging to Debtors from being seized in Execution under any Civil Bill, 'Decree, Dismiss, or Order:' Be it enacted, That the Wearing Apparel and Bedding of any Debtor in *Ireland*, and the Tools and Implements of his Trade or Business, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Decree, Dismiss, or Order of any Civil Bill Court against his Goods and Chattels: Provided always, that whether the Value of such Apparel, Bedding, Tools, and Implements shall or shall not exceed the Value of Five Pounds, they shall, to an Extent not exceeding Five Pounds in Value, be protected from such Seizure as aforesaid.

Tools and actual Necessaries of Debtors not to be seized in Execution under Civil Bill.

CXXVI. It shall and may be lawful for every Assistant Barrister in *Ireland*, although he shall not be at the Time within the County of which he shall be such Assistant Barrister, to take any such Affidavit or Affidavits as he is now by Law entitled to take, or as in any way relates to any Action or Proceeding in his Court of Civil Bill Jurisdiction, and to administer the necessary Oath or Oaths for that Purpose; and every such Affidavit shall be of the same Force and Effect, and the Penalty for any false swearing therein shall be the same, to all Intents and Purposes, as if such Affidavit was taken by or before such Assistant Barrister in the Civil Bill Court within his County: Provided always, that every Affidavit relating to or concerning any Action or other Proceeding in his Court of Civil Bill Jurisdiction shall, within Six Days after the Day on which such Affidavit shall be made, be delivered to the Clerk of the Peace of such County, or at the Office of such Clerk of the Peace within such County, to be filed amongst the Records of such Court, otherwise such Affidavit shall be null and void.

Affidavits as to Civil Bill Proceedings may be taken by Assistant Barristers out of their Counties.

Appeals.

CXXVII. It shall and may be lawful for any Person who shall think himself aggrieved by any Decree or Dismiss made or pronounced by any Assistant Barrister to appeal therefrom to the Judge of Assize for the respective Counties in which such Decree or Dismiss shall have been made, at the Assizes next after such Decree or Dismiss shall have been so made or pronounced, and not after such Assizes; and such Judge of Assize is hereby empowered and required to hear the said Cause, and to issue a Decree and Execution thereon, in like Manner as Decrees and Executions are by the said Assistant Barristers to be awarded and issued upon the Hearing of Civil Bills under this Act, and with like Powers relating to the same, and with the like Costs; which Appeal the Assistant Barrister is hereby required to receive, and stop all Proceedings on the Decree or Dismiss pronounced, the Party appealing, if a Defendant, first paying to the Plaintiff the Costs allowed by this Act, or depositing the same with the acting Clerk of the Peace, and in all Cases, except in Proceedings by Ejectment for Nonpayment of Rent, entering before the said Assistant Barrister into a Recognizance of double the Sum decreed, with sufficient Bail to pay the Sum decreed against him, with Costs, in case no Relief shall be had upon the Hearing of such Appeal; and such Recognizance shall be in the Form (31.) in the Schedule (C.) to this Act annexed; and in case the Party appealing be a Plaintiff, then paying the Defendant, or depositing with the acting Clerk of the Peace, the Costs allowed by this Act, and entering before the Assistant Barrister into a Recognizance in the Sum of Forty Shillings, or if the Sum awarded against him by the said Assistant Barrister for Costs shall exceed Forty Shillings, in a Sum equal to the Amount of such Costs, conditioned to pay such Costs as shall be awarded against him on such Appeal, if the same shall be determined against him: Provided always, that in Cases of Ejectment for Nonpayment of Rent Execution shall not be stayed by reason of any such Appeal, unless the Defendant shall deposit with the Clerk of the Peace the Amount of the Rent proved to be due on the Hearing of the Civil Bill Ejectment; and provided also, that, except in Ejectment Cases, no Appeal shall lie against a Dismiss without Prejudice.

Appeals may be made to Judge at next Assizes.

Judges of Assize empowered to hear and issue Decree and Execution as herein.

Assistant Barristers to receive Appeal and stop Proceedings, Appellant, if Defendant, first paying, &c. as herein.

If Plaintiff, then to pay, as herein.

CXXVIII. Any Person who shall think himself aggrieved by such Decree of such Assistant Barrister, and who did not appear by Attorney at the Hearing of the Cause, and shall not have entered into such Recognizance as aforesaid, may deposit the Money decreed against him, and the Costs thereof, in the Hands of the Sheriff, and enter into a Bond of Five Pounds to the adverse Party (such Bond to be free from any Stamp Duty), conditioned to perform and abide the Decree of the next-coming Judge of Assize for such County, and on his so doing the said Sheriff shall stop and forbear further Proceedings on the said Decree until the next Assizes, and give the Party appealing a Certificate that such Party has appealed and made such Deposit with the said Sheriff; and the Party appealing shall give Notice to the other Party in the Cause, Six Days at the least before the then next Assizes, that he has made such Deposit

If Appearance by Attorney not made, or Recognizance not entered into, Money decreed, &c. may be deposited with Sheriff, upon which Proceedings shall be stopped, &c.

Appellant to give Notice of Deposit Six Days before next Assizes, if possible.

If Notice insufficient, Appeal to be dismissed.

Deposit with the Sheriff, and intends to appeal to the next-going Judge of Assize, if there shall be sufficient Time to give such Notice after such Deposit so made; and if there shall not be sufficient Time to give Six Days Notice thereof, then the said Party so making such Deposit with the Sheriff shall give as long Notice of such his Deposit made, and Intent to appeal, as he reasonably can, on the Reasonableness of which Notice the said Judge of Assize shall determine; and if he or they shall think the same, on the Circumstances of the Case, insufficient, he or they shall dismiss the said Appeal, and affirm the said Decree or Dismiss, without requiring the Party who obtained the same to prove his Case, if he is unprepared so to do.

Attorney to make Affidavit that Appeal is not made for the Purpose of Delay.

If Appearance not made, &c., Deposit not to be received by Sheriff, &c. unless Affidavit is made.

Affidavits to be kept with Records.

CXXIX. No Assistant Barrister shall receive any Appeal from any Decree or Dismiss by him made or pronounced, unless the Attorney who appeared at the Hearing of the Cause in which the same was made or pronounced for the Party desiring to appeal, if any such Attorney did appear, shall first make an Affidavit in Writing according to the Form (32.) in the Schedule (C.) to this Act annexed, before such Assistant Barrister, that such Appeal is not, as he believes, made or to be made for the Purpose of Delay, but that he believes that there is probable Cause of reversing the Decree or Dismiss made in the said Cause, which Affidavit so made shall be kept among the Records of the County by the Clerk of the Peace; and in case the Party intending to appeal shall not have appeared by Attorney at the Hearing of the Cause, and shall not have entered into such Recognizance as aforesaid, but shall offer to deposit the Sum decreed against him in the Hands of the Sheriff, the same shall not be received by the Sheriff, nor the Proceedings therein stopped, unless the Party appealing shall produce to the Sheriff, and deposit with him, an Affidavit made by such Party before some Justice of Peace of the respective County, to the same Effect and of the same Substance as herein-before required to be made before such Assistant Barrister in case of an Appeal lodged before him; which said Affidavits the several Justices of the Peace are hereby empowered and required to take in and for their respective Counties; and such Sheriff is hereby required to transmit such Affidavit to the Clerk of the Peace, to be by him kept among the Records of the Court.

Appeal in Cases when Parties appear by Attorney, but are not present to enter into Recognizance.

CXXX. 'And whereas Plaintiffs and Defendants appearing by Attorney, and not attending in Person 'at the Quarter Sessions, might be deprived of their Right of Appeal, by reason of their being necessary 'Parties to the Recognizance to prosecute such Appeal:' Be it therefore enacted, That in case of the Absence of any such Plaintiff it shall and may be lawful for him to enter an Appeal, without entering into such Recognizance, upon paying the Defendant, or depositing with the Clerk of the Peace, double the Costs of such Dismiss, and performing the other Requisites herein-before specified in Cases of Appeal (save as to such Recognizance); and it shall and may be lawful for any such Defendant to enter an Appeal on a like Payment to the Plaintiff, or depositing with the Clerk of the Peace, double the Costs of such Decree, and performing the other Requisites as to Appeals herein-before specified (save as to such Recognizance); but a Recognizance in double the Sum decreed, in case of the Absence of the Defendant, shall in every Case be entered into on his Behalf by Two solvent Sureties, to prosecute the Appeal, and to pay the Amount to be decreed against the Defendant, and Costs.

Sheriffs neglecting to pay over Deposit or Sums levied under Decrees liable to pay double to Party aggrieved.

CXXXI. Where any Person shall be entitled to bring an Appeal under the Provisions of this Act, and shall for the Purposes of such Appeal deposit with the Sheriff the Money decreed against him, or any Sum of Money directed by this Act to be deposited with the Sheriff, if the said Sheriff shall neglect to pay over the Sum so deposited with him, or shall refuse or neglect to pay over any Sum levied by virtue of any Execution of such Decree or Dismiss to the Person or Persons entitled thereto, or to such Person or Persons as by him or them shall be lawfully authorized to receive the same, upon Demand made for that Purpose, such Sheriff so offending shall forfeit to the Party aggrieved double the Sum so deposited with or received by such Sheriff, together with legal Interest for the same from the Time of such Demand, to be recovered by Civil Bill before the Assistant Barrister for the County for which such Sheriff so acted, with like Power of Appeal as in the Case of any ordinary Civil Bill.

Appeals from Civil Bill Decrees, &c. in Dublin to be heard by the Courts provided by the 13 Vict. c. 18. s. 30.

CXXXII. Every Appeal from any Decree, Dismiss, or Order on any Civil Bill of the Recorder of *Dublin*, or of the Chairman of the County of *Dublin*, shall be made to and heard by such Court as is in that Behalf provided by an Act passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in* Ireland; and the Party appealing shall give to the Party who shall have obtained such Decree, Dismiss, or Order, or to his Attorney, Four Days Notice of the Time appointed by the Court for the Hearing of the same; and such Appeal, and the several Matters relating thereto, shall in other respects be subject to the like Provisions and with like Powers as in Cases of Appeals to Judges of Assize.

If no Appeal, Decrees and Dismisses final.

If Appeal made, the Decree of Judge of Assize final.

CXXXIII. Such Decrees and Dismisses as shall be made and pronounced by such Chairman, Recorder, and Assistant Barristers respectively shall, in case there shall be no Appeal therefrom, be absolutely final to all Intents and Purposes, and shall not be subject to be removed, by any Writ of Error or otherwise, to any other of Her Majesty's Courts, or capable of being reversed; and that in case of an Appeal from any such Decree or Dismiss to the next-going Judge of Assize, or in the County or County of the City of *Dublin* to the Court herein-before provided, the Order or Decree of such Courts shall in like Manner be absolutely final to all Intents and Purposes, and shall not be removed to any of Her Majesty's Courts, by Writs of Error or otherwise, and shall not be capable of being reversed.

Where several Defendants, and Assistant Barrister dismisses as to One and decrees as

CXXXIV. In all Cases where it shall happen that there are Two or more Defendants, and that the Chairman, Recorder, or Assistant Barrister shall decide that One or more of said Defendants is or are liable to the Plaintiff's Demand, and that the other or others of said Defendants is not or are not liable to same, and shall accordingly direct a Decree to issue against One or more of the said Defendants, and at the same Time a Dismiss against another or others of them, it shall and may be lawful in all such Cases

Cases for the Defendant or Defendants against whom such Decree has been made to appeal in the same Manner and under the same Restrictions and Provisions as if there was but One Defendant in the Cause. to the other or others.

CXXXV. In all Cases where there shall be several Plaintiffs or several Defendants it shall be lawful for any One or more of such Plaintiffs to appeal against a Dismiss, and for any One or more of such Defendants to appeal against a Decree, pronounced by the Assistant Barrister, although the other or others of said Parties, Plaintiffs or Defendants, shall refuse or decline to join the said Plaintiff or Defendant so desirous of appealing: Provided always, that such Decree or Dismiss so appealed against shall not, pending such Appeal, be executed against the Party or Parties not appealing. One of several Plaintiffs or Defendants may appeal without the others.

CXXXVI. Where in any Civil Bill there shall be several Plaintiffs and several Defendants, and all or more than One of such Plaintiffs, or all or more than One of such Defendants, as the Case may be, shall appeal from the Decree or Dismiss of the Chairman, Recorder, or Assistant Barrister, and after the lodging of such Appeal any of such Parties, Plaintiffs or Defendants, shall die (in case of a Plaintiff or Plaintiffs) leaving another Plaintiff or other Plaintiffs surviving, and (in case of a Defendant or Defendants) leaving another Defendant or other Defendants surviving, such Appeal shall not abate by such Death or Deaths, but the same may be proceeded with at the Suit of the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, or *vice versâ*, as the Case may be. Death of Parties not to abate Suit where several Plaintiffs or Defendants, but may be prosecuted by Survivor.

CXXXVII. In all Cases where any Party to any Civil Bill shall have given Notice in Writing to the opposite Party to produce, upon the Hearing of said Civil Bill before the Chairman, Recorder, or Assistant Barrister, any Document, or any Notice of Set-off, or any Notice of any other Kind or Description whatsoever, it shall not be necessary for such Party or Parties so having given such Notice to renew the same upon or for the Hearing of any Appeal that may be brought in such Case, but any such Notice so given for the original Hearing of the Civil Bill shall be effectual in like Manner upon the Appeal. Notices on Parties below to be good in Cases of Appeal.

CXXXVIII. In all Cases of Appeal from any Civil Bill Decree or Dismiss it shall be lawful for the Chairman, Recorder, or Assistant Barrister, in case he shall be of opinion that a Question of Law only is involved in such Proceeding, by Consent of the Parties respectively, to state a special Case under his Hand for the Opinion of the Judge on Appeal upon such Question of Law, and thereupon like Proceedings shall be had, and a like Decision given upon such Appeal and Special Case, and subject to like Provisions as in other Cases of Appeal, save that, without further Proof of the Facts of the Case, the Decision of the Court of Appeal shall be given upon such Special Case. Opinion of the Court of Appeal on the Question of Law.

Renewals of Decrees.

CXXXIX. Every Decree and Dismiss made and signed by any Assistant Barrister shall be in full Force and Effect for One Year from the Date of the same, and that the same, if not before executed, may be renewed from Time to Time once in every Six Months, or as near thereto as the Time for holding the several Sessions will permit: Provided always, that no Civil Bill Decree for Possession of any Lands or Tenements, or any Affirmance of such Decree, (except in the Case of a Renewal under the Eighth Section of an Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and eleven,) shall be renewed, save for the Costs thereby decreed. Decrees and Dismisses in force for a Year, and renewable. No Renewal of Decree for Possession, except for Costs.

CXL. No Decree shall be at any Time renewed until the Plaintiff in such Decree, or One of the Plaintiffs, if there be more than One, or in case of the Death of a sole Plaintiff, then his or her personal Representatives, or One of them, and in case of more than One Plaintiff, the surviving Plaintiff, or One of the Representatives of a deceased Plaintiff, shall have made Affidavit, or an Affirmation in Cases where an Affirmation is by Law allowed, before the said Assistant Barrister for the County in which such Decree was made or pronounced in open Court held as aforesaid for such Division, which Affidavit or Affirmation shall be in the Form 33. in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will admit, and shall state the Names of the Parties in the original Cause, the Sum for which such Decree was made, and the Sum then remaining due or unpaid to the Plaintiff or Plaintiffs, or their personal Representatives, on the Foot of the said Decree, after all just Allowances; provided that if the Person swearing such Affidavit or making such Affirmation was a Party in the original Cause as personal Representative to some other Person, or if such Person so swearing or affirming shall seek to renew any Decree or Dismiss as Executor or Administrator of One of the Parties in the original Cause, it shall be sufficient for such Person to swear or affirm that such Sum still remains due, after all just Allowances, as he or she verily believes: Provided also, that in the Absence of the Party to the original Decree it shall be lawful for the known Agent or Receiver of such original Party to make such Affidavit, in which Case the Words "One of the Parties," in the Form of the Affidavit specified, shall be omitted, and instead thereof shall be substituted (known Agent or Receiver (as the Case may be) to *C.D.*, Plaintiff or Defendant (as the Case may be), and that such Person so making the said Affidavit may add at the End thereof these Words, "as he doth verily believe." Decree not renewed till Affidavit in Schedule made. Provision as to Representatives. Affidavits for Renewal of Decrees, &c. may be made by Agent or Receiver, with Alterations herein directed.

CXLI. No Dismiss shall be at any Time renewed until the Defendant who shall have obtained the same, or One of the Defendants, if there shall be more than One Defendant, or in case of the Death of a sole Defendant then his or her personal Representatives, or One of them, and in case of more than One Defendant the surviving Defendant, or One of the Representatives of a deceased Defendant, shall have made Affidavit, or an Affirmation in Cases where an Affirmation is by Law allowed, in like Manner and Form, *mutatis mutandis*, as is herein-before provided in the Case of renewing a Decree; which Affidavit so sworn or Affirmation made, and signed by and with the Name or Mark of the Person so swearing or affirming it, as well where the Party shall seek to renew a Decree as a Dismiss, shall be written or printed on the same Piece of Paper with the Renewal of the said Decree or Dismiss, filled and prepared for Dismiss not renewed till Affidavit made. Affidavit on Renewal of Decree or Dismiss to be written on same Paper

with Renewal, prepared for Assistant Barrister to sign; and may renew Decree or Dismiss, as herein. Affidavit to be kept with Records of County.

for the said Assistant Barrister to sign; and when such Affidavit or Affirmation shall have been sworn or affirmed the said Assistant Barrister shall sign his Name thereto, testifying that the same was sworn before him in open Court; and the said Assistant Barrister shall and may then renew such Decree or Dismiss (by signing such Renewal) for the whole original Sum and Costs, if the whole shall be due, or for such Sum as shall be sworn or affirmed to remain due, as the Case shall happen, together with the Costs of such Renewal; and thereupon the said Affidavit or Affirmation shall be separated from the said Renewal, and shall be delivered to the Clerk of the Peace for the County or his Deputy, and shall be kept among the Records of the County.

Decrees or Dismisses may be renewed by Plaintiff or Defendant, or their Executors, &c.

CXLII. It shall be lawful for any Plaintiff or Defendant, or surviving Plaintiff or Defendant, or the Executor or Administrator or Assignee of any Plaintiff or Defendant, who shall have become bankrupt or insolvent, or the Husband of any Plaintiff or Defendant, by whom any Decree or Dismiss was obtained, to renew any Decree or Dismiss, or any Affirmance or Reversal of any Decree or Dismiss of the Assistant Barrister affirmed or reversed on Appeal against any Defendant or Plaintiff or surviving Defendant or Plaintiff, or the personal Representatives of such Parties respectively; provided that all such Renewals shall be subject to the same and the like Conditions and Regulations as are herein prescribed: Provided always, that it shall not be lawful for any Assistant Barrister to grant a Renewal of any Civil Bill Decree or Dismiss, Affirmance or Reversal, when Two Years shall have elapsed after such Decree or Dismiss, Affirmance or Reversal, shall have been pronounced, nor at any Time to grant such Renewal to or against any Person not being an original Party to such Civil Bill, unless upon Proof made in open Court that the Party seeking such Renewal caused Notice in Writing, according to the Form (34.) in the Schedule (C.) to this Act annexed, to be served upon the Person against whom it is sought to renew such Decree or Dismiss, Affirmance or Reversal, setting forth the Particulars of such Decree, and the Amount for which the Application to renew such Decree is proposed to be made, such Notice to be served in like Manner as Civil Bill Processes are hereby required to be served, and at the like Time previous to the First Day of holding the Civil Bill Court to which such Application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like Manner as any ordinary Civil Bill.

No Renewal after Two Years, except upon Notice.

Notice to be served of Renewal when to be granted to any but the original Parties.

Decrees, &c. previous to this Act may be renewed.

CXLIII. All Decrees and Dismisses which shall have been made or pronounced by any Assistant Barrister, Chairman of the Sessions of the Peace for the County of *Dublin*, or the Recorder of the City of *Dublin*, before the Commencement of this Act, may, subject to the Regulations aforesaid, be renewed before any of the Assistant Barristers for the Time being for the Counties respectively in which the said Decrees or Dismisses have been heretofore made, or before such Chairman or Recorder, as the Case may be.

Decree or Dismiss not to be renewed after Six Years made.

CXLIV. No Decree or Dismiss already made or pronounced, or hereafter to be made or pronounced, by any Assistant Barrister, shall be renewed at any Time after Six Years from the Time of the making or pronouncing the same, but the Debt and Costs therein shall, after Seven Years from the making of the original Decree or Dismiss, be absolutely extinguished, and shall not be capable of being enforced by any Proceeding whatsoever; and such Decree or Dismiss, or Renewal thereof, shall not be revived or kept in force by any parol Evidence or Promise to pay the same or any Part thereof, or by any Evidence of a Part Payment thereof: Provided nevertheless, that if the Defendant or Defendants shall execute any new Security in Writing for such Debt or Costs such new Security shall be of full Force and Effect in Law.

Execution of Decrees.

Sheriffs to execute Decrees.

Sheriffs of Counties of Cities and of Towns to make Warrants, &c.

CXLV. All Decrees and Orders of the said Civil Bill Courts which shall have been signed before the Commencement of this Act, and remaining unexecuted, and all Decrees and Orders of such Courts hereafter to be signed, shall be executed by the Sheriffs of the several Counties, Counties of Cities and Towns, or, at the Request of the Plaintiff, by any Person authorized by the said Sheriffs, by special Warrant, to act as Bailiff, at the Peril of the Party making such Request; and that the several Sheriffs of the several Counties of Cities and Counties of Towns shall make such Warrants and execute such Executions in and for their respective Bailiwicks, upon all Decrees and Dismisses or Orders to be executed within their respective Bailiwicks, and do all and every Matter relative thereto, and to Appeals therefrom, and with the like Fees, as is herein mentioned respecting the Sheriffs of the several Counties at large.

Bailiffs may sell Goods taken in Execution.

CXLVI. Any Person employed as a Bailiff in any Civil Bill Decree shall have full Power and Authority to sell Goods taken in Execution by him, by Public Auction, without the Assistance of a licensed Auctioneer.

Cattle, &c. not to be taken more than Five Miles; and then publicly sold between Ten in the Forenoon and Four in the Afternoon, giving Four Days Notice of the same.

CXLVII. No Cattle or Goods taken in Execution under any Decree or Dismiss shall be driven or carried to any Place more than Five Miles distant from the Place where they were taken; and that such Cattle or Goods shall be sold by public Cant to the highest and best Bidder, between the Hours of Ten in the Forenoon and Four in the Afternoon on such Day and at such Place as the Sheriff or his Bailiff shall appoint, first causing Notice in Writing entitled in the Cause of the Time and Place intended for such Sale to be posted up Four Days previous thereto in the next Market Town at the usual Place of posting up public Notices; and the Plaintiff in such Decree shall be entitled to receive and retain out of the Proceeds of such Sale a Sum of Money for the Expenses of Bailiffs in charge of the Property taken (if such Property shall remain in charge of Bailiffs), over and above the Amount of the Decree, at the Rate of One Shilling and Sixpence for each Bailiff for every Twenty-four Hours that he shall be so in charge: Provided always, that the Number of Bailiffs for whom the Plaintiff may so charge shall not exceed Two, and the Length of Time for which he shall charge shall not exceed Five Days: Provided also, that the Plaintiff in such Decree, or the Person or Persons so driving or carrying away such Cattle

Penalty on selling, &c. other-

or

or Goods, or selling them, otherwise than as herein directed, shall forfeit to the Person aggrieved by the same double the Value of the said Cattle, to be recovered by Civil Bill under this Act.

wise than as herein.

CXLVIII. If any Cattle or Goods shall be taken and carried away under any Decree or Dismiss, or under colour of any Decree or Dismiss obtained upon any Civil Bill, between the Hours of Sunset and Sunrise, the Person or Persons so taking and carrying away the same shall be deemed guilty of a Misdemeanor, and being convicted thereof shall suffer such Punishment by Fine or Imprisonment, or both, as to the Court who shall try the Case shall seem meet, and in any Indictment for this Offence it shall be sufficient to allege generally that the Party or Parties fraudulently, contrary to the Intent of this Act, carried away such Cattle or Goods between the Hours of Sunset and Sunrise, without describing more particularly the Circumstances of such Offence; and the Property in the Goods and Cattle so taken shall not be altered by any Sale thereof.

Persons driving or taking Cattle or Goods between Sunset and Sunrise, guilty of a Misdemeanor.

Property not altered by Sale.

CXLIX. In any Case where the Decree, Dismiss of any Civil Bill Court, or any Warrant thereon, may be set up as a Defence to any Action in any Superior Court, it shall not be incumbent on the Party to plead such Decree, Dismiss, or Warrant thereon specially, but it shall be lawful for him to plead the General Issue, and to give the Decree, Dismiss, or Warrant thereon respectively in Evidence as special Matter.

Decree may be given in Evidence under General Issue.

CL. 'And whereas Difficulties may arise in the Execution of any Decree or Order made under this 'Act against Goods, by reason of Claims being made to the Property of such Goods by Persons not 'being the Parties against whom such Decree or Order has issued, and it is reasonable to afford a 'cheap and expeditious Mode of adjudicating on such Claims:' Be it enacted, That when any Goods taken under any Decree, Order, or Process of any Civil Bill Court in *Ireland* shall be claimed by any Person who is not a Party to such Decree, Order, or Process, it shall and may be lawful for the said Person so claiming such Goods so taken as aforesaid, or his Agent, to make an Affidavit before any Justice of the Peace for the County wherein such Goods shall have been seized under such Decree, Order, or Process, (and which Affidavit such Justice is hereby empowered to take and receive,) to the Purport that the said Goods are the *bonâ fide* Property of the Person so claiming the same; and it shall and may be lawful for the Sheriff of the County where such Goods shall be so seized, upon the Lodgment with the said Sheriff of such Affidavit, and of the Amount of the Sum mentioned in such Decree, Order, or Process, where the Value of the Goods so seized shall exceed or be equal to the Amount of the Sum mentioned in such Decree, Order, or Process, or, in the event of the Value of the Goods so claimed being less than the Sum so mentioned, then such Sum as shall be equal to the Value of such Goods, (such Value to be ascertained by any Appraiser appointed by the said Sheriff for taking Replevins,) to issue an Order for the delivering up of such Goods to the said Person so claiming the same, or to cause the same to be delivered up accordingly; and the said Sheriff shall, within Eight Days from the Day of Lodgment of such Affidavit as aforesaid, transmit same to the Office of the Clerk of the Peace, to be there filed, and shall hold the said Money so deposited with him to abide the Order or Decree of the Assistant Barrister in respect of the same, as herein-after mentioned; and the Person so claiming the said Goods, and depositing the said Money with the Sheriff as aforesaid, shall cause a Civil Bill Process to be served on the Plaintiff or Party in such Decree, Order, or Process at whose Suit such Goods shall have been taken, stating that he claims the same as his Property, and the said Civil Bill shall be returnable to the Quarter Sessions for the Division of the County in which such Seizure was made next after such Deposit with the said Sheriff, provided that the same can be served on the Defendant in due Time for such next Quarter Session, and if not then to the Session for the Division next following, and not after; and the said Civil Bill as to the said Claim of Property shall be served, heard, and determined as any ordinary Civil Bill, and the said Assistant Barrister shall make a Decree or Dismiss thereon, as he shall think fit, with Costs; and if the said Claim of Property shall not be substantiated to the Satisfaction of the Assistant Barrister, then the said Sheriff shall and he is hereby required, upon the Production to him of a Dismiss in such Case, or, in case of the Non-production of a Decree for the Plaintiff therein, within Ten Days from the Termination of the Sessions at which such Civil Bill ought to have been brought, without further Order, pay over the Monies so deposited to the Defendant in such last-mentioned Civil Bill, and Credit shall be given by such Defendant for the same out of the Amount due on the original Decree, Order, or Process; and in like Manner, upon the Production to the Sheriff of a Decree in favour of the Claimant of the said Property, the said Sheriff shall pay back to the said Claimant the said Sum of Money so deposited with him as aforesaid: Provided always, that it shall and may be lawful for the Assistant Barrister before whom such Claim of Property shall be tried, if he shall think fit, and Damages shall be claimed in the Process, to give Damages, not exceeding in any Case Five Pounds, for the original Taking of the said Goods, as well as to make an Order for the Payment of the said Deposit to the Claimant; provided also, that if any Person or Persons shall decline or refuse to deliver up the Goods so taken upon any Decree, Order, or Process under this Act, after Production to him or them of the Order of the Sheriff for that Purpose, or shall retake such Goods under the same Decree or Order under which the same were so originally taken, such Person or Persons so offending shall be deemed guilty of a Misdemeanor, and liable to be punished accordingly; and in any Indictment for this Offence it shall be sufficient to allege generally that the Party knowingly and wilfully declined and refused to deliver up such Goods, or retook the same, (as the Case may be,) after Production to him of the said Order of the said Sheriff; and provided also, that nothing in this Provision contained shall debar the Party claiming the Goods as aforesaid from any Remedy to which he would have been entitled if this Act had not been passed, instead of proceeding under this Provision.

Where Goods of a Third Person are taken under a Decree, that Person on making Affidavit, and lodging the Amount of the Civil Bill, or the Value of the Goods, with Sheriff, to have Goods redelivered to him.

Claimant to bring a Civil Bill at the next Session against Plaintiff in Decree, and Barrister to make a Decree or Dismiss thereon.

Sheriff to pay the Money over to Party entitled.

Damages may be given for original Taking.

Party refusing to deliver up the Goods on Sheriff's Order, or retaking them, guilty of a Misdemeanor.

Miscellaneous Provisions.

Assistant Barristers may fine Clerks of Peace, &c. guilty of Breach of Duty; and fine or commit for disturbing Court, &c.

CLI. It shall and may be lawful for every Assistant Barrister, from Time to Time as there shall be Occasion, of his sole Authority, and at his Discretion, to fine the Clerk of the Peace, or his Deputy, of all Counties and Ridings respectively, and all Sheriffs of Counties and Counties of Cities and Counties of Towns respectively, where Courts for deciding Causes by Civil Bill shall be held, who shall respectively be guilty of any Breach of Duty in the Execution of this Act, in any Sum not exceeding Five Pounds, and, of his sole Authority, and at his Discretion, to fine in any Sum not exceeding Forty Shillings, or, at his Discretion, to commit to Prison for any Time not exceeding a Fortnight, any Person whomsoever who shall disturb the Court so to be held by him for the hearing and determining Causes by Civil Bill, or for any other Contempt of the said Court.

Fees specified in Schedule to be deemed lawful Fees.

Penalty for taking larger Fees.

CLII. In all Actions and Proceedings by Civil Bill the Fees specified in the Schedule (D.) to this Act annexed shall be established and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified by the respective Officers therein mentioned, and no other Fees or Payments shall be recoverable for the Discharge of such Duties; and that every Clerk of the Peace, or his Deputy, Attorney, Sheriff, Bailiff, or Process Officer, who shall receive any greater Fee, Gratuity, or Emolument, or other Consideration, for any of the Services specified in the said Schedule, shall forfeit and pay the Sum of Ten Pounds Sterling for every such Offence, to be recovered by Civil Bill by any Person who may sue for the same.

Fees in Schedule chargeable against unsuccessful Party.

CLIII. The several Fees mentioned and set forth in the Schedule (D.) to this Act annexed in that Behalf shall be the Fees chargeable against any Party, Plaintiff or Defendant, as between Party and Party, upon any Civil Bill brought under the Provisions of this Act; and no other Fee or Charge shall be made in any Bill of Costs between Party and Party, or in any Decree or Dismiss, other than those set forth in said Schedule.

Fees payable to the Registrar of the City and County of Dublin.

CLIV. Such of the Fees specified and set forth in the said Schedule (D.) as are thereby made payable to Clerks of the Peace of the different Counties in *Ireland* for entering Civil Bills, and for signing Decrees or Dismisses, and signing and entering Renewals, shall be payable to the Registrar of the present Chairman of the County of *Dublin*, and the Clerk or Registrar of Civil Bills for the City of *Dublin* respectively, only in Ejectment, Replevin, and Legacy Cases, and in Cases over which an entirely new Jurisdiction is hereby created, and in all other Cases the Fees payable to the said respective Registrars at the Time of the Commencement of this Act shall remain unaltered, and continue payable to the Registrar of the Chairman of the County of *Dublin*, so long as the said Office of Registrar shall continue and no longer, and with respect to the Fees payable to the Registrar of the Recorder of the City of *Dublin* so long as the present Registrar shall continue in Office and no longer: Provided always, that upon the Death, Removal, or Resignation of the said Chairman of the County of *Dublin*, and upon the Death, Removal, or Resignation of the present Registrar of the Recorder of the City of *Dublin*, the Fees at present payable to them respectively shall cease to be so payable, and in lieu of same the respective Persons appointed to succeed said respective Registrars shall receive and be paid the several Fees by this Act appointed to be paid to the several Clerks of the Peace, and none other, and shall at the First Sessions at which they shall respectively attend after their respective Appointments, and at the Commencement of such Sessions, take and sign the Affidavit hereby appointed to be made and subscribed by Clerks of the Peace upon their respective Appointments; provided also, that from and after the Time at which the Office of Chairman of the County of *Dublin* shall cease by reason of the Death, Resignation, or Removal of the Person now holding said Office, and so soon as the Appointment of an Assistant Barrister for the said County shall be made in the Manner provided by this Act, the Office of Registrar of the County of *Dublin* shall cease and determine; and all Acts, Duties, and Functions which now by Law belong and appertain to the said Office of Registrar, or which are done or performed, or ought to be done or performed, by the said Registrar, shall belong and appertain to the Office of Clerk of the Peace for the County of *Dublin*, and shall be done and performed by the said Clerk of the Peace or his Deputy: Provided also, that the Practice of the said Courts of the Chairman of the County of *Dublin* and the Recorder of the City of *Dublin* in respect to the Registrars of their respective Courts shall continue during the Continuance of the Office of Chairman of the County of *Dublin* and of the present Registrar of the Recorder of the City of *Dublin* respectively, anything in this Act contained to the contrary notwithstanding.

On the Appointment of an Assistant Barrister for the County of Dublin the Office of Registrar shall cease, and the Duties be transferred to the Clerk of the Peace or his Deputy.

Table of Fees to be exposed in some conspicuous Parts of the Office of the Clerks of Peace and Court of Quarter Sessions.

CLV. Every such Registrar and every Clerk of the Peace shall and he is hereby required to cause to be constantly exposed, as well in his Office as also in some particular Place accessible to the Public in every Court of General or Quarter Sessions within his County, a fair and legible Table, painted or printed in Letters and Figures not less than One Half Inch in Length, of the Fees payable upon all Proceedings upon all Civil Bills, and likewise the Penalty to which any Person may become liable for receiving any greater Fee than is set forth in the said Schedule (D.) to this Act annexed for any of the Services therein specified; and that on Proof made on summary Application to the Court of any Neglect or Omission of such Exposure the Registrar or Clerk of the Peace so neglecting shall forfeit any Sum not exceeding Five Pounds, to be paid to the Treasurer of the County within which such Penalty shall be incurred, and accounted for and applied by such Treasurer to the Aid of the Expenditure of such County; and it shall be lawful for the Grand Jury of every County, and they are hereby required, at any Assizes to be held in and for such County, to present the reasonable and actual Expense of preparing and exposing such Tables to be raised by Presentment upon such County, and to be paid to such Registrar or Clerk of the Peace.

CLVI. It

Miscellaneous Provisions.

General Orders to be made for regulating the Forms and Manner of proceeding in Civil Bill Courts.

CLVI. It shall and may be lawful for the Assistant Barristers, or for any Five of them, to be selected at a Meeting of the said Assistant Barristers to be convened for the Purpose, and they are hereby required, within Six Months after the Commencement of this Act, to make and issue such General Orders, Rules, and Regulations as they shall think fit for regulating the Forms and Manner of proceeding in the Civil Bill Courts, and for carrying the Provisions of this Act into execution, and for simplifying, establishing, and settling the Course of Practice in the said Courts, and afterwards from Time to Time to annul, alter, or vary any Order or Orders so as aforesaid made, and to make any new General Orders, Rules, and Regulations for the like Purpose; provided that any such Rules, Orders, or Regulations shall not be inconsistent with this Act, or with the Law of *Ireland;* such Orders, Rules, and Regulations to be submitted to the Lord Chief Justice of the Court of Queen's Bench in *Ireland,* for his Approval; and Copies of all such Orders, Rules, and Regulations, when so approved, shall be transmitted to the Clerks of the Peace of the respective Counties in *Ireland,* to be by them kept and preserved in their Offices, and there to remain open at all Times to the public Inspection; and such Orders, Rules, and Regulations shall have the same Effect and be as binding as if they were contained in this Act.

Perjury.

CLVII. If any Person taking an Oath or making a Declaration or Affirmation in any Action, Examination, or other Proceeding under the Provisions of this Act shall wilfully and corruptly swear, declare, and affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly; and if in any such Action, Examination, or other Proceeding the Assistant Barrister shall deem any Witness or Party to have so far wilfully and corruptly sworn, declared, or affirmed falsely as that in his Opinion such Witness or Party ought to be prosecuted at the Expense of the County within which the Witness or Party shall have so sworn, or affirmed, or declared, and shall certify such Opinion in Writing, then and in every such Case, if any Prosecution be instituted, the Court in which such Prosecution shall take place shall make an Order for Payment of the Expenses of such Prosecution by the Treasurer of the County.

All Powers of Assistant Barristers, &c. under this Act conferred upon Chairman of Sessions and Recorders of Dublin and of Cork.

CLVIII. All Jurisdictions, Powers, and Authorities by this Act conferred upon the Assistant Barristers of Counties in relation to Proceedings by Civil Bill are hereby conferred upon the Chairman of the Sessions of the Peace for the County of *Dublin* and the Recorder of the City of *Dublin,* and the Recorder of the Borough of *Cork:* Provided always, that, so far as regards the Recorder of the City of *Dublin,* and the Recorder of the Borough of *Cork,* nothing in this Act contained shall be deemed or taken to abridge or in any Manner affect the Jurisdiction conferred on the said respective Recorders by the Acts of the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, and of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Seventy-three, where such Jurisdiction shall exceed the Jurisdiction conferred by this Act; and that nothing herein contained shall be taken to alter the Mode of Appointment of a Deputy by said Recorders, or of Officers of the Court of the said Recorders, or the existing Power of such respective Recorders to appoint the proper Officers of such Courts for the Service or Execution of the Process of the same under this Act; and if any Doubt shall arise in the Application of this Act as to what Officers of such Courts shall correspond with those named in this Act under Proceedings by Civil Bill, it shall be lawful for such Courts respectively to determine the same.

Proceedings by Civil Bill under 3 & 4 Vict. c. 108., &c. to be had or taken before Recorders of Boroughs, shall be, as near as may be, in the Forms, &c. as by this Act is provided.

CLIX. 'And whereas by the Act of the Third and Fourth Years of Her Majesty's Reign, intituled *An 'Act for the Regulation of Municipal Corporations in* Ireland, Provision is made relating to Proceedings 'by Civil Bill before Recorders of Boroughs or Towns in *Ireland;* and it is thereby, amongst other things, 'enacted, that such Proceedings by Civil Bill shall be, as nearly as Circumstances will admit, in the Forms 'and according to the Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius, as is 'by Law provided in Cases of Civil Bills determinable before any Assistant Barrister, Chairman, or Re-'corder, as the Case may be: And whereas, by reason of the Repeal of former Statutes relating to Civil 'Bills, it is necessary to substitute another Provision in lieu thereof:' Be it enacted, therefore, That from and after the Commencement of this Act all Proceedings by way of Civil Bill under said recited Act, or under any other Act not hereby repealed, to be had or taken before any Recorder of a Borough or Town in *Ireland* other than the Recorders of the City of *Dublin* and Borough of *Cork,* shall be, as nearly as the Circumstances of the Case will admit, in the Forms, and subject to the like Provisions as to Stamps and Fees, and according to such Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius of the County or City in which for such Purpose such Borough or any Part thereof shall be situate, and subject to such other Rules and Regulations, as by this Act is provided in Cases of Civil Bills determinable before any Assistant Barrister or Chairman, and with the same Amount and Limits of Jurisdiction: Provided always, that nothing herein contained shall be construed to affect the Manner or Times of holding the Courts of such Recorders for the Hearing of such Civil Bill Proceedings, or to abridge any existing Power of such respective Recorders to appoint the proper Officers of such Courts for the Service or Execution of the Process of the same; and if any Doubt shall arise, in the Application of this Act, as to what Officers of such Courts shall correspond to those named in this Act for the Service or Execution of Process, it shall be lawful for such Courts to determine the same.

As to Compensation to Recorders for Loss of Fees.

CLX. 'And whereas, by reason of the Repeal of former Acts relating to Civil Bills, the said Recorders, 'other than the Recorder of the City of *Dublin* and the Recorder of the Borough of *Cork,* will be deprived 'of certain Fees to which they were heretofore entitled upon Proceedings by Civil Bill before them:' Be it

Miscellaneous Provisions.

it enacted, That every such Recorder, save the Recorder of the City of *Dublin*, shall be entitled within Twelve Calendar Months after the passing of this Act to make a Claim before the Commissioners of Her Majesty's Treasury, for Compensation in respect of the Loss of Fees upon Civil Bill Proceedings to be sustained by him under this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the average Amount of Fees upon Civil Bill Proceedings duly received by such Recorder respectively during the Seven Years next preceding the Date of such Claim, or such other Period as they may in the particular Case think fit, and what were the Fees in respect of which such Compensation should be allowed; and the said Commissioners shall award to the Persons making such Claims such Compensations as they shall think just; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall, within One Month after the same shall be so granted, be laid before the House of Commons, if Parliament be then sitting, and if Parliament be not then sitting, then within One Month after the then next Meeting of Parliament.

Nothing in this Act to affect Duty of Chairman of County Dublin in registering Voters by a Deputy.

CLXI. Nothing herein contained shall be construed to repeal or affect the Provision made by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, enabling the Chairman of the Sessions of the Peace for the County of *Dublin* to discharge the Duties imposed upon him by that Act with regard to the Registry of Voters in and for the City of *Dublin* by Deputy, as therein mentioned: Provided always, that upon the Death or Resignation of the present Chairman as aforesaid it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to nominate and appoint a practising Barrister-at-Law of Ten Years standing at the least, during good Behaviour, who shall have actually practised Ten Years in Her Majesty's Superior Courts in *Dublin*, and who shall not at the Time of his Appointment to such Office have retired from such Practice, to discharge the said Duties with regard to the Registry of Voters in and for the City of *Dublin*, as fully and effectually as if he had been appointed by a Chairman of the Sessions of the Peace of the County of *Dublin* under the said Act, and subject to like Provisions, and with the like Powers, and to be remunerated in like Manner, as if he had been so appointed.

Upon Death, &c. of present Chairman, Lord Lieutenant to appoint a Barrister to perform the Duties with respect to Registration of Voters.

Interpretation of Terms.

CLXII. In the Construction of this Act the several Proceedings and Duties hereby directed to be had and done in the Office of and by the Clerk of the Peace shall (as regards the County of *Dublin*) be had and done in the Office of and by the Registrar of the Chairman of the Sessions of the Peace of the County of *Dublin*, so long as such Registrar shall continue in Office, and afterwards in the Office of and by the Clerk of the Peace of the said County of *Dublin*, and (as regards the City of *Dublin*) in the Office of and by the Registrar of Civil Bills for the City of *Dublin*; and the Provisions of this Act in relation thereto shall extend to such Registrar of the Chairman of the Sessions of the Peace of the County of *Dublin*, and to such Registrar of Civil Bills; and the Expression "Assistant Barrister" or "Assistant Barristers" shall extend to and include the Chairman of the Sessions of the Peace of the County of *Dublin*, and the Recorder of the City of *Dublin* and the Borough of *Cork*, and the several Recorders herein mentioned, in Civil Bill Proceedings, save and except so far as relates to the Appointment, Salary, retiring Pension, and Continuance in Office of the said Recorders, or so far as it is by this Act in other respects otherwise specially provided; and wherever the Clerk of the Peace is named in this Act the Provision shall extend to the Acting or Deputy Clerk of the Peace, or other Officer discharging the Duties of a Clerk of the Peace; and whenever the Sheriff is named the Provision shall extend to the Sub-Sheriff; and that the Words "Party" and "Person," whenever used in this Act, shall extend to and include any Corporation or public Company; and that all Words importing the Singular Number or Masculine Gender shall be construed to extend to and include many Persons as well as One Person, and Females as well as Males; and the Word "County" or "Counties" shall extend to and include "Counties of Cities and Counties of Towns," and "Riding" or "Ridings" of Counties appointed for Civil Bill Purposes and for all or any Matters relating to General or Quarter Sessions; unless in any of such Cases there be something in the Context or Provision repugnant to or inconsistent with such Construction.

Schedules Part of this Act.

CLXIII. The Schedules to this Act annexed shall be deemed and understood as Part of this Act.

Commencement of Act.

CLXIV. This Act shall commence and take effect from and after the Thirty-first Day of *August* One thousand eight hundred and fifty-one.

Act to extend only to Ireland.

CLXV. This Act shall extend to *Ireland* only, save where the contrary is hereby expressed.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

ACTS TO BE REPEALED.

Date of Act.	Title.	Extent of Repeal.
9 Wm. III. c. 15. -	For the more easy and speedy securing and Recovery of Small Debts.	The whole.
2 Geo. I. c. 11. -	For reviving and amending an Act, entitled " An Act for Recovery of Small Debts in " a summary Way before the Judges of " Assize."	The whole of this Act, except that Part of same which relates to the Amount of Costs in Actions of Trespass and Actions for Battery and Actions for Assault and Slander, where Damages under 40s., viz. Sections 16 and 17.
8 Geo. I. c. 6. -	For the further Amendment of the Law; and for continuing and amending several Acts nearly expiring.	Section 4 of this Act.
1 Geo. II. c. 14. -	For explaining and amending an Act, entitled " An Act for reviving and amending an Act, " entitled ' An Act for Recovery of Small " ' Debts in a summary Way before the " ' Judges of Assize.' "	The whole.
31 Geo. II. c. 16. -	For the Recovery of Small Debts in a summary Way in the City of Dublin and the Liberties thereof.	The whole.
7 Geo. III. c. 21. -	To continue and amend an Act passed in the Third Year of His Majesty's Reign, entitled " An Act to amend and explain an Act made " in the Thirty-third Year of the Reign of " Henry the Eighth, entitled ' An Act for " ' Tythes;' " and for other Purposes therein mentioned.	Sections 6, 7, 8, and 9.
19 & 20 Geo. III. c. 26.	For amending the Acts of the Second and Eighth Years of the Reign of His late Majesty King George the First, and of the First Year of His late Majesty King George the Second, for Recovery of Small Debts, in a summary Way, by Civil Bill, as far as they relate to the County of Dublin.	The whole.
27 Geo. III. c. 40. -	For the better Execution of the Law and Preservation of the Peace within Counties at large.	So much of said Act as relates to the appointing of Sessions; also the Appointment of Towns for holding Sessions; the Appointment of Assistant Barristers, and their Salary, and the Duties of same; viz. Sections 14, 15, 16.

Date of Act.	Title.	Extent of Repeal.
31 Geo. III. c. 31. -	For the preventing of Frauds in the Execution of Decrees obtained on Civil Bills.	The whole.
36 Geo. III. c. 25. -	For the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, and for continuing and amending an Act, entitled "An Act for the better Execution of the Law and Preservation of the Peace within Counties at large."	The whole.
38 Geo. III. c. 25. -	To amend an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, entitled "An Act for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin," and for continuing and amending an Act, entitled "An Act for the better Execution of the Law and Preservation of the Peace within Counties at large," save and except Section 2, and so much of Section 6 as relates to the Barony of Ballinacor.	The whole.
38 Geo. III. c. 65. -	Appointing Chairman of the Sessions of the Peace in the County of Dublin.	The whole to be repealed from and after the Death, Resignation, or Removal of the present Chairman.
39 Geo. III. c. 16. -	For the further Amendment of an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, entitled "An Act for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, and for continuing and amending an Act, entitled 'An Act for the better Execution of the Law and Preservation of the Peace within Counties at large.'"	The whole.
40 Geo. III. c. 69. -	To enable His Majesty to grant Annuities to the Chairman of the Quarter Sessions of the County of Dublin, and Assistant Barristers of the several other Counties on the Resignation of their respective Offices.	So much of said Act as relates to the retiring Pensions of the Chairman of Kilmainham, and the Assistant Barristers in Ireland, save as to any retiring Pensions heretofore granted to any such Persons now living. Sections 1, 2.
49 Geo. III. c. 101. -	To regulate the Fees payable by Persons charged with Treason, Felony, and all other Offences at Assizes and Quarter Sessions in Ireland; and for amending an Act of the Parliament of Ireland made in the Thirty-sixth Year of His present Majesty relating thereto.	So much thereof as relates to the Division of Counties. Section 5.

Date of Act.	Title.	Extent of Repeal.
54 Geo. III. c. 68. -	For the better Regulation of Ecclesiastical Courts in Ireland; and for the more easy Recovery of Church Rates and Tithes.	So much of said Act as relates to Proceedings for Recovery of Monies under Monitions before Chairman of the County of Dublin and Assistant Barristers. Section 8.
54 Geo. III. c. 131. -	To provide for the better Execution of the Laws in Ireland, by appointing Superintending Magistrates and additional Constables in Counties in certain Cases.	So much of said Act as relates to the Division of Counties into Districts for Civil Bill Courts. Section 20.
54 Geo. III. c. 181. -	To render more easy and effectual Redress for Assaults in Ireland.	So far as same gives a Jurisdiction to Assistant Barristers by Civil Bill, in case of Assaults, to the Extent of Five Guineas.
56 Geo. III. c. 88. -	To amend the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress.	The whole, save Section 14.
58 Geo. III. c. 39. -	To explain and amend an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants; and for the Protection of the Tenant from undue Distress.	The whole.
1 Geo. IV. c. 41. -	To extend the Benefit of Two Acts made in the Fifty-sixth and Fifty-eighth Years of the Reign of His late Majesty King George the Third, for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants.	The whole, except Section 2.
4 Geo. IV. c. 93. -	To divide the County of Cork, for the Purpose of holding additional General Sessions therein.	The whole.
7 Geo. IV. c. 36. -	To regulate the Service of the Process of the several Courts for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
1 & 2 Wm. IV. c. 31.	To improve the Administration of Justice in Ireland.	So much of said Act as relates to the Times for holding Quarter Sessions and the Time for fixing same. Sections 9. 11.
6 & 7 Wm. IV. c. 75.	To extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in Ireland.	The whole.

Date of Act.	Title.	Extent of Repeal.
1 Vict. c. 43. -	To amend the Laws for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
5 Vict. c. 33. -	An Act to amend and explain so much of Two Acts of the Sixth and Seventh Years of His late Majesty, and of the First Year of Her present Majesty, as relates to the Execution of Civil Bill Decrees for the Possession of Land in Ireland.	The whole.
6 & 7 Vict. c. 81. -	An Act to make better Provision for the Appointment of a Deputy for the Chairman for the Sessions of the Peace for the County of Dublin, and to provide for the taking of an Oath by the said Chairman or Deputy; and to amend an Act of the First Year of Her present Majesty to amend the Law for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
9 & 10 Vict. c. 111. -	An Act to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Land.	So much of said Act as relates to Proceedings by Civil Bill, but so, nevertheless, that the 8th and the 10th Sections of the said Act shall not be hereby affected or repealed.
11 & 12 Vict. c. 28. -	An Act to amend the Law of Imprisonment for Debt in Ireland, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns in certain Cases	So much of the said Act as relates to any Civil Bill Court, or to any Action, Civil Bill, or Decree, Process, Evidence, Execution, or Proceeding in or relating to any such Civil Bill Court, save in so far as the said Act limits the Power of Arrest for all Sums not exceeding Ten Pounds; save also in so far as the said Act exempts from its Operation Proceedings relating to Revenue of Excise, or Customs, Stamps, Taxes, or Post Office.
11 & 12 Vict. c. 34. -	An Act to amend certain Acts in force in Ireland in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of Dublin and County of the City of Dublin.	The whole.

SCHEDULE B.

	Counties.	*Salaries of Assistant Barristers.*
Class I.	Antrim, Armagh, Clare, Donegal, Down, Galway, Kerry, Kilkenny, Limerick, Londonderry, Mayo, Monaghan, Tyrone,	£1,000 per Annum.
Class II.	Cavan, Cork, West Riding, Fermanagh, Leitrim, Queen's County, Roscommon, Sligo, Waterford, Wexford,	£800 per Annum.
Class III.	Carlow, Kildare, King's County, Longford, Louth, Meath, Westmeath, Wicklow,	£600 per Annum.

Henry Kemmis, Esq., while Chairman of the Sessions of the Peace of the County of Dublin - £900 per Annum.
His Successors, being Assistant Barristers for the County of Dublin - £800 per Annum.
The present Assistant Barrister of the County of Tipperary - £1,600 per Annum.
His Successors (as long as the said County shall not be divided into Ridings under this Act) - £1,000 per Annum.
The present Assistant Barrister to the East Riding of the County of Cork - £1,200 per Annum.
His Successors - £1,000 per Annum.

SCHEDULE C.

(1.)

Civil Bill Process in Replevin.

County of
Division of } By the Assistant Barrister at the Sessions for the said County.
to wit.

A.B., of in the County of [*Addition of Plaintiff*], Plaintiff.
C.D., of in the County of [*Addition of Defendant*], Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of for that the Defendant, upon the Day of in the Year One thousand eight hundred and at in the said County and Division, wrongfully and unjustly seized, took, and distrained the Goods and Chattels of the said Plaintiff, to wit, Cows, Horses [*as the Case may be*], and wrongfully detained same in and upon the Plaintiff's House [*or Lands, or as the Case may be*], situate at aforesaid, for £ alleged to be due and owing for Years Rent for said House [*or Lands, as the Case may be*] ending on the Day of to the said Defendant *C.D.*, as Landlord of the said House [*or Lands, as the Case may be*], to the Plaintiff's Damage, in the said Sum of or in default thereof the Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf] of the Plaintiff.

(2.)

Order of Replevin.

The Sheriff of the County of is hereby required, without Delay, to cause to be replevied to *A.B.* (if he shall give sufficient Security), the Goods and Chattels which *C.D.* unjustly detains.

Signed the Day of in the Year One thousand eight hundred and

Y.Z., Clerk of the Peace for the said County of

(3.)

Form of Replevin Bond.

County of
Division of
to wit.

Know all Men by these Presents, that we, *A.B.* of [*Tenant*] and *C.D.* and *E.F.* [*Sureties,*] are and each of us is jointly and severally held and firmly bound to *Y.Z.*, Sheriff of the County of in the Sum of of lawful British Money, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment well and truly to be made we bind ourselves, our Heirs, Executors, and Administrators, and each and every of us binds himself, his Heirs, Executors, and Administrators, firmly by these Presents.

Sealed with our Seals and dated this Day of in the Year One thousand eight hundred and

The Condition of the above-written Obligation is such, that if the above-bounden *A.B.* do prosecute his Suit against *G.H.* of in the Court of the Assistant Barrister for the said County of at the Sessions which will be held for the said County and Division in the Month of next, for the taking and unjustly detaining of his Goods and Chattels, to wit [*specify the Goods and Chattels*] or do return all the said Goods and Chattels to the said *G.H.*, his Executors or Administrators, then the above-written Obligation shall be void, otherwise the same shall be and remain in full force and virtue.

(4.)

Form of a Decree for Defendant in case of Distress.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

Plaintiff.
Defendant.

It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained, and it appearing to the Court that the Distress in dispute was not improperly made, it is therefore ordered and decreed by the Court that the Defendant do recover from the Plaintiff the Sum of for Rent due, and for Costs; and the several Sheriffs of the respective Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Plaintiff to satisfy the same.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Defendant.

[*Sheriff's Warrant to be added.*]

(5.)

Form of a Decree for Payment of Damages for improper Distress.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for said County.

Plaintiff.
Defendant.

It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained by the Defendant, and it appearing to the Court that the Distress in dispute was improperly made, or that the Amount due at the Time of the Distress, with reasonable Costs of Distress, had been duly tendered [*as the Fact may be*], it is therefore ordered and decreed by the Court that the Plaintiff do recover from Defendant the Sum of for Damages and Costs; and the several Sheriffs of the respective Counties of Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the same.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Plaintiff.

[*Sheriff's Warrant to be added.*]

(6.)

Civil Bill Process for Legacy or distributive Share of Assets.

County of
Division of } By the Assistant Barrister at the Sessions for the said County.
to wit.

A.B. of in the County of [*Addition of Plaintiff*], Plaintiff.
C.D., of in the County of [*Addition of Defendant*], Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of for that the Defendant, as Executor [*or* Administrator, *as the Case may be*] of *A.B.* deceased, is justly liable to pay the Plaintiff the Sum of as a Legacy [*or* distributive Share of Assets, *or other Cause of Action, as the Case may be*] due and payable to the Plaintiff under the Will of the said *A.B.*, [*or* upon the Distribution of the Assets of the said *A.B.*, *as the Case may be*], to the Plaintiff's Damages in the said Sum of or in default thereof the Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed by [*or* on behalf of] the Plaintiff.

(7.)

Form of a Decree for Payment of a Legacy.

County of
Division of } By the Assistant Barrister at the Sessions for said County.
to wit.

A.B. Plaintiff.
C.D. Defendant.

It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant, as Executor of *A.B.*, for Recovery of the Sum of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that is due to the Plaintiff for his Legacy, and that the Defendant ought to pay the same, and the Costs of this Civil Bill [*or Part of the same, as the Case may be*], it is therefore ordered and decreed by the Court, that the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Sheriffs of the several Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Legacy, £
Costs
Warrant

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

[*Sheriff's Warrant to be added.*]

(8.)

Form of a Decree for Payment of a distributive Portion of the Assets of an Intestate.

County of
Division of } By the Assistant Barrister at the Session for said County.
to wit.

Plaintiff.
Defendant.

It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of the Sum of for his distributive Portion as One of the next of Kin of the Assets of of who died intestate, and it appearing to the Court that the Plaintiff is One of the next of Kin of the said and entitled to and that the Defendant is the Administrator of the said and that the Defendant has in his Hands of the Assets of the said a Sum sufficient to pay the Plaintiff's Demand [*or Part of same, as the Case may be*], it is therefore ordered and decreed by the Court, that the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Sheriffs of the several Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Distributive Share, £
Costs
Warrant

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Plaintiff.

[*Sheriff's Warrant to be added.*]

(9.)

Form of Civil Bill to be served upon the Defendant in ordinary Cases.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B. of
in the County of
[*Residence and Addition of Plaintiff*],
Plaintiff.
C.D. of
in the County of
[*Residence and Addition of Defendant*],
Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill for [*state the Cause of Action*], or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and
Signed by [*or* on behalf of] the Plaintiff.

(10.)

Form of the Certificate of the Clerk of the Peace, as to the Lodgment of Money by a Defendant for Rent and Costs in a Civil Bill Ejectment Case.

County of
Division of

I hereby certify, That *A.B.*, of Defendant in this Cause, has [*or* have] this Day deposited with me the Sum of for Rent, and for Costs.

Plaintiff [*to be here stated and described as in the Civil Bill*].
Defendant [*to be here stated and described as in the Civil Bill*].

Given under my Hand, this Day of in the Year One thousand eight hundred and

F.G., Clerk of the Peace for the County of
or Deputy.

(11.)

Form of Acknowledgment by Occupiers of Lands recovered in Ejectment upon the Execution of a Civil Bill Decree for Delivery of Possession, where the Parties do not agree to an Attornment as Tenants.

Whereas *A.B.* of hath lately obtained a Civil Bill Decree for the Lands and Tenements in the respective Tenancy or Occupation of the Persons under-named respectively amongst other Lands and Tenements.

Now we, whose Names are hereunder subscribed, upon the Execution of the Decree in the said Cause, with the Assent of the said *A.B.* [*or the Attorney for the Plaintiff*] in the said Cause, testified by the said Attorney for the Plaintiff signing these Presents, do hereby severally and respectively acknowledge that we respectively hold or occupy the Lands and Tenements now in our respective Occupation, as hereunder specified, by the Leave and Licence, and for and on behalf of, and at the Will of the said *A.B.*, and that we will severally and respectively, when required by the said *A.B.*, or his authorized Agent or Receiver, deliver up to the said *A.B.*, or his authorized Agent or Receiver, the Possession of the said Lands and Premises in our respective Occupation, as set opposite to our respective Names in the Schedule hereunder written. (Provided always, that if the said Lands and Premises shall in due Course of Law be redeemed, these Presents shall henceforth be void.)

As witness our Hands this Day of in the Year One thousand eight hundred and

Occupiers Names.	Farm or Lands.
C.D. - - -	Blackacre.
E.F. - - -	Whiteacre.
G.H. - - - -	House and Garden in Whiteacre [*or as the Case may be*].

Witness,

I.K., Attorney for the Plaintiff.
L.M., Sheriff *or* Sheriff's Officer.

(12.)

Form of a Civil Bill to be used where the Tenant has deserted the Premises.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendant.

Whereas the Defendant holds all that and those in the Parish of and Barony of and in the said Division of in the said County, as Tenant to the Plaintiff under a Demise thereof made the Day of the Year of our Lord One thousand eight hundred and for the Term of which is still in being, at the yearly Rent of : And whereas the Sum of for Rent of the said Premises, ending on the Day of last past, became and was due by the said Defendant to the said Plaintiff, and still remains so due after all fair and just Allowances whatsoever: And whereas the said Defendant, on the Day of in the Year of our Lord One thousand eight hundred and deserted the said Premises and abandoned the same, and did not leave sufficient Distress thereon to countervail the Rent so due for the same, and such sufficient Distress cannot be had to countervail the Rent so due The Defendant is therefore hereby required personally to be and appear before the said Assistant Barrister at in the Division aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for said Division of said County, to answer the Plaintiff's Bill brought by him for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

(13.)

Form of a Civil Bill to be used where the Tenant's Interest is determined, and Possession has been demanded by the Landlord in Person.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendants.

Whereas One of the Defendants, lately held all that and those in the Parish of and Barony of and in the Division of aforesaid, in the said County, as Tenant to the Plaintiff, under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of at the yearly Rent of which Demise determined on the Day of last, by : And whereas the said Plaintiff, after the Determination of the said Demise, to wit, on the Day of now last past, duly demanded the Possession of the said Premises, and a Delivery of the said Possession to him; and the said Possession and the Delivery thereof have and hath been withheld, and the several Defendants are respectively in possession of the Premises, and no other Person is in possession of any Part thereof. The Defendant, therefore, and all Persons claiming to have any Interest in the said Premises, are hereby required personally to be and appear before the said Assistant Barrister at in the said Division of aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of said County, to answer the Plaintiff's Bill brought by him for the Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

(14.)

Form of a Civil Bill where the Tenant's Interest is determined, and Possession has been demanded by a Bailiff or Receiver.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendants.

Whereas One of the Defendants, lately held all that and those in the Parish of and Barony of and in the Division of aforesaid, in the said County, as Tenant to the Plaintiff, under a Demise made thereof the Day of in the Year of our Lord One thousand eight hundred and for the Term of at the yearly Rent of which Demise determined on the Day of last past by : And whereas the Bailiff and Receiver of the said Plaintiff, after the Determination of the said Demise, to wit, on the Day of now last past, duly demanded the Possession of the said Premises, and a Delivery of the said Possession to him as such Bailiff and Receiver of the said Plaintiff, and the said Possession and the Delivery thereof have and hath been withheld, and the several Defendants are respectively in possession of the Premises, and no other Person is in possession of any Part thereof. The Defendants therefore, and all Persons having or claiming any Interest in the Premises in question, are hereby required personally to be and appear before the said Assistant Barrister at in the Division of aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of the said County, to answer the Plaintiff's Bill brought by him for the Recovery of the Possession of the Premises, by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E.F., Attorney,
[*Residence of Attorney.*]

(15.)

Form of a Civil Bill to be used where a Year's Rent is in arrear.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of said County.

Plaintiff.

Defendants.

Whereas One of the Defendants, holds that and those with the Appurtenances, situate, lying, and being in the Parish of and Barony of and in the Division of aforesaid in the said County, as Tenant to the Plaintiff under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of which is not yet expired, at the yearly Rent of payable in equal Gales, on every during the said Term [*or* as Tenant from Year to Year, at the yearly Rent of £ payable on every Day of and Day of in each and every Year]: And whereas the Sum of for Rent of the said Premises, ending on the Day of last past, became and was due by the said Defendant to the said Plaintiff, and thereof, being One full Year's Rent still remains due thereon: [And whereas the several other Defendants respectively are in actual Possession of the Premises, or have respectively Interests therein, under Deeds and Instruments duly registered, and creating such Interests respectively, and no other Person, save the Defendants, or some of them, is in such Possession, or appear to have any such Interest:]

Note.—In Cases of Tenancy from Year to Year omit the Words within Brackets.

The Defendants, therefore, and all Persons having or claiming any Interest in the said Premises, are hereby required personally to be and appear before the said Assistant Barrister, at in the Division of aforesaid in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of said County, to answer the Plaintiff's Bill brought by him for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E.F., Attorney,
[*Residence of Attorney.*]

To the Defendant.

(16.)

Form of Ejectment against a permissive Occupant.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff. } Whereas the said Plaintiff, on the Day of in the Year One thousand eight hundred and delivered to the said Defendant all that and those [Premises, *stating Locality, &c.*] to be by him

Defendant. } the said Defendant occupied or taken care of as Servant [*or* Caretaker *or* permissive Occupant, *or* strictly at the Will of the Plaintiff, *or* at sufferance, *as the Case may be, or in Words of Act*] for the said Plaintiff at [*state Wages, if any*]: And whereas the said Plaintiff, on the Day of required the said Defendant to depart from the said Premises, and deliver up same to the said Plaintiff, but the said Defendant refused or omitted so to do, and hath since the said Day kept the Possession of said Premises from said Plaintiff, and continues so to do. The Defendant therefore is hereby required personally to appear before the said Assistant Barrister at in the Division of aforesaid, in the said County, to answer the Plaintiff's Bill brought by him for the withholding of the Possession of the said Premises in manner aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed by [*or* on behalf of] the Plaintiff.

E.F., Attorney,
[*Residence of Attorney.*]

To the Defendant.

(17.)

Form of Civil Bill to redeem.

County of
Division of
to wit. } By the Assistant Barrister at the Sessions for said County.

A.B. of

Plaintiff. } Whereas the Defendant did, on the Day of last, prefer a Civil Bill before the said Assistant Barrister of the said County against the said Plaintiff, to obtain the Possession of all that and those [*here describe the Premises sought to be redeemed accurately*]

C.D. of

Defendant. } which said Premises are situate, lying, and being in [*describe the Locality*] held by the Plaintiff as Tenant to the said Defendant, under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of from the Day of then next, at the yearly Rent of Sterling, [*or*, as Tenant from Year to Year to the Defendant at the yearly Rent of Sterling, *as the Case may be*]: And whereas by the Decree of the said Assistant Barrister, at a Sessions of the Peace held at in and for the said County of it was decreed that the said Defendant should be put into possession of the said Premises: And whereas the said Defendant, on the Day of last, duly obtained Possession of the said Premises, under and by virtue of the said Decree: And whereas the said Plaintiff did, on the Day of last, tender to the said Defendant, for the Purpose of redeeming said Premises, the full Rent and Costs due out of said Premises under said Decree, amounting to the Sum of for Rent and for Costs, amounting in the whole to the Sum of which Sums, at all Times, and ever since said Tender, the said Plaintiff has had ready, and is now ready to pay to him the said Defendant. Therefore the said Defendant is hereby required personally to be and appear before the said Assistant Barrister at in the Division aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of the said County, to answer this the said Plaintiff's Bill, preferred for the Purpose of being restored to the Possession of the said Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister [*or* Chairman, *as the Case may be*] will proceed as to Justice will appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed by [*or* on behalf of] the Plaintiff.

(18.)

Form of a Decree where the Civil Bill is grounded on the Desertion of the Premises.

County of
Division of } By the Assistant Barrister at the Sessions for the County of .

Plaintiff
Defendants } It appearing to the Court that the Plaintiff caused a Civil Bill to be filed against the Defendant, praying to be put into possession of situate, lying, and being in the Parish of and in the Barony of and County of containing or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that the Tenant had deserted the said Premises; and it appearing by the Certificate

Certificate of and Esquires, Two of Her Majesty's Justices of the Peace for said County, that they had together gone to and viewed said Premises, and that the same were deserted and left unoccupied by the Defendant, and that there was not any Distress thereon sufficient to countervail the Arrear of Rent then due thereout; upon due Proof thereof, and that Process on said Civil Bill, and also a Copy of said Certificate, was duly served, requiring the Defendant to appear at these present Sessions, to answer said Bill; and it appearing that being Year's Rent of said Premises, was justly due and owing by Defendant to Plaintiff, after all fair and just Allowances, and that said Premises were deserted and left unoccupied by the Defendant, and that there was not any Distress on the same to satisfy said Rent; it is therefore ordered and decreed by the Court that the Plaintiff be put into the Possession of said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court that the Plaintiff do recover from the Defendant Pounds Shillings and pence Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant, to satisfy the said Costs.

Dated at this Day of in the Year One thousand eight hundred and .

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or either
to wit. } of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal, this Day of in the Year One thousand eight hundred and .

L.M., Sheriff for the said County.

(*Seal.*)

(19.)

Form of a Decree where the Civil Bill is grounded on the overholding of the Tenant.

County of } By the Assistant Barrister at the Sessions for the County of .
Division }
Plaintiff } It appearing to the Court that the Plaintiff caused a Civil Bill to be
Defendants } filed against the Defendant, praying to be put into the Possession of situate in the Parish of and Barony of and County of containing or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that the Tenant overheld the said Premises; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendants and all others having or claiming to have Interest in the Premises in the said Bill mentioned to appear at these present Sessions to answer said Bill; and it appearing that said Premises were held by Defendant from Plaintiff at the yearly Rent of and that Defendant's Interest determined on the Day of last, by a Notice to quit, heretofore served on the Defendant, requiring him to deliver up the Possession thereof to Plaintiff on the said Day of last, [*or setting forth any other Mode of Determination, as the Case may be,*] notwithstanding which the Defendant refused to deliver up the Possession thereof to Plaintiff, though demanded; it is therefore ordered and decreed by the Court, that the Plaintiff be put into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the Defendant Pounds Shillings and pence Costs; and the several Sheriffs of the respective Counties within the Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated at this Day of in the Year One thousand eight hundred and .

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or either
to wit. } of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal, this Day of in the Year One thousand eight hundred and .

(*Seal.*)

L.M., Sheriff for the said County.

(20.)

No. *Form of a Decree where the Civil Bill is grounded on Nonpayment of Rent.*

County of
Division of } By the Assistant Barrister at the Sessions for the County of

Plaintiff
Defendant } It appearing to the Court that the Plaintiff caused a Civil Bill to be filed against the Defendant, praying to be put into possession of situate, lying, and being in the Parish of and Barony of and County of containing by Estimation or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that a Year's Rent was in arrear and unpaid; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendant and all others having or claiming to have Interest in the Premises in said Bill mentioned to appear at these present Sessions to answer said Bill; upon due Proof thereof, and that said Premises were held by Defendant from Plaintiff at the yearly Rent of and that the Defendant was indebted to the Plaintiff in the Sum of being for One whole Year's Rent and Arrear of Rent of said Premises, due and ending the Day of last, after all just and fair Allowances; it is therefore ordered by the Court, that the Plaintiff be put into the Possession of said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the Defendant Pounds Shillings and . pence Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and .

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of
to wit. } I authorize and empower and or either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and .

(*Seal.*)

L.M., Sheriff for the said County.

(21.)

Form of a Decree for Recovery of Lands.

County of
Division of
to wit. } By the Assistant Barrister at the Sessions for said County.

A.B.
Plaintiff.
C.D.
Defendant. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant for Recovery of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that the Plaintiff is entitled to the said it is therefore ordered and decreed by the Court, that the Plaintiff do recover from the Defendant the said together with Costs; and the Sheriff for the said County of is hereby commanded to take possession of the said and deliver up the same to the Plaintiff; and the said Sheriff is also hereby commanded to take in Execution the [Body *or* Goods] of the said Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister.
G.H., Clerk of the Peace.
I.K., Attorney of the Plaintiff.

[*Sheriff's Warrant to be added.*]

Form of Warrant for Costs in Ejectment Cases.

C.D.
Plaintiff.
E.F.
Defendant. } Whereas a Decree for Possession has been pronounced in this Cause; I do hereby authorize the Sheriff of this County to levy the Sum of being the Amount of the Costs given in said Action.

(22.)

Form of Decree against a permissive Occupant.

County of
Division of } By the Assistant Barrister at the Sessions of the County of

Plaintiff.
Defendant. } It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant, praying to be put into the Possession of [*Premises*] situate, lying, and being in the Parish of Barony of and County of which were occupied by the said Defendant by Permission of the Plaintiff, as Caretaker or Servant to the Plaintiff [*or* as permissive Occupant, *or* strictly at the Will of the Plaintiff, *or* at sufferance, *as the Case may be, or in Words of Act, &c.*] and hath refused to depart from same on Demand by the said Plaintiff to that Effect, but continues to hold the Possession thereof from the said Plaintiff; and it appearing to the Court that the said Defendant was so appointed Caretaker [*or* Servant, *or* permissive Occupant, *&c., as before,*] as aforesaid, and refused to depart from said Premises, on Demand by said Plaintiff to that Effect, but continues to hold the Possession thereof from said Plaintiff; it is therefore ordered and decreed by the Court, that the Plaintiff be put into possession of the said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the said Defendant Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and

Witness present,

A.B., Assistant Barrister.
C.D., Clerk of the Peace.
E.F., Attorney for Plaintiff.

(23.)

Form of Civil Bill Decree for restoring Possession to a Tenant who has been ejected, and has tendered Rent and Costs, &c.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of said County.

Plaintiff.
Defendant. } It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant, praying to be restored to the Possession of all that and those [*describe Premises, Barony, Parish, &c. from the Civil Bill*] now in possession of said Defendant under and by virtue of a Decree in Ejectment against said Plaintiff, dated the Day of and which said Decree in Ejectment was had and obtained against the said Plaintiff for Nonpayment of [*state Rent, &c., as in Decree in Ejectment, and Period of Time for which it occurred due*]; and it appearing further to the Court, that the said Plaintiff tendered to the said Defendant the aforesaid Sum of for said Rent, and also the Sum of for Costs of said Decree in Ejectment and Proceedings thereon, on the Day of being within the Period for paying same, so as to entitle the said Plaintiff to be restored to his Interest theretofore subsisting in said Lands and Premises in said Decree in Ejectment mentioned, and also to be restored to the Possession of same; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendant to appear at these present Sessions to answer said Civil Bill, where upon due Proof thereof, and the said Plaintiff having duly lodged in Court the Sum of aforesaid, it is therefore ordered by the Court, that the Decree for Possession, bearing Date the Day of is hereby vacated; and it is further decreed, that the said Plaintiff in this Case be restored to his former Interest in the said Lands and Premises, and also be put into possession of the same; and the Sheriff of the said County is hereby commanded to put the Plaintiff into possession thereof.

Dated this Day of in the Year One thousand eight hundred and

A.B., Assistant Barrister.
C.D., Clerk of the Peace.
E.F., Attorney for Plaintiff.

(24.)

Magistrate's Certificate.

County of
to wit. } We and Two of Her Majesty's Justices of the Peace for said County, having been called upon by and at his Request having together gone to and viewed all that Part of the Lands of situate, lying, and being in the Parish of and Barony of and County of

in

in the Possession of as Tenant thereof, containing Acres Roods and Perches, or thereabouts, on the Day of between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of the said Day, do certify that the Premises aforesaid then appeared to us to be deserted and left unoccupied by the said and that there is not any Distress on the same sufficient to countervail the Arrear of Rent, being [One Half Year's] Rent, ascertained by the Affidavit of *A.B.*, the Landlord thereof [*or* the Bailiff of the Landlord thereof, *as the Case may be*], now due thereout after all just and fair Allowances.

Given under our Hands and Seals, this Day of in the Year One thousand eight hundred and

To the Assistant Barrister for the County of (*Seal.*)

(*Seal.*)

Witness present,

(25.)

Affidavit of Rent to enable the Magistrates to grant the above Certificate.

County of } to wit. } Landlord [*or* Bailiff to the Landlord, *as the Case may be*] of the Lands and Tenements herein-after mentioned, maketh Oath and saith, that of in the County of is justly and fairly indebted to in the Sum of being for [a Year's] Rent of his Holding in all that Part of the Lands of [*describing it as in Civil Bill*] held by him under due and ending the Day of last, after all just and fair Allowances; and Deponent saith, that the said Sum or any Part thereof hath not been tendered or paid to by the said , or by any Person or Persons on his Behalf.

Sworn before me this Day of in the Year One thousand eight hundred and

(26.)

Form of a Decree in ordinary Cases.

No.
County of
Division of } By the Assistant Barrister at the Sessions for the County of

A.B. of in the County of [*here insert the Addition or Occupation of Plaintiff or Plaintiffs*] Plaintiff[s].
C.D. of in the County of [*here insert the Addition or Occupation of Defendant or Defendants*] Defendant[s].

It appearing to the Court that Process to appear at this present Session was duly served on the Defendant[s], and that the Defendant[s] is [*or* are] justly indebted to the Plaintiff[s] in the Sum of Pounds Shillings and pence for [*here state the Cause of Action from the Process*], it is therefore ordered and decreed by the Court, that the Plaintiff[s] do recover from the Defendant[s] the said Sum, together with Shillings and pence Costs; and the several Sheriffs of the respective Counties of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant[s] to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Debt - - -	£
Interest - - -	
Costs - - -	
Warrant - - -	

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for the said County.
I.K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the Decree to a special Bailiff of Plaintiff's Nomination.

County of } to wit. } I authorize and empower *A.B.* of and *C.D.* of or either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

(*Seal.*)

L.M., Sheriff of the said County.

(27.)

Form of a Dismiss.

No.
County of
Division of
A.B. of
in the County of
[*here insert the Addition or Occupation of the Plaintiff or Plaintiffs*],
Plaintiff.
C.D. of
in the County of
[*here insert the Addition or Occupation of the Defendant or Defendants*],
Defendant.

By the Assistant Barrister at the Sessions for the said County.

Whereas it appeared to the Court that the Plaintiff[s] caused the Defendant[s] to be served with Process to appear here this present Session for the Recovery of the Sum of alleged to be due for [*here state the Cause of Action from the Copy of the Process served*], and that the Plaintiff[s] hath or have failed to prove [his, her, their] said Debt, or any Part thereof, it is therefore decreed by the Court, that the Plaintiff's Bill be and the same is hereby dismissed, and that the Defendant[s] do recover against the Plaintiff[s] the Sum of Costs of this Dismiss. And the several Sheriffs in Ireland are hereby commanded, notwithstanding any Liberty within their respective Bailiwicks, to enter the same, and take in Execution the Plaintiff's [Body *or* Goods] to satisfy and pay the Defendant[s] the said Cost of obtaining this Dismiss.

Dated at this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister of said County.
G.H., Clerk of the Peace of said County.
I.K., Attorney for the Defendant[s].

Form of the Sheriff's Warrant on such Dismiss.

County of
to wit.

I authorize and empower *A.B.* of and *C.D.* of or either of them, and their Assistants, special Bailiffs, at the Defendant's Peril, to execute the above Dismiss.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and .

(*Seal.*)

L.M., Sheriff of the said County.

(28.)

Form of a Decree against Defendant when the Debt or Damages are made payable by Instalments.

County of
Division of
to wit.
A.B. of in the
County of Plaintiff.
C.D. of in the
County of Defendant.

Upon the hearing of this Cause at a Civil Bill Court holden at on the Day of it is decreed that the said Plaintiff do recover against the said Defendant the Sum of for his Debt [*or Damages by him sustained*] together with the Costs of Suit amounting to the Sum of by Instalments of £ for each Instalment, the First Instalment to be made upon the Day of next; the Second Instalment to be made on the Day of next; and the Third Instalment, &c. [*as the Case may be, following the Direction of this Form, in proportion to the Number of Instalments decreed*], such Payments to be made by the said Defendant to the said Plaintiff.

Dated this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister.
G.H., Clerk of the Peace.
J.K., Attorney for Plaintiff.

(29.)

Form of Civil Bill for the Arrest of Defendant for a Debt under £10.

County of
Division of
A.B. of in the
County of
[*Residence and Addition of Plaintiff*[*s*]],
Plaintiff.
C.D. of in the
County of [*Residence and Addition of Defendant*[*s*]],
Defendant[s].

By the Assistant Barrister at the Sessions of the said County.

The Defendant[s] is [*or* are] hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill, and to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant, under or in respect of a certain Decree [*or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] against the said Defendant[s] for the Payment of the Sum of by the said Defendant[s] in a certain Action [*or* Suit], for [*state the former Cause of Action, or Nature of the former Action, or that the Claim is for Costs, as the Case may be*]; and which said Sum of the said Plaintiff[s] has [*or* have] been unable to recover from the said Defendant, or out of the Goods and Chattels of the Defendant.

Or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff[s].

(30.)

Form of a Decree for Arrest or Execution against the Person or a Committal.

County of
Division of
to wit. } By the Assistant Barrister at the Sessions for the said County.

A.B. of in the County of [*Residence and Addition of Plaintiff*[*s*]], Plaintiff[s].
C.D. of in the County of [*Residence and Addition of Defendant*[*s*]], Defendant[s].

It appearing to the Court that the Plaintiff[s] caused a Civil Bill to be brought against the Defendant[s] requiring him [*or* them] to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant[s], under and in respect of a certain Decree [*or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] against the said Defendant[s], for the Payment of the Sum of by the said Defendant[s], in a certain Action [*or* Suit] for [*state the former Cause of Action or Claim*], and which said Sum of the said Plaintiff[s] had been unable to recover from the said Defendant[s] or out of the Goods and Chattels of the Defendant[s].

And it appearing to the Court that the said Plaintiff[s] is [*or* are] entitled to the said Execution [*or* Decree *or* Order] to be executed against the Person of the Defendant[s], [*or* to have the said Defendant[s] committed for].

It is therefore ordered and decreed by the Court here, that the said Plaintiff[s] have Execution against the Person of the said Defendant[s] for the said Sum of together with Shillings and pence Costs [*or* that the said Defendant[s] be committed to the Gaol of for the Period of *as the Case may be*]; and the several Sheriffs of the respective Counties in Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the Body [*or* Bodies] of the Defendant[s], to satisfy the said Sum of Pounds and Costs [*or* take the Body or Bodies] of the said Defendant[s], and commit the said Defendant[s] to Custody in the Gaol of for the Period of unless the said Sum of and Costs be sooner paid.

Dated at this Day of in the Year One thousand eight hundred and .

	£	s.	d.
Debt or Demand - - -			
Interests - - - - -			
Costs - - - - -			
Warrant - - - - -			

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace.
I.K., Attorney for Plaintiff.

(31.)

Form of a Recognizance on the Defendant's appealing from a Decree.

No.
County of
to wit. }

£ s. d.

A.B. of [*here describe the Plaintiff as in the Cause*], Plaintiff.
C.D. of [*here describe the Defendant as in the Cause*], Defendant.

L.M. of in the County of acknowledges self to be indebted to the Plaintiff[s] in the Sum of and *N.O.* of *P.Q.* of acknowledge themselves to be jointly and severally indebted to the Plaintiff in the Sum of .

The Condition of the foregoing Recognizance is such, that if the Defendant[s] do prosecute [his, her, their] Appeal to the Decree in this Cause at the next General Assizes to be held in and for the County of and pay such Debt and Costs as shall be awarded against the said Defendant[s], then the above Recognizances to be void, otherwise to remain in full force and virtue.

E.F., Clerk of the Peace for said County.

Taken and acknowledged before me this Day of in the Year One thousand eight hundred and .

G.H., Assistant Barrister for said County.

The Form of the Recognizance when the Plaintiff shall appeal from a Dismiss to be the same, mutatis mutandis, as the above.

(32.)

Form of Affidavit of Attorney on Appeal, and Form of a Recognizance on appealing from a Decree or Dismiss made or pronounced by an Assistant Barrister, pursuant to this Act, to be acknowledged before such Assistant Barrister.

No.
County of
Division of

A.B. of
[*here describe the Plaintiffs as in the Cause*],
Plaintiff.
C.D. of
[*here describe the Defendant in like Manner*],
Defendant.

E.F., Attorney for the [Defendant, Plaintiff,] in this Cause, maketh Oath and saith, that he believes that the Appeal intended to be lodged in this Cause is not made or to be made for the Purpose of Delay, but that there is, as he believes, probable Cause of reversing the [Decree, Dismiss,] made in this Cause.

Sworn before me this Day of in the Year One thousand eight hundred and

G.H., Assistant Barrister for the said County.

(33.)

Form of Affidavit or Affirmation for a Renewal of a Decree, and of a Dismiss.

No.
County of
Division of

I *A.B.* of in the County of [*here state the Addition or Occupation of the Person swearing or affirming*], One of the Parties [*or* Personal Representative of *C.D.*, One of the Parties] in a Cause in which the annexed [Decree *or* Dismiss] was pronounced, and the Sum of thereby ordered to be recovered, and in which Cause of was [*or* were] Plaintiff[s]. and of Defendant[s] do swear [*or if a Quaker*, do solemnly affirm] that there is still remaining due and unpaid of the said Sum so ordered to be recovered the Sum of after all just Allowances [*and if the Person swearing or affirming be a Party, as a Personal Representative of any other Person, or if he makes this Affidavit or Affirmation as Personal Representative to One of the Parties in the original Cause, add these Words*], as he [*or* she] doth verily believe.

A.B. Sworn before me in open Court, this Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.

Form of a Renewal to be printed or written on the same Sheet with the above Affidavit, and when the Affidavit shall be sworn to, and the same and Renewal signed by the Assistant Barrister, the said Affidavit or Affirmation is to be cut off and delivered to the Clerk of the Peace, and the Renewal to the Party entitled to it.

No.
County of
Division of

By the Assistant Barrister for the County of at the Session of the Peace held at in the said County.

A.B. of
in the County of
[*here insert the Addition or Occupation of the Plaintiffs*],
Plaintiff[s].
C.D. of
in the County of
[*here insert the Addition or Occupation of the Defendants*],
Defendant[s].

Oath being made in open Court that there remains still due by the annexed [Decree *or* Dismiss] the Sum of it is therefore ordered and decreed by the Court, that the same be and the same is hereby renewed for the said Sum, together with Costs of this Renewal, and that the [Plaintiff *or* Defendant] shall have and recover from the [Defendant *or* Plaintiff] the same; and the several Sheriffs of the Counties and Cities of Ireland are hereby required, notwithstanding any Liberty within their Bailiwicks, that they enter the same, and take in Execution the [Defendant's *or* Plaintiff's] [Body, Goods] to satisfy and pay the said Sum and Costs.

Dated at the Day of in the Year One thousand eight hundred and

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the

Form of the Sheriff's Warrant on such Renewal to be the same as that above-mentioned on a Decree, changing the Word Decree into Renewal, and in case it be the Renewal of a Dismiss, then changing the Words Plaintiff's Peril in the Warrant into Defendant's Peril.

(34.)

Form of Notice to renew a Decree, &c.

County of
Division of
[*All the Plaintiffs in original Degree to be inserted*],
Plaintiffs.
[*All Defendants in original Decree to be inserted*],
Defendants.

} By the Chairman or Assistant Barrister for the County of .

Whereas the said Plaintiff[s] at the Quarter Sessions for the said County held at on the Day of One thousand eight hundred and obtained a Decree against the said Defendant[s] for the Sum of and also the Sum of as and for Costs. And whereas [*state Facts as to Death, or other Circumstances affecting Parties in original Decree*] And whereas there is still due and owing to the said Plaintiff[s] on foot of the said Decree the Sum of The said Defendant *A.B. or C.D., as the Case may be*] is hereby required personally to appear before the said Assistant Barrister at aforesaid, in the said County, on the Day of as an Application will then and there be made to renew the said Decree for the said Sum of Signed by [*or* on behalf of] the Plaintiff.

SCHEDULE D.

FEES IN ORDINARY CASES.

	£	s.	d.
Counsel's Fees.			
To Plaintiff's Counsel in each Case of ordinary Civil Bill, when the Sum decreed shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
Provided, that in all such Cases, when defended, no Fee to Counsel shall be charged as between Party and Party, if the Assistant Barrister shall certify that it was not a fit Case for Counsel; and in all such Cases, when undefended, no such Fee shall be charged as between Party and Party, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.			
And in all Cases where the Sum decreed shall exceed 20*l.*	1	1	0
To Defendant's Counsel, like Fees on Sum sued for: Provided, that in all Cases where the Sum sued for shall exceed 5*l.* and shall not exceed 20*l.*, and the Plaintiff shall enter his Process, and same shall be dismissed, no Fee shall be charged as between Party and Party if the Assistant Barrister shall certify that it was not a fit Case for Counsel; and in all such Cases where the Plaintiff shall not enter his Process for Hearing, but the Defendant shall enter the Case for a Dismiss, and same shall be dismissed accordingly, no such Fee shall be charged, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.			
Clerk of Peace's Fees.			
To Clerk of Peace, upon the Entry of every Civil Bill	0	0	3
„ „ for signing the Decree or Dismiss	0	0	3
„ „ on entering and signing Renewal	0	0	4
„ „ for Recognizance of Bail and Certificate of Appeal lodged, and entering Appeal with Judge's Register	0	1	0
„ „ for every Subpœna ad test. issued	0	0	4
„ „ for entering a Verdict	0	1	0
Attorney's Fees.			
To the Plaintiff's Attorney, for drawing or signing Civil Bill	0	0	6
„ „ for taking Instructions and attending Hearing, and all Charges in Penalty Cases when Counsel not employed	0	8	0
„ „ preparing Instructions for Counsel in like Cases	0	2	6
„ „ in all other Cases, for attending and taking Instructions for Hearing, directing the necessary Proofs, entering the Civil Bill, for attending the Hearing (except in Ejectment, Replevin, and Legacy Cases), and preparing any Summons required for Witnesses, and every Notice to produce Documents, to require the Attendance of any Party, or for any other Purpose, and for all Charges in every Case when the Amount of Sum decreed shall not exceed 10*l.*	0	2	6
„ „ for same, where the Sum decreed shall exceed 10*l.* and shall not exceed 20*l.*	0	5	0
„ „ when the Sum decreed shall exceed 20*l.*	1	0	0
„ „ for drawing and signing Decree, or Renewal	0	1	0
„ „ drawing Instructions for Counsel, when employed, when the Sum decreed shall not exceed 20*l.*	0	2	6
and when the Sum decreed shall exceed 20*l.*	0	5	0
„ „ for drawing and signing the Affidavit to obtain a Decree pro confesso, and filing the same	0	2	6
Defendant's Attorney, like Fees on Sum sued for.			
To Defendant's Attorney for drawing up and signing a Dismiss	0	1	0

	£	s.	d.
Fees on Appeals.			
To Clerk of the Peace, upon the Hearing of each Appeal at Assizes - - -	0	1	0
To Attorneys for the Parties respectively, the same Fees as allowed on Civil Bills in the Barrister's Court.			
To Counsel - - - - - - - - -	1	1	0
FEES IN CASES OF REPLEVIN.			
To Counsel, where the Rent distrained for shall exceed 5*l.* and shall not exceed 20*l.* - -	0	10	6
„ where the Sum distrained for shall exceed 20*l.* - - - -	1	1	0
To Clerk of the Peace, for Entry of Civil Bill for Hearing or Dismiss - - -	0	0	6
„ „ for signing Decree or Dismiss - - - - -	0	0	6
„ „ for signing Renewal - - - - - -	0	0	6
„ „ for Recognizance of Bail, and Certificate of Appeal lodged, and entering Appeal in the Judge's Register - - - -	0	1	0
„ „ for issuing Order to replevy, and entering Civil Bill thereon -	0	1	6
Attorney's Fees in Replevin.			
To Plaintiff's Attorney, for preparing and signing the Process and Copies - - -	0	2	6
„ „ for attending and taking Instructions in Replevin Cases, attending the Hearing, and all Charges, exclusive of Instructions for Counsel, when employed, when Amount of Rent distrained for does not exceed 20*l.* - - - - - - - -	0	8	0
„ „ when it does exceed 20*l.* - - - - - -	1	0	0
To Plaintiff's Attorney, preparing Instructions for Counsel, when employed, and when Sum distrained for shall not exceed 20*l.* - - - -	0	2	6
„ „ when Sum distrained for shall exceed 20*l.* - - -	0	5	0
„ „ for drawing up and signing Decree - - - -	0	1	0
To Defendant's Attorney, like Fees in both Cases.			
„ „ for drawing up and signing Dismiss - - - -	0	1	0
Appeals.			
To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - - - -	1	1	0
FEES IN LEGACY CASES.			
To Plaintiff's Counsel, where Sum decreed shall exceed 5*l.* and shall not exceed 20*l.* -	0	10	6
„ „ where the Sum decreed shall exceed 20*l.* - - - -	1	1	0
To Defendant's Counsel, like Fees on Sum sued for.			
Fees to Clerk of the Peace.			
To Clerk of the Peace, for Entry of Civil Bill - - - - -	0	0	6
„ „ for signing Decree or Dismiss - - - -	0	0	6
„ „ for signing and entering any Renewal - - - -	0	0	6
„ „ for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal in Judge's Register - - -	0	1	0
„ „ for Copy of any Inventory of Assets lodged with him, and attesting same, per Folio of Ninety Words - - - -	0	0	4
„ „ entering Verdict of a Jury - - - -	0	1	0
Attorney's Fees.			
For taking Instructions, drawing or signing the Civil Bill, reading Will, Probate, Administration, Deeds, or Documents, drawing all Notices or Summonses - - -	0	2	6
To Plaintiff's Attorney, for advising the Proofs and attending the Hearing, when the Sum decreed does not exceed 20*l.* - - - - -	0	10	6
„ „ when Amount decreed exceeds 20*l.* - - - -	1	0	0
Preparing Instructions for Counsel, when employed, and when Sum decreed shall not exceed 20*l.* - - - - - - - -	0	2	6
when Sum decreed shall exceed 20*l.* - - - - - -	0	5	0
Drawing up and signing Decree - - - - - - - -	0	1	0
To Defendant's Attorney, for taking Instructions, drawing all Notices, advising the Proofs, and attending the Hearing, when the Sum sued for shall not exceed 20*l.* - - -	0	10	6
To Defendant's Attorney, when Sum sued for shall exceed 20*l.* - - - -	1	0	0
To Defendant's Attorney, for preparing Instructions for Counsel, when employed, and Sum sued for shall not exceed 20*l.* - - - - - - - - -	0	2	6
where Sum sued for shall exceed 20*l.* - - - - -	0	5	0
To Defendant's Attorney, for drawing and signing any Dismiss - - - -	0	1	0

	£	s.	d.
Appeals.			
To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - - -	1	1	0
FEES IN EJECTMENT CASES.			
Counsel's Fees.			
To Plaintiff's Counsel, where Rent reserved shall exceed 5*l.* and shall not exceed 20*l.* -	0	10	6
„ „ when Rent reserved shall exceed 20*l.* - - - -	1	1	0
To Defendant's Counsel, like Fees.			
Fees to Clerk of the Peace.			
To Clerk of Peace, upon the Entry of every Civil Bill Ejectment - - - -	0	1	6
„ „ for signing, entering, and recording every Decree or Dismiss - -	0	1	0
„ „ for signing and entering every Renewal - - - -	0	0	6
„ „ for entering the Verdict of a Jury - - - -	0	1	0
„ „ for Recognizance of Bail and Certificate of Appeal - - -	0	1	0
„ „ for each Inspection of the Book kept for the Purpose of recording Decrees and Dismisses - - - - - - -	0	1	6
Attorney's Fees in Ejectments.			
To the Plaintiff's Attorney, for attending taking Instruction in all Ejectment Cases, reading over Leases, Deeds, Wills, or other Documents - -	0	6	8
„ „ for attending, drawing, and obtaining the Magistrate's Certificate where the Proceeding is for the Recovery of Lands or Premises abandoned - - - - -	0	10	0
Drawing the Civil Bill, including Bill of Particulars of Rent due, and all Notices or Summonses	0	2	6
To Plaintiff's Attorney, for every Copy thereof actually served or posted, for the First Copy	0	2	6
For every additional Copy - - - - - - - - -	0	1	0
To Plaintiff's Attorney, for drawing Affidavit to verify the Ejectment, advising the Proofs, entering the Cause, and attending the Hearing - - - - - -	1	1	0
To Defendant's Attorney, for taking Instructions, advising the Proofs, drawing all Notices or Summonses, and attending the Hearing - - - - - -	1	1	0
To the Plaintiff's Attorney, for drawing any Decree and Affidavit, verifying the same, attending the Assistant Barrister to sign the same, and signing, drawing Costs between Party and Party, and attending the Barrister for Taxation thereof - - - - -	0	3	4
To Defendant's Attorney, for drawing any Dismiss, drawing Costs between Party and Party, and attending to get same compared, signed, and taxed - - - - -	0	3	4
To preparing Instructions for Counsel, whenever Counsel is employed - - -	0	5	0
Appeals.			
To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - - - - -	1	1	0
Clerk of the Peace in Cases of Insolvents.			
On each Petition in Cases of Insolvent Debtors heard before Assistant Barrister - - -	0	2	6
Process Server's Fees.			
Serving Civil Bill where there is but One Defendant, or several Defendants residing in the same House - - - - - - - - - -	0	0	6
For serving Two or more Defendants not residing in the same Dwelling House - -	0	1	0
Sheriff's Fees.			
For every Special Warrant, save in Ejectment Cases, granted at the Peril of the Party requiring the same - - - - - - - -	0	1	0
For returning a Jury in any Case - - - - - -	0	1	0
For giving Possession to any Party under a Civil Bill Ejectment or Redemption Decree, when he shall do so in Person - - - - - - - -	1	1	0
For every special Warrant to give Possession as above, when he does not attend in Person -	0	2	6
To the Sheriff or Special Bailiff to be appointed pursuant to this Act, for executing any Decree, Dismiss, or Order for any Sum not exceeding 1*l.* - - - - - and 3*d.* in the Pound on the Amount recovered under such Execution.	0	1	0
To the Sheriff or special Bailiff, in all Cases, for executing any Decree, Dismiss, or Order, by Arrest of the Person, upon lodging him in Gaol - - - - -	0	5	0
To Sheriff or his Replevinger in drawing Affidavit of Value of Goods distrained in Replevin Cases, and in full of all Charges in relation to such Cases - - - -	0	3	0
To Keepers of Seizure under any Decree or Dismiss, the Fees specified in Section 145 of this Act.			

Provided that in all Cases of Ejectment, Replevin, and Distribution of Assets, where the Rent reserved, Rent distrained for, or Sum decreed, or (in case of Dismiss) the Sum sued for, respectively, shall exceed 5*l.* and shall not exceed 20*l.*, and such Case shall be defended, no Fee to Counsel shall be charged as between Party and Party, if the Assistant Barrister shall certify that it is not a fit Case for Counsel; and in all such Cases, where undefended, no such Fee shall be charged unless the Assistant Barrister shall certify that it was a fit Case for Counsel; and in all such Cases where the Plaintiff shall not enter his Process for Hearing, but the Defendant shall enter the Case for a Dismiss, and same shall be dismissed accordingly, no such Fee shall be charged, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.

CAP. LVIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [1st *August* 1851.]

[*This Act is the same, except as to Dates, as* 13 & 14 *Vict. c.* 49.]

CAP. LIX.

An Act to continue certain of the Allowances of the Duty of Excise on Soap used in Manufactures. [1st *August* 1851.]

3&4 W.4.c.16. 12&13 Vict. c. 40.

'WHEREAS by an Act passed in the Third Year of the Reign of King *William* the Fourth, Chapter Sixteen, certain Allowances of the Duties of Excise paid on Soap were granted in respect of Soap used in certain Manufactures and Processes set forth in the said Act, and which Allowances were to cease at the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five: And whereas by subsequent Acts, and particularly by an Act passed in the Thirteenth Year of the Reign of Her Majesty Queen *Victoria*, Chapter Forty, the said Allowances (except the Allowance for the whitening of new Linen in the Piece for Sale) were continued until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and fifty: And whereas it is expedient that the said Allowances (except as aforesaid) should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Certain Allowances of the Duty on Soap continued.

I. That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and fifty-three, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

CAP. LX.

An Act to prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom. [1st *August* 1851.]

10G.4.c.7.s.24.

'WHEREAS divers of Her Majesty's Roman Catholic Subjects have assumed to themselves the Titles of Archbishop and Bishops of a pretended Province, and of pretended Sees or Dioceses, within the United Kingdom, under colour of an alleged Authority given to them for that Purpose by certain Briefs, Rescripts, or Letters Apostolical from the See of *Rome*, and particularly by a certain Brief, Rescript, or Letters Apostolical purporting to have been given at *Rome* on the Twenty-ninth of *September* One thousand eight hundred and fifty: And whereas by the Act of the Tenth Year of King *George* the Fourth, Chapter Seven, after reciting that the Protestant Episcopal Church of *England* and *Ireland*, and the Doctrine, Discipline, and Government thereof, and likewise the Protestant Presbyterian Church of *Scotland*, and the Doctrine, Discipline, and Government thereof, were by the respective Acts of Union of *England* and *Scotland*, and of *Great Britain* and *Ireland*, established permanently and inviolably, and that the Right and Title of Archbishops to their respective Provinces, of Bishops to their Sees, and of Deans to their Deaneries, as well in *England* as in *Ireland*, had been settled and established by Law, it was enacted, that if any Person after the Commencement of that Act, other than the Person thereunto authorized by Law, should assume or use the Name, Style, or Title of Archbishop of any Province, Bishop of any Bishopric, or Dean of any Deanery, in *England* or *Ireland*, he should for every such Offence forfeit and pay the Sum of One hundred Pounds: And whereas it may be doubted whether the recited Enactment extends to the Assumption of the Title of Archbishop or Bishop of a pretended Province or Diocese, or Archbishop or Bishop of a City, Place, or Territory, or Dean of any pretended Deanery in *England* or *Ireland*, not being the See, Province, or Diocese of any Archbishop or Bishop or Deanery of any Dean recognized by Law; but the Attempt to establish, under colour of Authority from the See of *Rome* or otherwise, such pretended Sees, Provinces, Dioceses, or Deaneries, is illegal and void: And whereas it is expedient to prohibit the Assumption of such Titles in respect

of

'of any Places within the United Kingdom:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Briefs, Rescripts, or Letters Apostolical declared unlawful and void.

I. All such Briefs, Rescripts, or Letters Apostolical, and all and every the Jurisdiction, Authority, Pre-eminence, or Title conferred or pretended to be conferred thereby, are and shall be and be deemed unlawful and void.

Persons procuring, publishing, or putting in use any such Brief, &c. for constituting Archbishops, Bishops, &c. of pretended Provinces, Sees, or Dioceses, liable to a Penalty of 100*l.* for every Offence.

II. And be it enacted, That if, after the passing of this Act, any Person shall obtain or cause to be procured from the Bishop or See of *Rome*, or shall publish or put in use within any Part of the United Kingdom, any such Bull, Brief, Rescript, or Letters Apostolical, or any other Instrument or Writing, for the Purpose of constituting such Archbishops or Bishops of such pretended Provinces, Sees, or Dioceses within the United Kingdom, or if any Person, other than a Person thereunto authorized by Law in respect of an Archbishopric, Bishopric, or Deanery of the United Church of *England* and *Ireland*, assume or use the Name, Style, or Title of Archbishop, Bishop, or Dean of any City, Town, or Place, or of any Territory or District, (under any Designation or Description whatsoever,) in the United Kingdom, whether such City, Town, or Place, or such Territory or District, be or be not the See or the Province, or co-extensive with the Province, of any Archbishop, or the See or the Diocese, or co-extensive with the Diocese, of any Bishop, or the Seat or Place of the Church of any Dean, or co-extensive with any Deanery, of the said United Church, the Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered as Penalties imposed by the recited Act may be recovered under the Provisions thereof, or by Action of Debt at the Suit of any Person in One of Her Majesty's Superior Courts of Law, with the Consent of Her Majesty's Attorney General in *England* and *Ireland*, or Her Majesty's Advocate in *Scotland*, as the Case may be.

Recovery of Penalties.

Act not to extend to Bishops of the Protestant Episcopal Church in Scotland.

III. This Act shall not extend or apply to the Assumption or Use by any Bishop of the Protestant Episcopal Church in *Scotland* exercising Episcopal Functions within some District or Place in *Scotland* of any Name, Style, or Title in respect of such District or Place; but nothing herein contained shall be taken to give any Right to any such Bishop to assume or use any Name, Style, or Title which he is not now by Law entitled to assume or use.

Nothing to affect Provisions of 7&8 Vict. c. 97.

IV. Be it enacted, That nothing herein contained shall be construed to annul, repeal, or in any Manner affect any Provision contained in an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Application of Charitable Donations and Bequests in* Ireland.

CAP. LXI.

An Act for providing a Metropolitan Market and Conveniences connected therewith in lieu of the Cattle Market at *Smithfield*. [1st *August* 1851.]

'WHEREAS, for preventing the Evils attendant on the holding of the Market now holden in 'Smithfield, it is desirable that in lieu thereof a more spacious Cattle Market, with a Meat Market 'and Conveniences connected therewith, should be provided in a suitable Place more distant from the 'Centre of the Metropolis:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That,

Appointment of Commissioners.

I. It shall be lawful for Her Majesty, after the Expiration of Six Calendar Months from the passing of this Act, in case the Mayor, Aldermen, and Commons of the City of *London* have not in the meantime signified, in Manner herein-after mentioned, their Desire to undertake the Execution of this Act, by Warrant under the Royal Sign Manual, to appoint Five Persons to be Commissioners under this Act, and at Pleasure to remove the Commissioners so appointed, and upon every Vacancy in the Office of any Commissioner appointed under this Act to appoint in like Manner some other Person to such Office; and the continuing Commissioners may act notwithstanding any such Vacancy; and all Powers and Duties vested in the said Commissioners by this Act may be exercised and executed by any Three of them.

Commissioners incorporated.

II. The Commissioners appointed under this Act shall for the Purposes of this Act be One Body Politic and Corporate by the Name of "The Metropolitan Cattle Market Commissioners," and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Lands, for the Purposes of this Act.

Commissioners may set out a Cattle and Meat Market, Slaughter-houses, and Lairs for Cattle.

III. It shall be lawful for the Commissioners to provide, build, and maintain, in such Situation as may appear to them convenient for the Purpose, and as may be approved of by One of Her Majesty's Principal Secretaries of Sate, Places for holding a Cattle Market, in lieu of the Market now holden in *Smithfield*, and a Meat Market, with Slaughter-houses and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses; and to provide, build, and maintain such Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, Slaughter-houses, and Lairs, as the Commissioners may think necessary; and to make and maintain all necessary and convenient Roads and Approaches to and from the Market Places, Slaughter-houses, and Lairs to be provided as aforesaid; and, with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen and improve such existing Road, for facilitating Ingress and Egress to and from such Market Places, Slaughter-houses, and Lairs; and it shall be lawful for the Commissioners to purchase by Agreement such Lands as they may deem necessary for the Purposes aforesaid: Provided always, that no Agreement for the Purchase of any Site for any of the Purposes aforesaid shall be made or

or entered into by the Commissioners without the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Commissioners to provide for the Supply of Water and Drainage.

IV. The Commissioners shall provide for the said Market Places, Slaughter-houses, and Lairs a sufficient Supply of Water, and may procure the same from any Water Company or Persons willing to contract for the Purpose, or may execute the Works necessary to obtain such Supply from Streams, Springs, or Wells, and purchase by Agreement or take on Lease any Streams, Springs, Lands, Rights, or Easements for the Purposes of such Supply, and the Works connected therewith; and the Commissioners shall cause the said Market Places, Slaughter-houses, and Lairs to be sufficiently drained, and may (subject to any Rights and Jurisdiction vested in the Metropolitan Commissioners of Sewers) execute the Works necessary for the Drainage thereof, or may procure such Works to be executed by such last-mentioned Commissioners.

Power to appoint Officers.

V. It shall be lawful for the Commissioners from Time to Time to appoint a Secretary and a Treasurer, and such Clerks, Collectors, Inspectors, and other Officers as they may think fit, for the Purposes of this Act, and from Time to Time to remove the Officers so appointed or any of them, and, with the Approbation of the Commissioners of Her Majesty's Treasury, to allow to such Officers respectively such Salaries and Wages as the Commissioners may think proper.

Commissioners may make Byelaws.

VI. It shall be lawful for the Commissioners from Time to Time to make Byelaws, for fixing or altering the Days upon which the Markets to be holden under this Act shall or may be held, for fixing the Hours for commencing and closing the said Markets on each Market Day, the Times at which Cattle and Horses respectively shall be brought into or exposed for Sale in the Market and removed therefrom, and for the letting, occupying, holding, and using of the Pens, Lairs, Stalls, Shops, Buildings, and Conveniences, for keeping the said Market Places, Slaughter-houses, and Lairs in a cleanly and proper State, and preventing the Exercise of Cruelty therein, for preventing Nuisances or Obstructions in the said Market Places or the immediate Approaches thereto, and generally for regulating, ordering, and governing the said Markets, Slaughter-houses, and Lairs, and the Conduct of Business therein; and the Commissioners may from Time to Time alter or repeal any such Byelaws, and may by such Byelaws impose such reasonable Penalties as they think fit, not exceeding Five Pounds for each Breach of such Byelaws, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid; provided always, that no Byelaw of the Commissioners shall be of any Force or Effect until the same has been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and such Byelaws shall be sealed with the Seal of the Commissioners, and published as herein-after mentioned.

Power to let the Slaughter-houses and the Stalls and Conveniences in the Market.

VII. It shall be lawful for the Commissioners from Time to Time to let, for such Rents or Payments and in such Manner as they may think fit, all or any of the Slaughter-houses to be provided under this Act, and such of the Stalls, Shops, Buildings, and Conveniences to be provided in or for the said Markets as the Commissioners may think may properly be exclusively occupied for a Term or Period: Provided always, that no such Letting be for any longer Term than One Year.

Table of Tolls and Payments to be fixed.

VIII. The Commissioners shall, with the Approbation of the Commissioners of Her Majesty's Treasury, fix a Table of Tolls and Payments to be demanded and taken for or in respect of Cattle, Horses, and Meat brought into or exposed for Sale in the said Markets, and for or in respect of the Use of Pens, Lairs, and Conveniences provided under this Act, and may from Time to Time, with such Approbation as aforesaid, vary such Table of Tolls and Payments as they may see fit; provided always, that such Tolls and Payments do not exceed the several and respective Sums mentioned in the Schedule to this Act; and the Table of Tolls and Payments for the Time being payable under this Act shall be published as herein-after directed.

Byelaws and Table of Tolls and Payments to be set up in the Markets.

IX. Copies of all Byelaws for the Time being in force under this Act, affecting other Persons than the Officers of the Commissioners, and the Table of Tolls and Payments for the Time being payable under this Act in respect of the said Markets respectively, shall be painted in legible Characters on Boards to be set up and continued at each and every of the Entrances or in some conspicuous Position in the Place for holding the Market to which such Byelaws relate, or in respect of which such Tolls and Payments are payable; and such Boards shall from Time to Time be renewed, replaced, and restored when and so often as the same are destroyed, defaced, or removed: Provided always, that if any such Board be destroyed, defaced, or removed, such Byelaws, Tolls, and Payments shall continue in force and payable respectively during such Time as may be reasonably required for renewing, replacing, or restoring the same, in the same Manner as if the Destruction, Removal, or Defacement had not occurred.

Commissioners to report to Secretary of State when Markets provided, who is to publish Notice thereof, and of closing of Smithfield, in London Gazette.

X. When the Commissioners have provided the Market Places, Slaughter-houses, and Conveniences herein-before authorized to be provided, and fixed such Table of Tolls and Payments as aforesaid, and appointed the Market Days, and done all other Acts which may appear to them necessary previously to the opening of the said Market Places and Slaughter-houses, they shall report to One of Her Majesty's Principal Secretaries of State what they have done concerning the Premises, and shall annex to such Report a Copy of the Table of Tolls and Payments fixed as aforesaid; and it shall be lawful for such Secretary of State to fix a Time for the opening of the said Markets and Slaughter-houses, and by a Notice under his Hand, to be published in the *London Gazette*, to notify that such Market Places and Slaughter-houses have been provided, and the Time when the same will be opened, and that from the Time so mentioned *Smithfield* Market will cease to be a Market for the Sale of Cattle and Horses; and from and after the Time mentioned in such Notice *Smithfield* Market shall cease to be a Market for the Sale of Cattle or Horses, and Markets for the Sale of Cattle, Horses, and Meat shall be holden in the respective Places provided under this Act; and such Markets shall be deemed to be public Markets; and no new Market for the Sale of Cattle or Horses shall be opened in the City of *London* or *Westminster*, or the

the Liberties thereof, or the Borough of *Southwark*, or at any Place distant less than Seven Miles in a straight Line from *Saint Paul's* Cathedral in the City of *London*.

Markets, and Care and Management of the Market Places, &c., vested in the Commissioners.

XI. The Markets to be holden under this Act, and the Tolls and Profits thereof, and, subject to the Provisions of this Act, the Care, Management, and Control of the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters provided by the Commissioners under this Act, and of the said Markets, shall be vested in the Commissioners for the Purposes of this Act.

Cattle or Meat unfit for Food may be seized and destroyed.

XII. It shall be lawful for any Clerk or Inspector appointed under this Act, with or without Assistants, to inspect and examine any Cattle and Dead Meat exposed or offered for Sale in the Markets provided under this Act, or either of them, and for that Purpose to enter into any Building, Shop, Stall, Pen, or Place provided under this Act, and seize any such Cattle or Meat which may appear to him unfit for Human Food, and to report such Seizure to any Justice of the Peace having Jurisdiction in the Place; and such Justice may order such Cattle or Meat to be destroyed or otherwise disposed of in such Manner as may appear to him proper; and any Person exposing or offering for Sale as aforesaid Cattle or Meat unfit for Human Food shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Penalty.

Commissioners of Market may regulate Route and Times for driving of Cattle to and from Markets.

XIII. It shall be lawful for the Commissioners of the Market from Time to Time to make and publish Orders for regulating the Route within the Metropolitan Police District of Cattle to or from the Cattle Market to be holden under this Act, and the Times during which Cattle shall be allowed to be driven by such Routes, subject to the Approval of One of Her Majesty's Principal Secretaries of State; and any Person driving any Cattle within the Metropolitan Police District who shall disobey any such Order shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Tolls and Payments, when and to whom to be paid.

XIV. The Tolls for the Time being fixed by such Table of Tolls and Payments as aforesaid shall become due and payable immediately on the Cattle, Horses, or Meat in respect of which such Tolls are to be taken entering or being brought into the said Market Places respectively, from any Person driving or bringing the same or causing the same to be driven or brought into or exposing or offering the same for Sale in the said Market Places respectively; and the Payments for the Time being fixed by such Table for the Use of Pens, Lairs, and Conveniences shall become due and payable from the Persons using the same at such Times as for the Time being may be fixed by such Table; and all such Tolls and Payments as aforesaid shall be collected, received, and taken, on behalf of the Commissioners, by such Collectors or Persons as they may direct.

Expenses under this Act to be defrayed out of Monies received thereunder.

XV. The Expenses to be incurred by the Commissioners in providing and maintaining the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters to be provided and maintained by them under this Act, and the Salaries and Wages of the Officers appointed under this Act, and all other Expenses of the Commissioners under this Act, shall be charged upon and paid out of the Tolls, Rents, and Payments to be received by them under this Act.

Money received by Officers to be paid into the Bank.

XVI. All Tolls, Rents, and Payments which shall be received under this Act by the Officers of the Commissioners shall be by such Officers forthwith paid to the Treasurer of the Commissioners, and by such Treasurer forthwith paid into the Bank of *England*, to the Credit of an Account to be intituled "The Account of the Metropolitan Cattle Market Commissioners."

Treasurer, &c. intrusted with Money to give Security for duly accounting for the same.

XVII. Before the Treasurer or any Officer appointed under this Act enter upon any Office or Employment by reason whereof he will or may be intrusted with the Custody or Control of Money under this Act, the Commissioners shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient.

Payments out of the Bank.

XVIII. The Money to be paid into the Bank of *England* under this Act shall be paid out upon Drafts or Orders signed by the Treasurer, and countersigned by Two or more of the Commissioners.

Power to raise Money by Mortgage.

XIX. It shall be lawful for the Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, and payable out of the Tolls, Rents, and Payments receivable by them under this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds which may appear to the Commissioners necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the said Tolls, Rents, and Payments.

Commissioners of Public Works acting under *5 & 6* Vict. c. 9. may make Advances to the Board.

XX. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Nine, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Commissioners upon the Security of the Tolls, Rents, and Payments to be received by the Commissioners under this Act, and without requiring any further or other Security than a Mortgage of such Tolls, Rents, and Payments.

So much of 10 & 11 Vict. c. 16. as relates to Mortgages incorporated with this Act.

XXI. The Clauses of the "Commissioners Clauses Act, 1847," "with respect to the Mortgages to be executed by the Commissioners," shall be incorporated with this Act; and the Word "Rates," where used in the said Clauses, shall, for the Purposes of this Act, mean the Tolls, Rents, and Payments to be received by the Commissioners under this Act; and the Sum to be appropriated and set apart by the Commissioners every Year as a sinking Fund shall be such Sum as shall be from Time to Time directed in this Behalf by the Commissioners of Her Majesty's Treasury.

Accounts to be kept, and to be balanced.

XXII. The Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Tolls, Rents, and Payments, and other Monies received by them or their Officers,

Officers, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid; and the said Commissioners shall, in the Month of *January* in each Year, cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the Commissioners shall cause a full Statement and Account to be drawn out of all Contracts entered into, and of all Monies received and expended by virtue of this Act, during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and the Commissioners shall give public Notice, by Advertisement to be inserted not less than twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Mortgagees under this Act, and of the Day fixed for auditing the Accounts; and the Commissioners shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Mortgagee may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the Commissioners, on Payment of a Fee of One Shilling for each Inspection.

An annual Statement to be prepared, and Notice to be given when ready for auditing.

Statement, &c. to remain at the Office for Inspection.

Audit of Accounts by Auditors of Public Accounts.

XXIII. The Accounts of the Commissioners shall be examined and audited by the Commissioners for auditing the Public Accounts of this Kingdom; and such Commissioners shall, in examining, trying, and auditing the first-mentioned Accounts, have all the Powers which are vested in them by Law for examining, trying, and auditing the said Public Accounts; and the Monies which may be received and become applicable for the Purposes of this Act shall be deemed Public Monies, and may be recovered in case of Default accordingly, but all Monies so recovered shall be paid into the said Account at the Bank of *England* for the Purposes of this Act.

Commissioners may contract.

XXIV. The Commissioners may enter into all such Contracts as they may think fit, for providing the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters by this Act authorized to be provided, and for any other Matters in relation to the Purposes of this Act in respect of which it may appear to the Commissioners expedient to enter into Contracts.

No Purchase or Contract exceeding 1,000*l.* to be made without Approbation of Treasury.

XXV. Provided always, That no Purchase, Building, or Work, where the Purchase Money or the estimated Expense of such Building or Work exceeds One thousand Pounds, shall be made, erected, or done, or any Contract for the same entered into, by the Commissioners under this Act, without the Approbation of the Commissioners of Her Majesty's Treasury.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXVI. "The Lands Clauses Consolidation Act, 1845," except the Clauses of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof," "with respect to the Recovery of Forfeitures, Penalties, and Costs," and "with respect to the Provision to be made for affording Access to the Special Act by all Parties interested," shall be incorporated with this Act, and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Commissioners under this Act.

Power to dispose of Lands not wanted.

XXVII. It shall be lawful for the Commissioners to sell and dispose of any Lands purchased by them under this Act which may appear to them not to be required for the Purposes thereof, and for completing and carrying any such Sale into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the Commissioners; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied in like Manner as other Monies received under this Act.

Annual Reports and Abstract of Accounts to be made, and sent to Secretary of State.

XXVIII. The Commissioners shall, in the Month of *March* in every Year, send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, and shall, where any Variation has been made in the Table of Tolls and Payments since the preceding Report of the Commissioners, show such Variation in their Report, and shall with such Report send an Account in abstract, showing the Receipt and Expenditure under this Act for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditors, if they have allowed such Accounts, or of the Parts, if any, which they have disapproved of such Accounts, and also a Statement of all Monies owing to and Debts owing by the Commissioners on the Thirty-first Day of *December* of such preceding Year; and the Commissioners shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings.

Reports to be laid before Parliament.

XXIX. Every Report, Account in abstract, and Statement, to be sent to One of Her Majesty's Principal Secretaries of State under this Act, shall be laid before both Houses of Parliament within One Month after the Receipt thereof if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Slaughter-houses to be licensed.

XXX. From and after the First Day of *December* in the Year next following that in which the Slaughter-houses provided under this Act are opened no other Place within the Metropolitan Police District, as originally constituted and defined by the Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, shall be used as a Slaughter-house without a Licence had for that Purpose from the last preceding *Michaelmas* Quarter Sessions of the Peace for the County, Liberty, or Division in which such Place is situate (who are hereby authorized to grant such Licences where they, in their Discretion, think

think proper), signified under the Hands and Seals of Four or more of the Justices there assembled, and no Fee or Reward shall be taken for any such Licence; and if any Person use as a Slaughter-house any Place within the District aforesaid, other than the Slaughter-houses provided under this Act, which is not for the Time being licensed under this Act, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for obstructing Officers in Execution of this Act.

XXXI. Every Person who shall wilfully obstruct any Inspector, Collector, or other Officer or Person employed by the Commissioners, or any Person acting under his Authority, in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for defacing Boards.

XXXII. Every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Commissioners in or about the Markets provided under this Act, upon which any Byelaw or Table of Tolls and Payments shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

XXXIII. No Officer of the Commissioners shall be in anywise concerned or interested in any Contract or Work made with or executed for the Commissioners; and if any such Officer be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under the Commissioners, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament or by Charter, shall be prevented from being employed as an Officer of the Commissioners by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company.

Recovery of Tolls and Payments.

XXXIV. If any Person liable to the Payment of any Toll under this Act in respect of any Cattle, Horse, or Meat brought into the said Market Places respectively, or to any Payment for the Use of any Pens, Lairs, or Conveniences provided under this Act, neglect or refuse to pay such Toll or Payment when the same becomes payable under this Act, it shall be lawful for the Commissioners, or any Person in that Behalf authorized by them, to levy and recover such Toll or Payment by Distress and immediate Sale of any such Cattle, Horse, or Meat for which such Toll is payable, or of any Cattle, Horses, Meat, or other Articles brought into such Pens, Lairs, or Conveniences by the Person liable to such Payment for using the same, rendering the Overplus (if any) of the Money arising from the Sale thereof, on Demand, to the Owner of the Things sold, after deducting the reasonable Charge of the Distress and Sale; and in case any Dispute or Difference arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by Two Justices of the Peace for the County of *Middlesex*, who are hereby empowered and required, on Application being made to them for that Purpose, to summon the Parties before them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein and award such Costs to either Party as to such Justices in their Discretion shall seem meet, and by Warrant under their Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of any Cattle, Horses, Meat, Goods or Chattels, being the Property of the Party liable to pay the same, rendering the Overplus (if any) of the Money arising from the Sale thereof, on Demand, to the Owner of the Things sold, after deducting in every Case the reasonable Charges of such Distress and Sale: Provided always, that nothing herein contained shall extend to prevent the Commissioners from suing for and recovering in any Court of Record any Sum of Money which shall become payable to them for or in respect of any such Toll or Payment as aforesaid, if default be made in Payment thereof.

Recovery of Penalties.

XXXV. Every Person who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Byelaw of the Commissioners, shall be proceeded against, and such Penalty or Forfeiture shall be recovered, enforced, and applied, in the same Manner as the Persons liable to the Penalties and Forfeitures imposed under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, and such last-mentioned Penalties and Forfeitures may by Law be proceeded against, recovered, enforced, and applied respectively; and all Provisions, and Powers and Rights, which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures last mentioned, shall be applicable to the Proceedings against Persons liable to Penalties and Forfeitures under this Act, or any such Byelaw as aforesaid.

Proof of Publication of Byelaws, and Table of Tolls and Payments.

XXXVI. The Production of a written or printed Copy of the Byelaws, and of the Table of Tolls and Payments, authenticated by the Seal of the Commissioners, shall be Evidence of the Making, Approval, and Existence of such Byelaws, and of the fixing and Existence of such Table of Tolls and Payments respectively, in all Prosecutions, Actions, and Proceedings under or concerning the same; and for Proof of the Publication of such Byelaws, and Table of Tolls and Payments respectively it shall be sufficient to prove that painted Boards containing Copies thereof respectively were set up and continued in manner by this Act directed, and in case of any such Board having been destroyed, defaced, or removed, that it was renewed, replaced, or restored as soon as conveniently might be.

Power for Corporation of London to execute the Act.

XXXVII. Provided always, That if within Six Calendar Months after the passing of this Act the Mayor, Aldermen, and Commons of the City of *London* shall, under their Common Seal, signify to One of Her Majesty's Principal Secretaries of State that the said Mayor, Aldermen, and Commons desire to undertake the Execution of this Act, then, except in the Case of and after the Publication in the *London Gazette* of such Notice as herein-after mentioned, there shall not be made any Appointment of Commissioners

sioners under this Act, but the said Mayor, Aldermen, and Commons shall exercise the Powers and perform the Duties which by the Enactments herein-before contained would otherwise be to be exercised and performed respectively by Commissioners under this Act.

In that Case Corporation to be subject to same Control and Liabilities as Commissioners.

XXXVIII. In case of such Signification as aforesaid, the said Mayor, Aldermen, and Commons shall, in respect of the Powers and Duties to be exercised and performed respectively under this Act, be subject to the same Liabilities and Control as the Commissioners appointed under this Act would otherwise have been subject to, except so far as respects the Appointment and Removal of such Commissioners, and the Incorporation, Title, and Common Seal of such Commissioners: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Commons, if they think fit, in such Signification of their Desire to undertake the Execution of this Act, to declare their Intention to defray the Expenses to be incurred in such Execution out of their own Funds, and in such Case such Expenses shall be defrayed accordingly; and the Provisions herein-before contained appropriating and directing the Application of the Tolls, Rents, and Payments to be received under this Act, and directing the Payment thereof to the Treasurer, and directing and regulating the Payment thereof into and out of the Bank of *England*, shall not be obligatory on the said Mayor, Aldermen, and Commons, but such Tolls, Rents, and Payments shall be received by the said Mayor, Aldermen, and Commons for their own Use, and shall be paid and applied as they may direct; and the Approbation of the Commissioners of Her Majesty's Treasury shall not be required to the Allowance of Salaries and Wages, and to Purchases, Buildings, Works, or Contracts by the said Mayor, Aldermen, and Commons; and the Provisions herein-before contained for the Appointment by the Commissioners of a Secretary and Treasurer for the Purposes of this Act, and for the Examination and Audit of the Accounts of the Commissioners by the Commissioners for auditing the Public Accounts, shall not be applicable to the said Mayor, Aldermen, and Commons.

The Corporation of London may declare their Intention to defray the Expenses of carrying this Act into execution out of their own Funds, and in such Case the Tolls, &c. to belong to them, and certain Provisions not to be applicable.

If Corporation make default, Commissioners to execute the Act.

XXXIX. If, in case of such Signification as aforesaid, it shall, after the Expiration of Eighteen Calendar Months from such Signification, and within the Space of Three Years from such Signification, be made to appear to One of Her Majesty's Principal Secretaries of State, and such Secretary of State shall, by Notice published in the *London Gazette*, declare that the said Mayor, Aldermen, and Commons have made default in duly executing this Act, then the said Mayor, Aldermen, and Commons shall, from and after the Publication of such Notice, not exercise the Powers nor be liable to the Duties to be exercised and performed respectively under this Act, but the Enactments herein-before contained shall take effect as if there had been no such Signification as aforesaid by the said Mayor, Aldermen, and Commons.

Unless Market authorized be opened within a certain Time, Act to be void, &c.

XL. Provided always, That if the said Mayor, Aldermen, and Commons shall not within Six Months after the passing of this Act signify their Desire to undertake the Execution of this Act, then, unless the Cattle Market authorized to be provided under this Act be opened in pursuance of the Provisions thereof within Three Years after the Expiration of such Six Calendar Months, so much of this Act as provides that *Smithfield* Market shall cease to be a Market for the Sale of Cattle or Horses shall, from and after the Expiration of such Three Years, cease and be void.

Saving Rights of the City of London.

XLI. Nothing in this Act contained shall extend or shall be deemed or construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor for the Time being of the said City, save and except as by this Act is expressly provided and enacted.

Saving Rights of Her Majesty.

XLII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, all such Estates, Rights, Titles, Interests, Powers, Authorities, Claims, and Demands whatsoever as She or they or any of them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not passed.

Short Title of the Act.

XLIII. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Metropolitan Market Act, 1851."

Interpretation of Terms.

XLIV. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Commissioners" shall mean the Commissioners appointed under this Act; the Word "Cattle" shall include Sheep, Lambs, and Swine; and the Word "Horse" shall include Mare, Ass, and Mule; the Word "Slaughter-house" shall mean a Place used for slaughtering Cattle.

The SCHEDULE.

Tolls.

Sheep. For every Score of Sheep sold, 2*d.* per Score.
Beasts. For every Score of Beasts sold, 20*d.* per Score.
Horses. For every Entry of Sale, 4*d.* each.
Pigs. For every Score, 4*d.*

Dues.

Pens for Sheep, Calves or Pigs. Permanent Pens, 1*s.* each.
Ties for Beasts or Calves, 1*d.* each; for Horses, 2*d.* each.
Hay Duty, 6*d.* per Load; and for each Entry of Sale, 1*d.*
Straw Duty, 1*d.*; for each Entry of Sale, 1*d.*

C A P. LXII.

An Act to alter certain Duties of Customs, and to enable the Treasury to regulate the Mode of keeping the Account between the Receiver General of Customs and the Bank of *England*.

[7th *August* 1851.]

'WHEREAS it is expedient to alter the Duties of Customs now payable by Law upon the Importation of the Goods, Wares, and Merchandise enumerated and described in the Table to this Act annexed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

After the 15th April 1851 the Duties set forth in Table shall be levied instead of those previously paid.

I. That in lieu and instead of the Duties of Customs now payable by Law upon the Goods, Wares, and Merchandise enumerated and described in the said Table, there shall, from and after the Fifteenth Day of *April* One thousand eight hundred and fifty-one, be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon the said Goods, Wares, and Merchandise respectively when imported into the United Kingdom, the several Duties of Customs only as inserted and set forth in Figures in the said Table to this Act annexed.

Goods in Warehouse on 16th April 1851 subject only to new Duties.

II. That such of the several Sorts of Goods as are by this Act charged with Duty as shall have been warehoused without Payment of Duty upon the Importation thereof, and which shall be in the Warehouse on the Sixteenth Day of *April* One thousand eight hundred and fifty-one, shall be deemed and taken to be liable to such Duties only.

Duties to be under the Management of the Commissioners of Customs.

III. That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be passed relating to the Customs.

Treasury may regulate the Mode of Account between Receiver General of Customs and the Bank of England.

IV. 'And whereas by an Act passed in the Fourth and Fifth Years of His late Majesty King *William* 'the Fourth, Chapter Fifteen, to regulate the Office of the Receipt of His Majesty's Exchequer at *West-* '*minster*, it is enacted, "That it shall be lawful for the Commissioners of the Treasury from Time to Time '"to establish Rules and Regulations for keeping the Accounts of the several respective Departments of '"the Revenue with the Bank of *England*, and for the Payment of the Public Monies collected by such '"Departments to the Account of the Exchequer:" And whereas Doubts are entertained whether these 'Provisions, so far as they relate to the Receiver General of the Customs and to the Revenue of Customs, 'may not have been in part repealed by an Act passed in the Eighth and Ninth Years of Her present 'Majesty, Chapter Eighty-five, for the Management of the Customs:' Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to establish such Rules and Regulations for keeping the Accounts of the Receiver General of the Customs with the Governor and Company of the Bank of *England*, and also for Payment out of such Accounts of the Public Monies collected by that Department of the Revenue as they may think necessary for Her Majesty's Service, which Rules and Regulations shall be of full Force and Authority, anything in the said Act of the Eighth and Ninth Years of Her Majesty to the contrary notwithstanding.

TABLE referred to in this Act.

	£	s.	d.
Coffee, the lb.	0	0	3
——— Kiln-dried, roasted, or ground, the lb.	0	0	6
Upon Timber and Wood Goods not otherwise charged with Duty:			
Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet	0	7	6
Deals, Battens, Boards, or other Timber, or Wood sawn or split, and not otherwise charged with Duty, the Load of 50 Cubic Feet	0	10	0
Staves, if exceeding 72 Inches in Length, 7 Inches in Breadth, or 3½ Inches in Thickness, the Load of 50 Cubic Feet	0	9	0
Handspikes, not exceeding 7 Feet in Length, the 120	0	6	0
——— exceeding 7 Feet in Length, the 120	0	12	0
Knees, under 5 Inches square, the 120	0	3	0
——— 5 Inches and under 8 Inches square, the 120	0	12	0
Lathwood, the Fathom of 216 Cubic Feet	0	12	0
Oars, the 120	2	5	0
Spars or Poles, under 22 Feet in Length, and under 4 Inches in Diameter, the 120	0	6	0
——— 22 Feet in Length and upwards, and under 4 Inches in Diameter, the 120	0	12	0
——— of all Lengths, 4 Inches and under 6 Inches in Diameter, the 120	1	4	0
Wood planed, or otherwise dressed or prepared for Use, and not particularly enumerated or otherwise charged with Duty, per Foot of Cubic Contents	0	0	2
And further for every 100*l.* Value	10	0	0

Or, in lieu of ascertaining the Cubical Contents in Pile, the Importer may have the Option, at the Time of passing the First Entry, in respect of Planks, Deals, Deal Ends, Battens, and Batten Ends, of entering the same by Tale upon a Computation of their Cubic Content, calculated according to the under-mentioned Scale, specifying in such Entry the Number and Dimensions of the several Pieces included therein; and the Duties imposed thereon by this Act shall be ascertained, computed, and charged upon the Planks, Deals, Deal Ends, Battens, and Batten Ends included in such Entry on the Cubical Contents thereof, computed in conformity with the said Scale.

	Planks.	Deals.	Battens.		
	3 × 11 Inch and not above 3¼ × 11½ Inch.	3 × 9 Inch and not above 3¼ × 9½ Inch.	3 × 7 Inch and not above 3¼ × 7¼ Inch.	2⅝ × 7 Inch and not above 2⅝ × 7¼ Inch.	2⅛ × 6½ Inch and not above 2⅛ × 6⅝ Inch.
	Cubic Feet.	*Cubic Feet.*	*Cubic Feet.*	*Cubic Feet.*	*Cubic Feet.*
Not above 4 Feet in Length, the 120 -	115	95	73	61	57
Above 4 Feet and not above 5 Feet in Length, the 120 - - - -	144	118	91	77	71
Above 5 Feet and not above 6 Feet in Length, the 120 - - -	173	142	110	92	86
Above 6 Feet and not above 7 Feet in Length, the 120 - - - -	202	165	128	107	100
Above 7 Feet, and not above 8 Feet in Length, the 120 - - -	231	189	146	123	114
Above 8 Feet and not above 9 Feet in Length, the 120 - - -	260	213	165	138	128
Above 9 Feet and not above 10 Feet in Length, the 120 - - -	288	236	183	153	143
Above 10 Feet and not above 11 Feet in Length, the 120 - - -	317	260	201	169	157
Above 11 Feet and not above 12 Feet in Length, the 120 - - -	346	284	220	184	171
Above 12 Feet and not above 13 Feet in Length, the 120 - - -	375	307	238	200	185
Above 13 Feet and not above 14 Feet in Length, the 120 - - -	404	331	256	215	200
Above 14 Feet and not above 15 Feet in Length, the 120 - - -	433	354	274	230	214
Above 15 Feet and not above 16 Feet in Length, the 120 - - -	462	378	293	246	228
Above 16 Feet and not above 17 Feet in Length, the 120 - - -	490	402	311	261	242
Above 17 Feet and not above 18 Feet in Length, the 120 - - -	519	425	329	276	257
Above 18 Feet and not above 19 Feet in Length, the 120 - - -	548	449	348	292	271
Above 19 Feet and not above 20 Feet in Length, the 120 - - -	577	473	366	307	285
Above 20 Feet and not above 21 Feet in Length, the 120 - - -	606	496	384	322	300

CAP. LXIII.

An Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick*. [7th *August* 1851.]

'WHEREAS certain Disputes have existed respecting the Boundary Line between the Provinces of 'Canada and *New Brunswick* in *North America*; and pending such Disputes certain Funds have 'arisen from the disputed Territory, and have been received by the Governments of such Provinces respec- 'tively: And whereas, with a view to the Settlement of such Disputes, the Governor General of *Canada* 'and the Lieutenant Governor of *New Brunswick*, by the Advice of their respective Councils, agreed 'that the Matter in dispute should be referred to Arbitrators, who should be directed to report to 'Her Majesty's Government, and that such Governor General and Lieutenant Governor should each 'name an Arbitrator on behalf of the said respective Provinces, and that such Arbitrators should 'name a Third Arbitrator, the Award to be made by the Three Arbitrators or any Two of them;

'and

'and it was also agreed by such Governor General and Lieutenant Governor, with the Advice aforesaid, that the net Proceeds of the Funds in the Hands of the said Governments arising from the disputed Territory should be applied, first, to defray the Expenses of the Arbitration, second, to defray the necessary Expenses of running the (Boundary) Line as settled, (in case such Funds should prove insufficient, the Expenses to be borne equally by the respective Governments,) and, third, the Balance of such Funds to the Improvement of the Land and Water Communication between the Great Falls of the *Saint John* and the *Saint Lawrence*: And whereas, in pursuance of the Agreement in this Behalf, the Governor General of *Canada* named *Thomas Falconer* Esquire to be One of the said Arbitrators, and the Lieutenant Governor of *New Brunswick* named *Travers Twiss* Doctor of Laws to be another of the said Arbitrators, and the said *Thomas Falconer* and *Travers Twiss* named the Right Honourable *Stephen Lushington*, Judge of the Admiralty Court, to act as the Third Arbitrator: And whereas on the Seventeenth Day of *April* One thousand eight hundred and fifty-one the said *Stephen Lushington* and *Travers Twiss* made an Award concerning the said Boundary, and transmitted the same, together with a Plan therein referred to, to the Right Honourable Earl *Grey*, One of Her Majesty's Principal Secretaries of State, and such Award is in the following Terms:

Appointment of Arbitrators between Canada and New Brunswick.

Award of Dr. Lushington and Dr. Twiss, 17th April 1851.

'"That *New Brunswick* shall be bounded on the West by the Boundary of the United States, as traced "by the Commissioners of Boundary under the Treaty of *Washington* dated *August* 1842, from the Source "of the *Saint Croix* to a Point near the Outlet of Lake *Pech-la-wee-haa-co-nies* or Lake *Beau*, marked A. "in the accompanying Copy of a Part of Plan 17 of the Survey of the Boundary under the above Treaty; "thence by a straight Line connecting that Point with another Point to be determined at the Distance "of One Mile due South from the Southernmost Point of *Long* Lake; thence by a straight Line drawn "to the Southernmost Point of the Fiefs *Madawaska* and *Temiscouata*, and along the South-eastern "Boundary of those Fiefs to the South-east Angle of the same; thence by a meridional Line Northwards "till it meets a Line running East and West, and tangent to the Height of Land dividing the Waters "flowing into the River *Rimouski* from those tributary to the *Saint John*; thence along this tangent "Line Eastward until it meets another meridional Line tangent to the Height of Land dividing Waters "flowing into the River *Rimouski* from those flowing into the *Restigouche* River; thence along this "meridional Line to the 48th Parallel of Latitude; thence along that Parallel to the *Mistouche* River; "and thence down the Centre of the Stream of that River to the *Restigouche*; thence down the Centre "of the Stream of the *Restigouche* to its Mouth in the Bay of *Chaleurs*; and thence through the Middle "of that Bay to the Gulf of the *Saint Lawrence*; the Islands in the said Rivers *Mistouche* and *Restigouche* "to the Mouth of the latter River at *Dalhousie* being given to *New Brunswick*:" And whereas it is 'expedient that the said Boundary should be settled in conformity with the said Award:' Now, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows;

The Line described in the Award to be the Boundary, and to be set out accordingly.

I. *New Brunswick* shall be bounded as in the said Award mentioned; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint such Person or Persons as he may think fit to ascertain, define, and mark the Boundary Line between the said Province of *New Brunswick* and the said Province of *Canada*, according to the Intent of the said Award.

The Funds accrued from disputed Territory to be applied according to the Agreement.

II. The net Proceeds of the Funds in the Hands of the local Governments of the said Provinces of *Canada* and *New Brunswick* respectively arising from the Territory heretofore in dispute between such Provinces shall be applied according to the Terms herein-before mentioned of the said Agreement concerning the same.

CAP. LXIV.

An Act to repeal the Act for constituting Commissioners of Railways. [7th *August* 1851.]

'WHEREAS an Act was passed in the Session holden in the Ninth and Tenth Years of Her Majesty (Chapter One hundred and five), for constituting Commissioners of Railways: And whereas it 'is expedient that the said Act should be repealed, and Provision be made for the Exercise and Performance of the Powers and Duties which since the passing of the said Act have been vested in or imposed 'on the said Commissioners:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 & 10 Vict. c. 105.

Recited Act repealed, and Powers, &c. of Commissioners of Railways under subsequent Acts transferred to Board of Trade.

I. From and after the Tenth of *October* One thousand eight hundred and fifty-one the said Act shall be repealed, and all Powers, Rights, Authorities, and Duties vested in or exercised or performed by the Commissioners of Railways under any Act passed since the passing of the said recited Act, or which may be passed during the present Session of Parliament, shall be transferred to and vested in and performed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations as if they had been named in such Acts instead of the said Commissioners; and all Proceedings pending before the said Commissioners on the said Tenth of *October*, or carried on under their Authority, shall be continued and carried on by and before the Lords of the said Committee, who shall have, exercise, and perform the same Powers, Rights, Authorities, and Duties in respect of all such Proceedings as might have been exercised or performed by such Commissioners in case this Act had not been passed.

Power to continue Officers appointed by

II. It shall be lawful for the Lords of the said Committee, with the Approval of the Commissioners of Her Majesty's Treasury, to continue, for the Transaction of the Business transferred to the Lords of the said

Commissioners of Railways.

said Committee under this Act, all or any of the Officers and Servants appointed by the said Commissioners of Railways, and from Time to Time, with such Approval, to remove such Officers and Servants, or any of them.

Appointments, Orders, &c. of the Board of Trade how to be signified.

III. Where by any Act relating to Railways or to any Railway the Commissioners of Railways or the Lords of the said Committee are empowered or required to make or issue any Appointment, Authority, Determination, Order, Requisition, Regulation, Certificate, or Notice, or to do any other Act, the Lords of the said Committee may, after the said Tenth of *October*, signify such Appointment, Authority, Determination, Order, Requisition, Regulation, Certificate, Notice, or other Act by a written or printed Document, signed by One of the joint Secretaries of the Lords of the said Committee, or by some Assistant Secretary, or other Officer appointed by them to sign Documents relating to Railways; and every Appointment, Authority, Determination, Order, Requisition, Regulation, Certificate, Notice, or other Act signified by a written or printed Document purporting to be so signed as aforesaid, shall be deemed to have been duly made, issued, or done by the Lords of the said Committee; and every such Document shall be received in Evidence in all Courts and before all Justices and others, without Proof of the Authority or Signature of such Secretary or other Officer, or other Proof whatsoever, until it be shown that such Document was not signed by the Authority of the Lords of the said Committee.

CAP. LXV.

An Act to continue certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland*; and also to provide for the due Annexation of an isolated District, formerly of the County of *Dublin*, to a Barony of the County of *Wicklow*, for the Purposes of Grand Jury Cess and other Purposes. [7th *August* 1851.]

11 & 12 Vict. c. 26.

'WHEREAS by an Act passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty's Reign, intituled *An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in* Ireland *in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of* Dublin *Metropolis relating to the Recovery of Poor Rates, and other Cases*, it is amongst other things enacted, that it shall and may be lawful for the Grand Jury at any Assizes in *Ireland* held after the passing of the said Act, and before the End of the Year One thousand eight hundred and forty-nine, if they shall think fit, in Cases where Difficulties shall occur in the Collection of the Public Monies as therein mentioned, to present, without previous Application to Presentment Sessions, a Sum not exceeding One Shilling in the Pound on the Amount of the Collection of such Monies from such Barony or Baronies where such Difficulties shall occur, to be paid to any High Constable or Collector for his Trouble in collecting the same, and the said Provision was by an Act of

12 & 13 Vict. c. 32.

the Twelfth and Thirteenth Years of Her Majesty's Reign further continued in force to the End of the Year One thousand eight hundred and fifty-one: And whereas it is expedient that the said Provision should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Provision of 11 & 12 Vict. c. 26. continued.

I. That the said Provision of the said first-recited Act shall be continued and be in force to the End of the Year One thousand eight hundred and fifty-two.

Recited Act 11 & 12 Vict. c. 32. continued to the End of the Year 1852.

II. 'And whereas by another Act of the Eleventh and Twelfth Years of Her Majesty's Reign, intituled *An Act to facilitate the Collection of County Cess in* Ireland, Provision is made relating to the Collectors of Grand Jury Cess and the Payment of the same for a limited Time in *Ireland:* And whereas the said last-mentioned Act was by the before-mentioned Act of the Twelfth and Thirteenth Years of Her Majesty further continued in force to the End of the Year One thousand eight hundred and fifty-one; and it is expedient further to continue the same for a limited Time:' Be it therefore enacted, That the last-recited Act of the Eleventh and Twelfth Years of Her Majesty shall be extended and continued to the End of the Year One thousand eight hundred and fifty-two, and that the Provisions of the said Act, and the respective Powers and Authorities by the said Act given to Grand Juries at the Assizes, and to Magistrates at any Sessions, shall be respectively applied and extended to Grand Juries at any Assizes and to Magistrates at any Sessions respectively, as the Case may be, within the Period for which the said Act is hereby extended and continued.

Provisions of 12 & 13 Vict. c. 36. still in force further continued.

III. 'And whereas an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of Her present Majesty's Reign, intituled *An Act to make Provision during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in* Ireland, *and to the Remuneration of the Collectors thereof;* and it is expedient that the Provisions of the said last-mentioned Act which are now in force should be further continued:' Be it therefore enacted, That all the Provisions and Powers of the said last-mentioned Act which are now continuing and in force shall be further continued and be in force until the End of the Year One thousand eight hundred and fifty-two.

For rectifying a clerical Error in Section 51. of 6 & 7 W. 4. c. 84. as to the Words "Upper Tal-

IV. 'And whereas under the Provisions of an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Eighty-four, and Section Fifty-one, the Lord Lieutenant of *Ireland* in Council was empowered, in the Cases therein mentioned, to make an Order directing that a detached or isolated Portion of a County or Barony should be annexed to or incorporated with the County or Barony wherein the same may be locally situate or by which it may be

'surrounded,

'surrounded, or if such detached or isolated Portion of a County or Barony shall lie between Two or 'more Counties or Baronies then and in such Case directing the same to be annexed to such of the 'said contiguous Counties or Baronies as he and they may think proper: And whereas, under the said 'Provisions, by an Order bearing Date on or about the Ninth Day of *February* One thousand eight 'hundred and forty-two, the Lord Lieutenant and Privy Council of *Ireland* did order that a certain 'detached Portion of the County of *Dublin*, which was isolated between the Counties of *Wicklow* and '*Kildare*, should be annexed to the County of *Wicklow* and to the Barony of *Upper Talbotstown* in the 'said County: And whereas the Words "*Upper Talbotstown*" inserted in the said Order were inserted 'therein by a clerical Error, and instead thereof the Words "*Lower Talbotstown*" were intended to 'have been and ought to have been inserted therein: And whereas Inconvenience has arisen from the 'said District being so annexed to the Barony of *Upper Talbotstown;* and it is expedient for the 'Purposes of Grand Jury Cess and other Purposes that a new and amended Order should be issued for 'annexing the said District to the Barony of *Lower Talbotstown:*' Be it therefore enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* in Council, by an Order to be published in the *Dublin Gazette*, to cancel the said Order bearing Date on or about the Ninth Day of *February* One thousand eight hundred and forty-two, and to order and declare that the said District shall be annexed to the Barony of *Lower Talbotstown* in the County of *Wicklow;* and such Order when so made shall have like Force and Effect, and shall and may be carried into execution in like Manner, and with and subject to like Powers and Regulations, as any Order issued under the said recited Provision of the said last-mentioned Act; and it shall be lawful for the Grand Jury of the County of *Wicklow* at the Assizes, with the Approbation of the Judge or Judges of Assize, to adjust the Proportions of the Amount of Grand Jury Cess to be thenceforth paid by the respective Baronies of *Upper Talbotstown* and *Lower Talbotstown*, or other Baronies of the said County, by reason of such Change and Annexation as aforesaid, according to the respective Valuation under the Laws in force for the Time being for the Valuation of rateable Property; and the Grand Jury Cess of such respective Baronies shall be thenceforth levied and paid according to such Proportions so adjusted until otherwise altered by due Course of Law.

botstown" and "Lower Talbotstown," and authorizing Lord Lieutenant to issue a new Order in Council.

Proportions of Grand Jury Cess to be payable by such Baronies to be adjusted by the Grand Juries.

V. 'And whereas an Act was passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, 'intituled *An Act to extend the Remedies for the Collection of Grand Jury Cess in* Ireland: And 'whereas Doubts are entertained whether such Act extends to the Collection of County Cess in the 'County *Dublin:*' Be it enacted, That in the County of *Dublin* any Grand Jury Cess may be levied by like Remedies, in like Manner, and subject to like Provisions, as in the said recited Act contained and provided for the Collection of Grand Jury Cess in other Counties.

Provisions of 13 & 14 Vict. c. 82. extended to County of Dublin.

CAP. LXVI.

An Act for rebuilding the Bridge over the River *Ness* at the Town of *Inverness*, and improving the Approaches thereto; and for amending the Acts relating to Highland Roads and Bridges.

[7th *August* 1851.]

'WHEREAS an Act was passed in the Forty-third Year of King *George* the Third, Chapter Eighty, 'whereby the Sum of Twenty thousand Pounds was directed to be issued from His Majesty's 'Exchequer in *Great Britain*, to be paid and applied by the Commissioners thereby appointed in the 'making and erecting Roads and Bridges in the Highlands of *Scotland:* And whereas another Act was 'passed in the Fifty-ninth Year of His said Majesty, Chapter One hundred and thirty-five, which Act, upon 'a Recital that certain Roads and Bridges were made in the Highlands of *Scotland*, and that various Grants 'of Money had been made for that Purpose, provides for the Appropriation of the Monies granted in manner 'therein mentioned, and also provides for the Payment out of the Public Money of a Sum of Five thousand 'Pounds annually towards the Purposes of the said Act: And whereas another Act was passed in the 'Fourth Year of King *George* the Fourth, Chapter Fifty-six, whereby Provision was made for eventually 'increasing the Assessments leviable under the said recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments: And whereas another Act was 'passed in the Fifth Year of His said Majesty King *George* the Fourth, Chapter Thirty-eight, whereby 'specific Allotments out of the said annual Grant of Five thousand Pounds were made to the Counties 'therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same; namely, 'the Sum of One thousand and sixty-six Pounds to the County of *Inverness*, the Sum of Four hundred 'and thirty-eight Pounds to the County of *Ross*, the Sum of Two hundred and twenty-two Pounds to the 'County of *Sutherland*, and the Sum of One hundred and fifteen Pounds to the County of *Caithness;* 'And whereas the said recited Acts were amended by an Act passed in the Third and Fourth Years 'of King *William* the Fourth, Chapter Thirty-three, and by another Act passed in the Eleventh and 'Twelfth Years of Her present Majesty, Chapter Forty: And whereas a very large Extent of Roads has 'been made, and a great Number of Bridges have been erected, under the said recited Acts, and great 'Benefit has been derived to the Northern Part of the Empire and to the Country at large from the 'improved Intercourse thereby effected: And whereas the Stone Bridge over the River *Ness* at the Royal 'Burgh of *Inverness* was by a Flood in the said River in the Month of *January* One thousand eight 'hundred and forty-nine swept away, whereby the Communication with the Northern Counties of *Scotland* 'has been greatly impeded, and it is essential for the restoring and maintaining of such Communication 'that the Bridge should be rebuilt; but there are no adequate available Means of defraying the Expenses 'of

43 G. 3. c. 80.

59 G. 3. c. 135.

4 G. 4. c. 56.

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

11 & 12 Vict. c. 40.

'of rebuilding the same, and it is therefore expedient that Public Assistance should be afforded for this 'Purpose to the Extent and on the Conditions herein-after set forth:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts, except as hereby altered, to continue in force.

I. That the said recited Acts, excepting in so far as the same are hereby altered, shall continue in full Force, and shall be as effectual towards the carrying this Act and the Purposes and Provisions thereof into execution, as if the new Bridge and Approaches thereto by this Act authorized to be made and maintained were Roads and Bridges in the Care and Management of the Commissioners of Highland Roads and Bridges under and in virtue of the said recited Acts or any of them.

Sum of 7,700*l.* to be applied towards the Expense of the new Bridge.

II. 'And whereas, by a Resolution of the House of Commons of the Nineteenth Day of *July* One 'thousand eight hundred and fifty-one, the Sum of Seven thousand seven hundred Pounds was granted to 'Her Majesty towards the Erection of a new Bridge at *Inverness*:' Be it enacted, That the said Sum of Seven thousand seven hundred Pounds shall be applied by the said Commissioners of Highland Roads and Bridges towards the Expense of erecting and constructing the new Bridge by this Act authorized to be made and maintained, in such Manner as shall be approved of by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and to no other Purpose whatsoever.

Treasury authorized to advance 10,700*l.* by way of Loan.

III. That it shall be lawful for the said last-mentioned Commissioners to advance by way of Loan to the said Commissioners of Highland Roads and Bridges, for the Purposes of this Act, any further Sum not exceeding Ten thousand seven hundred Pounds, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be repaid, with Interest, in manner herein-after provided.

Commissioners of Highland Roads and Bridges to deduct or repay certain Proportions from County Allotments, to be applied in Payment of Interest and Repayment of Capital of the Sum advanced in Loan.

IV. That to make Provision for Payment of the annual Interest and for Repayment of the Capital of the said Sum of Ten thousand seven hundred Pounds to be advanced in Loan as aforesaid there shall, upon the Advance by the said Commissioners of the Treasury of all or any Part of the said Loan of Ten thousand seven hundred Pounds, be appropriated to the Repayment of the Sum advanced, and Interest thereof, such Part of the Sums allotted as herein-before mentioned to the said Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness*, out of the said annual Grant of Five thousand Pounds, as will produce an annual Payment at the Rate of Six Pounds Ten Shillings for every One hundred Pounds of the Sum so advanced, and so in proportion for any lesser Amount, and such annual Payment shall be made for the Term of Twenty-two Years, to be computed from the Sixth Day of *April* or Tenth Day of *October* which shall first happen after such Advance, and such annual Payment shall be made by equal Half-yearly Payments on the Sixth Day of *April* and Tenth Day of *October* in every Year, the First of such Payments to be made on the Second of such Days which shall happen after the making of such Advance; and such annual Payment of Six Pounds Ten Shillings *per Cent.* upon the Sum or Sums to be advanced in Loan as aforesaid shall be chargeable rateably and proportionally upon the Sums allotted as aforesaid to the Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness* respectively, and shall either be deducted from the Sums so allotted before the Issue thereof to the said Commissioners of Highland Roads and Bridges, or, as the said Commissioners of the Treasury may direct, shall, if issued, be repaid by the said Commissioners of Highland Roads and Bridges to the said Commissioners of the Treasury, in satisfaction and extinction in either Case of the said Loan and Interest thereof as aforesaid; and it shall be lawful for the said last-mentioned Commissioners from Time to Time to give such Directions to the said Commissioners of Highland Roads and Bridges in regard to the Payment to the Treasury of the Sums to be deducted as aforesaid as to the said Commissioners of the Treasury shall seem proper, and the said Commissioners of Highland Roads and Bridges shall comply with such Directions in all respects until the said Loan shall be wholly repaid as aforesaid.

Sums deducted to be deemed Monies expended on Highland Roads, &c. under recited Acts.

V. Provided always, That the Sums so to be deducted and applied shall, as regards the Powers of Assessment on the said Counties contained in the said recited Acts or any of them, and for the Purpose of regulating the Amount of such Assessment, be deemed and taken to be Monies applied and expended in the Maintenance and Repair of the Parliamentary and Military Roads in the said several Counties respectively under and by virtue of the said recited Acts.

Commissioners of Supply authorized to levy increased Assessment under the recited Acts to supply Deficiencies.

VI. That for supplying the Deficiency to arise by the Deductions from the said several Sums allotted to the said several Counties as aforesaid, or by the Expense which it may be necessary to incur for maintaining and repairing the said Bridge when finished, it shall be lawful for the Commissioners of Supply in each of the said several Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness* respectively to increase the Amount of the Assessment to be made in each of the said Counties by the Amount of the Sum which shall have been or shall be in each Case deducted and applied by the said Commissioners of Highland Roads and Bridges as aforesaid, with such and the like Powers and Authorities for enforcing the Payment thereof, and subject to such and the like Conditions and Restrictions, as are in that Behalf contained or imposed in or by the said recited Acts or any of them.

Deposited Plan, Sections, and Book of Reference to be open for Inspection.

VII. 'And whereas a Plan of the new Bridge, Approaches, and other Works to be made and main-'tained under the Authority of this Act, and Sections showing the Line and Levels thereof, and also a 'Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in, through, 'or into which the same are intended to be made, have been deposited with the Sheriff Clerk of the County 'of *Inverness*, and with the Town Clerk of the Burgh of *Inverness*, at their respective Offices in 'Inverness:' Be it enacted, That such Plans, Sections, and Books of Reference shall be kept by the said Clerks, who shall permit all Persons interested to inspect the same at all seasonable Times, and shall

make

make or allow to be made Copies thereof or Extracts therefrom for any Person requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Errors, &c. may be corrected by Sheriff of Inverness, who shall certify the same.

VIII. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference, it shall be lawful for the said Commissioners of Highland Roads and Bridges to apply to the Sheriff of the County of *Inverness* for the Correction thereof, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction; and if it shall appear to the Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in his Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described, and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk of the County of *Inverness*, and in the Office of the Town Clerk of *Inverness*, and also with the Session Clerk of the United Parishes of *Inverness* and *Bona* at his usual Place of Residence, and such Certificates shall be kept by such Sheriff Clerk, Town Clerk, and Session Clerk respectively along with the other Documents to which the same relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners to make the said Works in accordance with such Certificate.

Certificate to be deposited.

Copies of Plan, &c. to be Evidence.

IX. That true Copies of the said Plan, Sections, and Book of Reference, or of any Alteration or Correction thereof or Extracts therefrom, certified by such Sheriff Clerk or Town Clerk, which Certificate such Sheriff Clerk or Town Clerk shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

X. That in so far as applicable and not inconsistent with or not otherwise provided for or not varied by this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

As to Construction of new Bridge, Approaches, and other Works.

XI. That, subject to the Provisions of this Act and of the Acts herein-before recited and the Act incorporated herewith, it shall be lawful for the said Commissioners of Highland Roads and Bridges to make, build, and maintain a new Bridge over the River *Ness* of such Form and Dimensions and of such Materials as they may think fit, with the Approaches thereto and other Works described upon the said Plan, in the Situation and upon the Lands delineated thereon and described in the said Book of Reference, and also to make, build, and maintain all necessary and proper Abutments, Ramparts, Piers, Walls, Banks, Weirs, Ways, and other Works for laying and securing the Foundation, and for the Use, Protection, and Support of the said new Bridge, and to enter upon, take, and use such of the said Lands, and such Parts of the Bed or Channel and of the Banks of the said River, as shall be necessary for these Purposes: Provided always, that before commencing the Construction of the said Bridge, Approaches, and other Works the Plans thereof shall be submitted to and be approved in Writing by the said Commissioners of the Treasury.

Power to deviate in Construction of Works.

XII. That it shall be lawful for the said Commissioners of Highland Roads and Bridges in executing the said Works to deviate from the Line delineated on the said Plan to the Extent or Distance of the Limits of Deviation marked thereon, provided that the Works shall not by means of such Deviation be made to extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Plans and Working Drawings to be deposited at the Admiralty Office for Approval.

XIII. That previously to constructing the said Bridge, or any Part of the Works connected therewith, the said Commissioners of Highland Roads and Bridges shall deposit at the Admiralty Office, *Whitehall*, Plans and Working Drawings of the Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and, notwithstanding anything in this Act contained, the said Bridge and Works connected therewith shall be commenced and constructed only according to such Plan as shall be previously approved of by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and if any Bridge or Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Commissioners of Highland Roads and Bridges, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Works, &c. vested in Commissioners of Highland Roads and Bridges.

XIV. That the said Bridge, Approaches, and other Works, and all the Materials used in the Construction thereof, shall be vested in the said Commissioners of Highland Roads and Bridges, as well during the Construction thereof as after the same shall be completed, in such and the like Manner, and to the like Effect and Purpose, as if the said Bridge, Approaches, and other Works had been made and completed under the said recited Acts or any of them.

Period for compulsory Purchase of Lands limited.

XV. That the Powers granted by this Act and the Act incorporated herewith for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Power to acquire Spaces

XVI. That it shall be lawful for the said Commissioners of Highland Roads and Bridges to acquire by Purchase, Feuing, Lease, or otherwise, and it shall be lawful for all Persons whatsoever, though under

for storing Materials.

any legal Disability, to sell, feu, let, or convey to them, all such Lands, Buildings, or Heritages as the said Commissioners shall deem necessary for making convenient Places for breaking and storing Materials, and depositing Mud, Sand, or other Matter removed from any of the Roads under their Charge; and it shall be lawful for the said Commissioners and the Owners and Occupiers of such Lands, Buildings, or Heritages to contract and agree for the Value thereof, or for the Loss or Damage to be occasioned by the making of such Places accordingly.

Tolls to be leviable on Stage Coaches, &c. on every Time of passing or repassing.

XVII. That the Tolls made payable and levied by and under the said recited Acts or any of them shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Stage Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing any Toll Bar erected or to be erected and maintained under the Authority of the said recited Acts or any of them; provided that no such Stage Coach or Stage Carriage shall be liable on account of any Change of Horses for any Toll Duty not otherwise exigible.

Tolls not to be levied on the Bridge or Approaches.

XVIII. Provided always, That it shall not be lawful to levy any Toll, Pontage, or Rate upon, for, or in respect of the said Bridge or the Approaches to be made thereto in virtue of this Act, but from and after the Completion of the said Bridge and Approaches the same shall be and remain open and free to the Use of the Public in all Time coming.

Saving Rights of the Crown.

XIX. That nothing contained in this Act or in the Act incorporated herewith shall extend to authorize the said Commissioners of Highland Roads and Bridges to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

CAP. LXVII.

An Act to repeal so much of an Act of the Twelfth Year of King *George* the Third, relating to the making, keeping, and Carriage of Gunpowder, as exempts therefrom certain Gunpowder Magazines and Stores near *Liverpool*, and to make certain temporary Provisions with regard to the said Magazines and Stores. [7th *August* 1851.]

12 G. 3. c. 61.

'WHEREAS by the Act of the Twelfth Year of the Reign of King *George* the Third, Chapter Sixty-one, certain Provisions were made for the safe-keeping of Gunpowder in *Great Britain*, and for providing Magazines for that Purpose, and for other Purposes relating thereto; but it was thereby (amongst other Exemptions) provided that that Act should not extend or be anyways construed to extend to the keeping of Gunpowder at the Magazines or Storehouses then erected near *Liverpool* in the County of *Lancaster*: And whereas the said Magazines or Storehouses referred to as aforesaid are situate in the Township of *Liscard* in the Parish of *Wallasey* in the County of *Chester*, on the Side of the River *Mersey* opposite to *Liverpool*, and are now used for the Storage of large Quantities of Gunpowder by Lessees under Leases granted by the Corporation of that Town: And whereas the keeping of Gunpowder in the said Magazines or Storehouses is extremely dangerous to the Inhabitants in the immediate Neighbourhood, and to the Town and Docks of *Liverpool*, and the Shipping in that Port; and it is expedient that the Exemption of the said Magazines or Storehouses in the said recited Act contained should be repealed, after a Time allowed for providing more suitable Magazines for the Purpose, and that in the meantime Precautions should be taken in relation to the said Magazines or Storehouses, and that Provision should be made for the Establishment and Regulation of such more suitable Magazines:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Exemption in recited Act as to certain Storehouses repealed after Ten Months from Notification of suitable Moorings for Vessels in the Mersey is provided.

I. So much of the said Act as exempts from the Operation thereof the keeping of Gunpowder at the Magazines or Storehouses aforesaid shall be repealed from and after the Expiration of Ten Months after such Notification in the Gazette of the Appointment of suitable Places for the Mooring of Vessels in the River *Mersey* as is herein-after provided, and the said Magazines or Storehouses shall thenceforth cease to be used for the Storage or keeping of Gunpowder; and any Person thereafter having or keeping, or permitting to be had or kept, in the said Magazines or Storehouses or any of them, at any One Time, more than Two hundred Pounds of Gunpowder, shall be subject to the Penalties imposed by the said Act upon any Person being a Dealer in Gunpowder having or keeping at any One Time more than Two hundred Pounds of Gunpowder in any Magazine or Storehouse within any City, Borough, or Market Town of *Great Britain*, and all the Provisions of the said Act in relation to the Penalties thereby imposed shall be applicable to the Penalties imposed by this Act.

Regulations as to the Use of the Magazines previously to their Discontinuance.

II. Provided, That after the passing of this Act, and until the Time by this Act appointed for the Discontinuance of the said Magazines or Storehouses for the Storage or keeping of Gunpowder, the said Magazines and Storehouses may be used for the Storage or keeping of Gunpowder under the following Conditions, and not otherwise; *viz.* the Lessees and Occupiers and all Persons having the Care and Control of the said Magazines or Storehouses shall observe and perform all such Regulations and Directions

Directions in relation to the Care and Management of the said Magazines and Storehouses, and the Quantity of Gunpowder to be at any One Time stored in the said Magazines and Storehouses and the Storage of the Gunpowder therein, and the bringing or Removal of Gunpowder into or from the same, as shall be from Time to Time prescribed by the Master General of Her Majesty's Ordnance; and all such Regulations and Directions shall be published in the *London Gazette*, and shall take effect at such Time as shall be therein mentioned in this Behalf, or, if no Time be mentioned, then at the Expiration of Seven Days after such Publication thereof; and if any Lessee or Occupier or Person having the Care and Control of the said Magazines or Storehouses or any of them make any wilful Neglect or Default in the Observance or Performance of the said Regulations and Directions, he shall be guilty of a Misdemeanor.

Lord High Admiral, with Approval of the Master General of the Ordnance and the Conservators of the River Mersey, may appoint Places for mooring Vessels for storing Gunpowder in the said River.

III. The Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, may, with the Approval of the Master General of Her Majesty's Ordnance, and of the Commissioners for the Conservancy of the River *Mersey*, appoint suitable Places in such River for the mooring of Vessels to be used for the Reception and Storage of Gunpowder by the Lessees of the said Magazines or Storehouses, their Executors, Administrators, or Assigns, or any of them, Notice of which Appointment shall be inserted in the *London Gazette*; and the said Lord High Admiral or the first-mentioned Commissioners may from Time to Time, upon the Application of any other Persons desirous of mooring Vessels in the said River for the like Purposes, and with such Approval as aforesaid, appoint any other suitable Places in the said River for the mooring of such Vessels; and, subject to the Regulations and Directions to be made and given under this Act, Vessels suitable for the Reception and Storage of Gunpowder may be moored, provided, and kept in the Places for the Time being appointed as aforesaid, and may be used as Magazines for Gunpowder; and, subject to such Regulations and Directions, such Vessels shall be exempted from the Operation of the recited Act, in like Manner in all respects as the Magazines or Storehouses near *Liverpool* therein mentioned were thereby so exempted.

Ordnance to appoint Officer to superintend Stores, with Authority to enforce Regulations.

IV. That an Officer shall be appointed by the Master General of the Ordnance to superintend the said Stores; and that the said Officer so appointed shall have Authority to enforce such Regulations as shall be deemed necessary by the Board of Ordnance in the Management of such Stores, and shall be required to enforce the same; and that such Officer shall be required to report from Time to Time to the Board of Ordnance all Cases of Neglect of such Regulations on the Part of Persons engaged in the Gunpowder Trade in the River *Mersey*, or in the Management of such Stores.

Power to discontinue Places appointed, and to appoint others.

V. Provided always, That if it be represented to the said Lord High Admiral or first-mentioned Commissioners that any Place in the said River for the Time being appointed under this Act for the mooring of such Vessels as aforesaid is or has become unsafe or unsuitable for such Purpose, it shall be lawful for him or them to cause Inquiry to be made thereon, and, if he or they think fit, to order that such Place shall, after such Time as he or they may limit in this Behalf, cease to be a Place for mooring Vessels to be used as Magazines for Gunpowder under this Act; and Notice of such Order shall be given by delivering or leaving a Copy thereof, signed by the Secretary for the Time being of the Admiralty, on board every such Vessel moored in such Place as aforesaid, or shall be published in the *London Gazette*; and it shall be lawful for the said Lord High Admiral or first-mentioned Commissioners thereupon, with such Approval as aforesaid, from Time to Time to appoint any other Place in the said River for the mooring of Vessels to be used for the Reception and Storage of Gunpowder in lieu of any Place discontinued under this Provision.

Master General of the Ordnance may make Regulations concerning Vessels moored in the River Mersey.

VI. It shall be lawful for the Master General of Her Majesty's Ordnance from Time to Time to make and give all such Regulations and Directions in relation to the Construction of the Vessels to be moored at the Places appointed under this Act, and the Mode of storing Gunpowder therein, and for limiting the Quantities of Gunpowder to be kept therein, and in relation to the Care and Management of such Vessels, and for the safe keeping of such Gunpowder, and in relation to the receiving and delivering of Gunpowder into and from the said Vessels, as to such Master General may seem proper; and the Officers of the Board of Ordnance shall have Power at all Times to enter the said Vessels and every Part thereof, and to examine any Person found therein touching the Observance of the said Regulations and Directions; and such Regulations and Directions shall be published in the *London Gazette*, and shall take effect at such Time as shall be therein expressed in that Behalf, or if a Time be not so expressed, then at the Expiration of Seven Days after such Publication thereof; and if any Owner, Lessee, or Occupier of any such Vessel, or any Person having the Care or Control of any such Vessel, wilfully fail in the due Performance or Observance of such Regulations and Directions, or if any Person use for the Reception or Storage of Gunpowder any Vessel in the said River, not being a Vessel moored in a Place appointed (and for the Time being continuing to be a Place) for mooring Vessels for that Purpose, he shall be guilty of a Misdemeanor.

Penalty on Persons failing to observe such Regulations.

Power to Corporation to pay 9,780*l.* to the Lessees of Storehouses, and thereupon the Interest of the Lessees to cease.

VII. 'And whereas the existing Leases of the said Magazines or Storehouses at *Liscard* are for long 'Terms of Years at nominal Rents, and were obtained for valuable Consideration paid or given to the 'Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* (in this Act called the Corporation) for 'the granting thereof, and with the Intention, on the Part of the Corporation and the Lessees respectively, that such Magazines or Storehouses should be used for the Storage or keeping of Gunpowder: 'And whereas the Corporation are willing to pay to the Lessees the Sum of Nine thousand seven hundred and eighty Pounds on condition that the Term and Interest whatsoever of the Lessees in the said 'Magazines or Storehouses, with the Appurtenances, shall thereupon cease; and the Lessees are willing 'to accept that Sum in full of all their Claims and Demands whatsoever with respect to the said Magazines or Storehouses upon the Corporation and the Inhabitants of *Liverpool*:' Be it therefore enacted, That the Corporation shall, on Demand, pay to the Lessees the clear Sum of Nine thousand seven hundred

and eighty Pounds, and immediately on such Payment being made all the Term, Right, and Interest whatsoever both at Law and in Equity of the Lessees and every of them under or by virtue of the several now existing Leases of the said Magazines or Storehouses, or any of them, or any Part thereof respectively, shall absolutely cease and determine, and the Payment by the Corporation to the Lessees of that Sum shall be full Satisfaction of all the Claims and Demands whatsoever of the Lessees and every of them under or by virtue of those Leases respectively, and by reason of the Operation of this Act upon or against the Corporation and the Inhabitants of *Liverpool* respectively.

9,780*l.* to be paid out of Borough Fund of Liverpool.

VIII. The said Sum of Nine thousand seven hundred and eighty Pounds shall be paid by the Corporation out of the Borough Fund of the Borough of *Liverpool*, or by or out of any Money which the Corporation shall duly raise by Bond or Mortgage on the Credit of the Borough Fund.

Meaning of "Lessees."

IX. The Word "Lessees" in this Act shall mean the several Persons named as the respective Lessees in the several Leases of the said Magazines and Storehouses at *Liscard* or any Part thereof respectively which have been granted by the Corporation since the Year One thousand eight hundred and forty-one, and the Survivors and Survivor of them respectively, and the Executors and Administrators of such respective Survivors.

Power to Three or more Lessees to demand Payment.

X. The Demand on the Corporation for the Payment to the Lessees of the said Sum of Nine thousand seven hundred and eighty Pounds may be made by any Three or more of the Lessees on behalf of themselves and all the other Lessees, and shall be made by Writing delivered to or at the Office of the Town Clerk of the Borough of *Liverpool*.

Payment by Corporation to Three or more of the Lessees to be sufficient.

XI. The said Sum of Nine thousand seven hundred and eighty Pounds may be paid by the Corporation to such Three or more of the Lessees for and on behalf of themselves and all the other Lessees as the Corporation think fit, and such Three or more of the Lessees may receive the same, and their Receipts for the same shall be effectual Discharges for the same, and the said Sum of Nine thousand seven hundred and eighty Pounds, when so received, shall be apportioned by them among themselves and the other Lessees, according to their respective Interests, but the Corporation shall not be bound to see to the Apportionment or to the Application of the said Sum of Nine thousand seven hundred and eighty Pounds, or any Part thereof, or be liable for the Nonapplication or Misapplication thereof: Provided always, that in making such Apportionment each of the Sixteen Compartments into which the said Magazines or Storehouses are divided shall with the Appurtenances be deemed of the Value of Six hundred and eleven Pounds Five Shillings.

C A P. LXVIII.

An Act to provide for the better Distribution, Support, and Management of Medical Charities in *Ireland*; and to amend an Act of the Eleventh Year of Her Majesty, to provide for the Execution of the Laws for the Relief of the Poor in *Ireland*. [7th *August* 1851.]

'WHEREAS it is expedient to provide for the better Distribution, Support, and Management of certain of the Medical Charities in *Ireland*, and to amend for this Purpose the Provisions of an Act passed in the Eleventh Year of Her present Majesty, intituled *An Act to provide for the Execution of the Laws for Relief of the Poor in* Ireland:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

10 & 11 Vict. c. 90.

Appointment of Commissioners to act with Poor Law Commissioners.

I. That it shall and may be lawful for Her Majesty the Queen, by Warrant under Her Sign Manual, from Time to Time to appoint Two Persons (One of whom shall be a Physician or Surgeon of not less than Ten Years standing, and shall have the Title of Medical Commissioner,) who, together with the Commissioners appointed under the Provisions of the aforesaid Act of the Eleventh Year of Her Majesty, shall, from the Time of the Publication herein-after directed to be made in the *Dublin Gazette*, be "the Commissioners for administering the Laws for Relief of the Poor in *Ireland*," within the Meaning of the aforesaid Act, pursuant to, and with the Powers and Authorities given by, the said Act, and the several Acts for the more effectual Relief of the destitute Poor, and also for executing this Act, and such Two Persons so appointed under this Act shall hold Office during the Pleasure of Her said Majesty; and immediately on the Publication aforesaid the Office of Assistant Commissioner created by the said first-mentioned Act shall cease and determine; and in the Absence of the Chief Commissioner for the Time being in the said Act mentioned the Powers, Duties, and Functions of the said Chief Commissioner under the said Act shall be exercised by such One of the other Commissioners as shall be appointed so to act by a Majority of the Commissioners, with the Approval of the Lord Lieutenant of *Ireland*.

Appointment of Commissioners to be published in Gazette.

II. Notice of the Appointment of such Two Persons by Her Majesty shall be published in the *Dublin Gazette*, and on the Day after the Publication of the first Appointment of such Persons all the Powers and Authorities given by this Act to the said Commissioners for administering the Laws for Relief of the Poor in *Ireland* shall take effect, and shall be exercised by them, in like Manner as the Powers and Authorities given to the Commissioners appointed under the said Act of the Eleventh Year of Her present Majesty: Provided always, that any Order for the Formation or Alteration of any Dispensary District or Districts under this Act, as herein-after mentioned, or for framing or establishing any General Rules or Regulations relating thereto, or altering or revoking the same, shall be signed by not less than Two of the said Commissioners.

Powers given by this Act how to be exercised.

Appointment of Inspectors.

III. The said Commissioners may from Time to Time appoint so many fit Persons as the Commissioners of Her Majesty's Treasury shall sanction, being practising Physicians or Surgeons of not less than Seven Years

Years standing, to be Inspectors to assist in carrying out the Provisions of this Act, and may remove all or any of the said Inspectors, and appoint others in their Place.

Salaries of Commissioners, &c. paid from Funds provided by Parliament.

IV. There shall be paid to the said Two Commissioners to be appointed under the Provisions of this Act, and also to the said Inspectors, such Salaries as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose.

No Medical Commissioner or Inspector to practise, &c.

V. Neither the Medical Commissioner nor any such Inspector as aforesaid shall, while he continues in such respective Office, practise as a Physician or Surgeon, or in any other professional Capacity.

Power to Guardians to divide Unions into Dispensary Districts.

VI. The Guardians of each Union in *Ireland* shall, when so required by the said Commissioners for administering the Laws for Relief of the Poor in *Ireland*, with all reasonable Despatch, divide such Union into so many Dispensary Districts, having regard to the Extent and Population of such Districts, as may to them appear necessary; and in case the said Commissioners shall approve of the Districts so formed by the said Guardians, they shall issue an Order under their Seal declaring the same; and in case they shall not approve of the Districts so formed by the said Guardians, the said Commissioners may and they are hereby empowered to issue an Order under their Seal declaring the Districts which to them may appear necessary; and it shall be lawful for the said Commissioners, and they are hereby empowered, when they may see Occasion, from Time to Time to require the Guardians to alter such Districts, subject to the Approval by Order under Seal of the said Commissioners, and in case of their Disapproval, or of the Neglect of the Guardians to make such Alteration when required, the said Commissioners may alter such Districts by such an Order; provided always, that in no Case shall an Electoral Division formed under the Acts for the more effectual Relief of the destitute Poor be divided; and from and after a Day or Days to be named in any such Order the Cost of all Medical Relief afforded within any such Dispensary District to which such Order shall relate, together with all the Salaries and Charges incidental to the same, shall be charged on the Poor Rates of the Electoral Division or Divisions comprised therein, according to the net annual Value of each such Division under the Poor Law Valuation in force for the Time being; and the said Commissioners shall declare in such Order the Number and Qualifications of the Officers to be appointed for the Service of each such Dispensary District, and shall likewise declare in the said Order the Number of Persons who shall be Members of the Committee of Management of such Districts, as herein-after is provided.

Appointment of Dispensary Committee.

VII. Within One Month after the Receipt of the said Order the Guardians of the Union shall elect, if necessary, a sufficient Number of Ratepayers resident in each District, and liable to pay Poor Rates in respect of Property therein of the net annual Value of Thirty Pounds at the least, who, together with the *ex officio* and elected Guardians of the Poor resident or being the Owners or Occupiers of Property therein, shall be a Committee for the Management of the Dispensary of such District, so that the Number of the Members of the said Committee shall amount to the Number named in the Order of the said Commissioners, and shall from Time to Time fill up any Vacancies occurring after any General Election of such Committee; and the Committee so appointed shall hold Office until the Appointment of a new Committee after the next annual Election of Guardians in the said Union; and at the First Meeting of the Guardians after such annual Election, or as soon thereafter as conveniently may be, the Committee of Management for the said Dispensary District shall be appointed in like Manner for the ensuing Year, and so likewise in each succeeding Year.

Guardians to provide Offices for Meetings, &c., and also Medicines, &c.

Committee of Management, with Approval of Commissioners, may appoint Officers, and with such Salaries as the Guardians, with the like Approval, may determine.

VIII. The Guardians of the Union shall, as soon after Receipt of the said Order as conveniently may be, provide a House, Building, Room or Rooms, to be used as a Dispensary or Office for the Medical Officer of each such District, and for the Meetings of the Committee of Management, and shall provide such Medicines and Medical Appliances as may be necessary for the Medical Relief of the Poor in the said District; and the Committee of Management shall appoint, from Time to Time, subject to the Approval of the said Commissioners, One or more Medical Officers for the said District, with such Qualifications as the said Commissioners shall determine, and with such Salaries as the Guardians, subject to the Approval of the said Commissioners, shall determine; and the said Commissioners may and they are hereby empowered, when they may see Occasion, from Time to Time to regulate the Amount of Salaries or Allowances payable to such Officers respectively, and the Time and Mode of Payment thereof; and it shall be lawful for the said Commissioners to remove any such Medical Officer on sufficient Grounds, and to direct the said Committee of Management to appoint another Medical Officer in his Stead; and, on Failure of the said Committee to appoint a Medical Officer of such Dispensary District for One Month after the Receipt of the Direction of the said Commissioners, it shall be lawful for the said Commissioners to appoint such Medical Officer by an Order under their Seal.

Power to afford Dispensary Relief.

IX. Every Member of such Dispensary Committee, and every Relieving Officer and Warden acting for an Electoral Division included in such Dispensary District, shall have Power to afford Medical Relief by the Issue of a Ticket for Medicine and Advice, or a Ticket, in such Form as the said Commissioners shall prescribe, addressed to the Medical Officer of the District, directing him to afford Medicine and Advice to or attend any poor Person resident therein; and it shall be the Duty of the Medical Officer to afford Medicine and Advice, or to attend such poor Person, as thereby directed: Provided always, that if any Person who shall obtain a Ticket for Medical Attendance from any Relieving Officer or Warden, or from any Member of the Committee, shall, at the next or any subsequent Meeting of the Committee after the Issue of the Ticket, be declared by a Majority of the Members then present not to be a fit Object for Dispensary Relief, the Ticket shall be cancelled, and the Holder thereof disentitled to further Relief.

X. From

Other Provision made for Dispensary Relief to cease after Day named in Order of Commissioners.

X. From and after the Day to be named as aforesaid in the Order of the said Commissioners declaring any Dispensary District, all Provision now made by Law for affording Dispensary Relief from Poor Rate, or by means of Presentment from the County Cess, shall, except for the Purpose of defraying Expenses incurred before such Date, cease as to the Baronies or Portions of Baronies or Places included in such Dispensary Districts, and all Funds and Property derived or arising for the Support of such Institutions from Bequests shall be applied to the Support thereof according to the Trusts on which such Bequests were granted: Provided always, that where, under the Provisions of an Act of the Parliament of *Ireland* passed in the Fifth Year of His late Majesty King *George* the Third, intituled *An Act for erecting and establishing public Infirmaries and Hospitals in this Kingdom*, any Allowance or Stipend is now payable to any Officer of a County Infirmary or other Medical Institution, such respective Allowance or Stipend shall wholly cease to be payable to or to the Use of such Infirmary or Medical Institution under the Provisions of the said Act, when and as soon as the Person holding such Office at the Time of the passing of this Act shall wholly cease to hold the said Office in the said Infirmary or Medical Institution: Provided also, that nothing herein contained shall be construed to deprive of the Benefit of Aid from any Parliamentary Grant any Infirmary or Hospital in the City or County of *Dublin* now receiving such Aid, so long as such Aid shall continue to be granted by Parliament.

Proviso as to County Infirmaries, &c. under 5 G. 3. c. 20. (I.)

Members of Committee of Dispensary not to be concerned in supplying Articles for Use in Dispensary, under Penalty of 50*l.* and Costs.

XI. No Guardian or Member of the Committee of Management, paid Officer, or other Person concerned in the providing, ordering, Management, Control, or Direction of the Medical Relief of the Poor in any Dispensary District, shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply for his own Profit any Medicines, Instruments, Furniture, or Goods for the Use of any Dispensary in any District for which he shall act in any such Capacity as aforesaid, during the Time for which he shall retain such Office, nor shall during such Time be interested, directly or indirectly, in any Contract relating thereto, under Pain of forfeiting the Sum of Fifty Pounds, with the full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

Regulations as to Management of Dispensaries.

XII. The said Commissioners shall and may, and they are hereby directed, with all reasonable Despatch after the first Appointment of Commissioners under the Provisions of this Act, to frame General Rules and Regulations for the Government of each Dispensary District, and for the Guidance and Control of the Guardians, the Committees of Management, and the several Officers to be appointed in connexion therewith respectively, and shall be empowered to alter or revoke such Rules and Regulations, and make such new Rules and Regulations, from Time to Time, as they may think fit.

Regulations as to Vaccination.

XIII. The Medical Officer of every Dispensary District constituted under this Act shall and he is hereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Commissioners in that Behalf, and which Regulations the said Commissioners are hereby required to make and issue; and that from and after the Declaration of any such Dispensary District it shall not be obligatory on the Board of Guardians of the Poor Law Union containing such District or any Part thereof to make a Contract with a Medical Practitioner for the Vaccination of Persons resident in such District, under the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to extend the Practice of Vaccination*; and after the Appointment of a Medical Officer for such Dispensary District all existing Contracts theretofore made with the Guardians under the Authority of the last-mentioned Act shall cease and determine, Payment being made to such Medical Practitioner of such proportional Sum for past Services as may then be due to him.

3 & 4 Vict. c. 29.

As to existing Medical Officers of Dispensaries.

XIV. When, on the Formation of any District under the Provisions of this Act, a Medical Practitioner shall be in possession of a Medical Office connected with any Dispensary subject to the Authority of the said Commissioners, and situate in the Locality included in such District, it shall be lawful for the Commissioners, if they shall think fit, to declare him to be, in the first instance, the Medical Officer or One of the Medical Officers of such new District; and so likewise when Two or more Medical Practitioners shall be circumstanced as aforesaid, in case the like Number of Medical Officers is required in such new District, it shall be lawful for the said Commissioners, if they shall think fit, to declare such Persons to be the Medical Officers of such new District; but in case a smaller Number of such Officers shall be required for such District, then it shall be lawful for the said Commissioners, if they shall see fit, to nominate such Persons, or any of them, as the Persons from whom a Selection shall be made for a Medical Officer or Officers under the Provisions of this Act, by the Parties entitled to appoint to such Office; and it shall not be necessary for the said Commissioners, unless they think fit, to reject any such Medical Practitioner so in possession of any such Office before the Formation of such District, by reason of the Want of such Qualifications as may be required by them in other Cases.

Salaried Medical Officers of Districts to attend at Examination of dangerous Lunatics, and to give Attendance at Bridewells within their Districts.

XV. It shall be the Duty of any salaried Medical Officer of a Dispensary District under this Act, or (if more than One) then the nearest of such Medical Officers, save in the Case of his Sickness or necessary Absence, and then the other nearest of such Medical Officers, without any further Fee or Reward, to examine and certify under the Statute in that Behalf as to the Case of any dangerous Lunatic brought before a Justice of the Peace, within his respective District, when summoned by such Justice so to do, and also to give his Medical Attendance and Care, so far as shall be necessary, to the Prisoners or Inmates in any Bridewell or House of Correction situate within such respective District, and to supply to such Prisoners and Inmates the necessary Medicines, the Account of which Medicines shall be submitted to the next Meeting of the Committee of such respective District, who shall make Provision for the Payment thereof; and it shall be lawful for the said Commissioners, if they shall think fit, to take into account the

probable

probable Extent of such extraordinary Duties with respect to any such Bridewell or House of Correction, in fixing the Amount of the Salaries of the Medical Officers of such Districts.

Power of Commissioners and Inspectors to inquire on Oath, or require a Declaration.

XVI. The Commissioners or any One of them, and also any such Inspector acting in execution of this Act, by Summons under the Seal of the Commissioners, or under the separate Hand and Seal of any Commissioner or Inspector respectively, as the Case may be, may require the Attendance of all such Persons as they or he shall think fit to call before them or any of them respectively upon any Matter connected with the Execution of this Act, relating to any Dispensary subject under this Act to the Authority of the said Commissioners, at such Time and Place as shall be set forth in the Summons, and may make Inquiry and require Returns, and may administer Oaths, and examine all such Persons upon Oath, and may require and enforce the Production upon Oath of Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, and Writings, and Copies thereof respectively, in anywise relating to any such Matter as aforesaid; or when the Commissioners, or any One of the Commissioners, or any Inspector, shall think fit, instead of requiring such Oath as aforesaid, they or he may require any such Person to make and subscribe a Declaration of the Truth of the Matter respecting which he shall have been or shall be so examined: Provided always, that no Person shall be required, in obedience to any such Summons of any of the said Commissioners, to go more than Thirty Statute Miles from the Place of his Abode, or, in obedience to any such Summons of an Inspector, to go more than Five Miles from the Place of his Abode: Provided also, that nothing herein contained shall empower the Commissioners or any Commissioner or Inspector to require the Production of the Title, or of any Papers or Deeds relating to the Title, of any Lands, Tenements, or Hereditaments, not being Property under the Authority of or vested in the said Commissioners by this Act: Provided also, that nothing herein contained shall authorize the said Commissioners or any of them, or any such Inspector, to exercise such Powers of Summons, Inquiry, Examination, or other such last-mentioned Powers as aforesaid, in the Case of any Hospital, Infirmary, or Medical Institution supported by private Endowments, Bequests, Property, or Subscriptions.

Provisions as to the summoning of Witnesses, &c. by Commissioners and Inspectors.

Penalty for giving false Evidence.

Penalty for refusing to attend to Summonses or to give Evidence.

XVII. Every Person who upon any such Examination as aforesaid under the Authority of this Act shall wilfully give false Evidence, or wilfully make or subscribe a false Declaration, shall be deemed guilty of a Misdemeanor; and every Person who shall refuse or wilfully neglect to attend in obedience to any such Summons as aforesaid of the Commissioners, or any One of the Commissioners, or any Inspector, or to give Evidence as aforesaid, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Contracts, Agreements, Accounts, Maps, Plans, Surveys, Valuations, or Writings, or Copies of the same, which may be required as aforesaid to be produced for the Purposes of this Act, to any Person authorized by this Act to require the Production thereof, shall be liable to forfeit a Sum not exceeding Five Pounds, to be recovered before any Justice or Justices at Petty Sessions under his or their Warrant, by Distress and Sale of the Goods of the Party so offending, returning to such Party the Overplus.

Inspectors to visit Dispensaries, &c., and Commissioners to inspect, &c. Hospitals, &c. supported by Public Funds, Rates, &c.

XVIII. Every Inspector acting in execution of this Act shall be entitled to enter at all Times into and to inspect every Dispensary or Building used for the Purposes of this Act, and to attend the Meetings of every Board of Guardians or Dispensary Committee, on all Business arising in the Execution of this Act, and to take part in the Proceedings, but not to vote at such Meeting; and the said Commissioners, or an Inspector by their Order in Writing, shall be empowered (when they shall deem it expedient) to enter, inspect, and report upon any Infirmary, Hospital, or Medical Institution supported in the whole or in part by any public Funds, Rates, or Assessments.

Commissioners to execute in Ireland the Nuisances Removal and Diseases Prevention Act, 1848, (11 & 12 Vict. c. 123.) and the amending Act (12 & 13 Vict. c. 111.)

XIX. The said Commissioners shall be the Commissioners for executing in *Ireland* the Powers and Purposes of "The Nuisances Removal and Diseases Prevention Act, 1848," and an Act of the following Session of Parliament amending the same; and all Committees, Inspectors, Medical Officers, and other Persons appointed or employed under the Powers of this Act shall and they are hereby required, within their respective Districts, to aid the Guardians of the Poor, and such Officers or Persons as they shall appoint or employ, in the Superintendence and Execution of any Directions and Regulations which may at any Time be issued by the said Commissioners for the Time being under the Authority and by virtue of the said Nuisances Removal and Diseases Prevention Act, and the said Act amending the same, or under or by virtue of the Provisions hereof in relation thereto; and all Expenses which shall be incurred on account or in execution of the said last-mentioned Act or Acts, and chargeable upon the Poor Rates, shall hereafter be charged on the Poor Rates of the respective Electoral Division situate within such District, in like Manner, and be ascertained, paid, and audited, in all respects as directed for the Expenditure under the Provisions and for the Purposes of this Act.

Annual Reports to be made to Lord Lieutenant, and laid before Parliament.

XX. The said Commissioners shall once at least in every Year submit to the Lord Lieutenant a General Report of their Proceedings under the Provisions of this Act, including the total Expenses incurred in *Ireland* and in each Union in carrying this Act into execution in each Year, together with a List of all Districts and Dispensaries under this Act, and the total annual Expense of each; and every such General Report shall be laid before both Houses of Parliament on or before the Thirty-first Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, within Six Weeks after the next Meeting of Parliament.

Interpretation of Terms.

XXI. In the Interpretation of this Act the Words "Lord Lieutenant" shall extend to and include the Chief Governor or Governors of *Ireland* for the Time being, and the Word "Medical" shall be construed

to

to extend to and include the Word "Surgical," unless there be something in the Subject repugnant to such Construction.

Commencement of Act.

XXII. This Act shall commence and take effect from and after the First Day of *October* One thousand eight hundred and fifty-one.

CAP. LXIX.

An Act to continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

[7th *August* 1851.]

[11 & 12 *Vict. c.* 107. *continued till* 1*st September* 1852.]

CAP. LXX.

An Act to alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to *Ireland*. [7th *August* 1851.]

'WHEREAS, on account of Circumstances connected with the Tenure of Land in *Ireland*, the 'Provisions of the Lands Clauses Consolidation Act, 1845, are found to be unsuited to the existing 'Condition of that Country, and it is expedient that some Provision should be made for ascertaining the 'Purchase Money or Compensation to be paid by Railway Companies in *Ireland* for the Lands required 'for their Undertakings, and for determining Differences with respect to the Works to be made and 'maintained by such Companies for the Accommodation of the Owners and Occupiers of Lands adjoining 'such Railways:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. In citing this Act in other Acts of Parliament, legal Instruments, Proceedings at Law or in Equity, and all other Instruments and Proceedings whatsoever, it shall be sufficient to use the Expression "The Railways Act (*Ireland*), 1851."

Act to apply to all Railways in Ireland, now and heretofore authorized, except 13 & 14 Vict. c. xxix., 13 & 14 Vict. c. xlv., 13 & 14 Vict. c. lxxvi., 13 & 14 Vict. c. lxxxviii., 14 & 15 Vict. c. cx., and 14 & 15 Vict. c. ciii.

II. This Act shall apply to every Railway in *Ireland* authorized to be made by any Act passed in this Session of Parliament, or which shall hereafter be passed, and which shall authorize the Purchase or taking of Lands for such Railway, and also to every Railway or Portion of a Railway in *Ireland* by any Act heretofore passed authorized to be made in relation to which the compulsory Powers for taking Lands are still in force, and this Act shall be incorporated with and form Part of the Acts authorizing the said Undertakings: Provided always, that this Act shall not apply to the Railways authorized to be made by "The *Waterford and Limerick* Railway Amendment Act, 1850," "The *Dublin and Drogheda* Railway Act, 1850," "The *Dundalk and Enniskillen* Railway Act, 1850," and "The *Midland Great Western* Railway of *Ireland* (Deviation and Amendment) Act, 1850," "The *Waterford and Limerick* Railway Deviation Act, 1851," and "The *Killarney Junction* Railway Act, 1851," "The *Longford* Line and *Liffy* Branch, 13 & 14 *Vict.*" or to which the Provisions of such Acts respectively are applicable, and shall not in anywise interfere with or affect the Provisions of such Acts.

Certain Provisions of 8 & 9 Vict. c. 18. not to apply to this Act.

III. The Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, except Sections Sixteen and Seventeen of the said Act, shall not be applicable or in force with respect to any Railway or Portion of a Railway in *Ireland* to which this Act applies.

Company to deliver Maps, Schedules, and Estimates at the Office of Commissioners of Public Works, and deposit Copies with Clerks of the Peace and Clerks of Unions.

IV. When and so often as any Company authorized to make a Railway to which this Act applies shall require to purchase or take any Lands which they are by the Special Act authorized to purchase or take, the Company shall cause to be made out, and to be signed by their Engineer and Secretary, Maps or Plans and Schedules of the Lands so required (and for the Purchase of which Lands, or of all the several Interests in which Lands, the Company shall not have contracted), and also of the Works which the Company propose to make and maintain for the Accommodation of Lands adjoining the Railway (and for Compensation in lieu of which the Company shall not have contracted), together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the gross annual Value and the Value in Fee of such Lands so required to be purchased or taken as aforesaid, and for the Purchase of which, or of all the several Interests in which, the Company shall not have contracted, and the separate and distinct Value of each such Interest which the Company shall not have contracted to purchase, so far as the same can be reasonably ascertained (taking into consideration Damage by Severance, and any other Matters by the Lands Clauses Consolidation Act, 1845, required to be considered, if necessary); and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building, and Ground cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans of the Railway, and shall have put thereon a distinct Valuation to each Number, and all Bridges, Roads, and other Works proposed to be made for the Use and Accommodation of the Owners, Lessees, and Occupiers of the Lands adjoining the Railway shall also be marked on the said Maps or Plans; and the Company shall deposit such Maps or Plans, Schedules and Estimates, at the Office of the Commissioners of Public Works in *Ireland*, and a Copy of such

Maps

Maps or Plans, Schedules and Estimates, or so much thereof as relates to every County in or through which the Railway is proposed to be made, with the Clerk of the Peace of each such County, and a Copy of so much of the said Maps or Plans, Schedules and Estimates, as relates to each Electoral Division in which any such Lands shall be situate, with the Clerk of the Poor Law Union in which every such Electoral Division is situate.

Commissioners of Public Works to appoint an Arbitrator, on Application of Company.

V. After such Deposit at the Office of the said Commissioners as aforesaid, it shall be lawful for the said Commissioners, upon the Application of the Company, to appoint an Arbitrator between the Company and the Persons interested in the Lands to which such Maps or Plans, Schedules and Estimates relate, and such Arbitrator shall, in relation to the Lands required and the Works to be made and maintained by the Company, as herein mentioned, be the Arbitrator under this Act; and if any such Arbitrator die, or refuse, decline, or become incapable to act, the said Commissioners may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Arbitrator may call for Documents, and administer Oaths.

VI. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Company, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Company, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe Declaration.

VII. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A. B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my 'Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Act '[*naming this Act*]. *A. B.*

'Made and subscribed in the Presence of '

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited with Commissioners of Public Works to be delivered to Arbitrator.

Notice of Appointment of Arbitrator, &c. to be published.

VIII. Upon the First Appointment of an Arbitrator as aforesaid, the said Commissioners shall deliver to such Arbitrator the Maps or Plans, Schedules and Estimates, deposited at their Office as herein-before required; and the Company shall forthwith after such Appointment publish Notice of such Appointment, and of such Deposits as herein-before directed with such Clerk of the Peace and Clerks of Poor Law Unions as aforesaid, once in the *Dublin Gazette*, and once in each of Three successive Weeks in some One and the same Newspaper circulated in the County in which the Lands are situate, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for the Purposes of the Railway, and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Execution of the Works of the Company, or to have any Works made by the Company for the Accommodation of Lands adjoining the Railway, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbitration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Company shall publish Notice of such Appointment in the *Dublin Gazette*.

Arbitrator to adjudicate upon Compensation to be paid for Lands and upon Accommodation Works.

IX. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire into and adjudicate upon the Value of the Lands required for the Purposes of the Railway, and specified in such Maps or Plans, and the several Interests in such Lands, in respect of which no Agreement shall have been come to between the Company and the Persons entitled thereto, and the Purchase Money to be paid for such Lands, and the Compensation to be paid for Injury to any Lands injuriously affected by the Execution of the Works of the Company, and to inquire and determine what Works should be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Company in respect of the several Interests in the Lands so required and specified or injuriously affected, and the Works to be made and maintained by the Company for the Accommodation of Lands adjoining the Railway; and where any Inquiry relates not only to the Value of the Lands to be purchased, but also to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of such Lands, or of any Interest therein to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Company; and such Draft Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions, shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Arbitrator shall cause Notice of such Award to be given to all Persons entitled to Payment or Compensation under the same, or who shall have been heard before such Arbitrator as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules and Estimates, or so much thereof as aforesaid, of

the Deposit of Copies of such Draft Award, or of so much thereof as aforesaid, and shall in such Notices appoint a Time and Place, or Times and Places, for holding a Meeting or Meetings to hear Objections against such Draft Award (the first such Meeting to be not earlier than Twenty-one Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Lands or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, or of so much thereof as relates to Lands in the respective Counties and Electoral Divisions, shall be deposited as herein-before directed with respect to the said Maps or Plans, Schedules and Estimates, and Copies thereof, or of so much thereof as aforesaid; and the Company shall thereupon publish Notice, as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules and Estimates, or of so much thereof as aforesaid, of the Deposit of Copies of such Award, or of so much thereof as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Company, on or before a Day to be named in such Notice (such Day not being earlier than Thirty-one Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded; and such Statement and Abstract shall be paid for by the Company.

Separate Awards may be made as to Lands in the several Parishes or otherwise.

X. Provided always, That the Arbitrator may make several Awards, so as to include in a separate Award the Lands in each Electoral Division, or such Portion of the Lands in relation to which he is Arbitrator as, having reference to the Deposits to be made under this Act, the Meetings to be holden, and the Inquiries to be made in relation to such Lands, and the Convenience of the Parties interested in the Matter of the Arbitration, he may think fit.

Clerks of Peace and Clerks of Unions to take charge of Documents, as provided by 7 W. 4. & 1 Vict. c. 83.

XI. Every Clerk of the Peace and Clerk of any Union is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Company.

XII. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, and all Costs, Charges, and Expenses (if any), which shall be incurred by the said Commissioners of Public Works in carrying the Provisions of this Act into execution, shall be paid by the Company; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses by or on behalf of the Company; and it shall be lawful for the said Commissioners from Time to Time to require the Company to deposit in the Bank of *Ireland*, to the Credit of the said Commissioners, any Sum or Sums of Money, or to give such other Security for the Payment of any such Costs, Charges, and Expenses as to the said Commissioners shall seem fit; and every Certificate of the said Commissioners, certifying the Amount of such Costs, Charges, and Expenses, shall be taken as Proof in all Proceedings at Law or in Equity of the Amount of such respective Costs, Charges, and Expenses, and the Amount so certified shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly.

Costs of Parties.

XIII. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Company; and if within Seven Days after Demand the Amount so certified be not paid to the Party entitled to receive the same, such Amount shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; but no such Certificate shall be given where the Arbitrator has awarded the same or a less Sum than has been offered by the Company in respect of such Claim before the Commencement of the Arbitration.

Certificates of Amount of Compensation to be delivered by Company.

XIV. Within Thirty Days from the Delivery of such Statement and Abstract as aforesaid to the Company, the Company shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Company's Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands, or the Interests therein, may be included in One Certificate, if the Company think fit, such Certificates to be prepared by and at the Costs of the Company; and where any Agreement has been entered into in respect to the Value of the Interest of any Person in any Lands, or his Right to Compensation,

pensation, the Company may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.

Amount mentioned in Certificates to be paid to Parties, on Demand, &c.

XV. The Company shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose Favour such Certificate is given, his or her Executors, Administrators, or Assigns; and if the Company wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Company in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if he had been, by Warrant of Attorney from the Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Company entering on any such Lands as aforesaid.

When Amount mentioned in Certificates is paid to Parties, Company may take possession.

XVI. When and so soon as the Company have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise, as herein provided, in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Administrators, or Assigns, it shall be lawful for the Company, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable.

Receipts duly stamped to operate as a Conveyance.

XVII. In every Case in which any Monies are paid by any Company under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Company a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Company.

Payment of Monies where Parties making Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XVIII. If it appear to the Company, from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, or Interest be not satisfactorily deduced to the Company, then and in every such Case the Amount to be paid by the Company in respect of such Lands, Estate, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," "with respect to "the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from "treating, or not making Title."

Where no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank.

XIX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Company have taken possession of any Lands under the Provisions of this Act in respect of the Price or Compensation whereof, or of any Estate or Interest wherein, no Claim has been made within One Year from the Time of the Company taking possession, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Company in respect of such Lands, Estate, or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

Company may require further Evidence of Title, at their Costs.

XX. Nothing herein contained shall prevent the Company from requiring any further Abstract or Evidence of Title respecting any Lands included in any such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the Company.

Delivery of Certificate may be enforced by Court of Chancery.

XXI. If from any Reason whatever the Company shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Interest in any Lands the Possession whereof has been taken by the Company as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Company, be enforced by any Party or Parties, by Application to the High Court of Chancery in *Ireland* in a summay Way by Petition, and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the Company by such Application as aforesaid.

After Deposit of Draft Award Company may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

XXII. Provided always, That where the Company are desirous, for the Purposes of their Works, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Company, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of *Ireland*, as herein directed, such Sum as the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Company, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of the Railway and Works of the Company; and the Arbitrator shall, upon the Request of the Company, at any Time after he shall have framed such Draft Award, certify under his

Hand the Sum which in his Opinion should be so deposited by the Company in respect of any Lands mentioned in such Draft Award before they enter upon and use the same as aforesaid, and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Company in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had, and Payments made, as if such Entry and Deposit had not been made; provided that the Company shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the Rate of Five Pounds *per Centum per Annum* upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where under this Provision Interest is payable on any Purchase or Compensation Money the Certificate to be delivered by the Company in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Company to pay Interest from Time of Entry.

Mode of Deposit.

XXIII. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Company (describing the Company by its proper Name), in the Matter of the Railways Act (*Ireland*), 1851, and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such Deposit the Cashier of the said Bank shall give to the Company, or to the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

XXIV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands which shall so have been entered upon, for the Payment of the Money to become payable by the Company in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Company, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Company it shall be lawful for the Court of Chancery in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Company, or, in default of such Payment as aforesaid by the Company, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Company may deposit Money as Security, while Office of Accountant General is closed.

XXV. If at any Time the Company be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the Company to pay into the Bank, to such Credit as aforesaid (subject nevertheless to being dealt with as herein provided), such Sum of Money as the Company shall by some Writing signed by their Secretary or Solicitors for the Time being, addressed to the Governor and Company of the Bank in that Behalf, request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the Company shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon Production of such Direction at the Bank of *Ireland* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Parties dissatisfied with Award may enter a Traverse at Assizes.

XXVI. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any Party claiming under the Party so named) shall be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into Court, and where any Party interested in Land adjoining any Railway shall be dissatisfied with any Award under this Act so far as respects any Works for the Accommodation of such Lands thereby awarded to be made and maintained by the Company, or which such Party may claim to have so made and maintained, it shall be lawful for such Party, at the Assizes for the County in which the Lands are situate, or, where the Lands are situate in the County of *Dublin* or County of the City of *Dublin*, in the Term next following the giving of such Certificate, or the Payment of such Money into Court, or (if the Claim be only in respect of Accommodation Works) the making of the Award, or where such Assizes are holden or such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then at the next subsequent Assizes, or in the next subsequent Term (as the Case may be), upon giving Ten Days Notice in Writing previously to such Assizes or Term respectively to the Secretary of the Company of the Amount or the Accommodation Works intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland*: Provided always, that the Sum to be awarded

or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Twenty Pounds, and further that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, or the Sufficiency of the Accommodation Works awarded thereby, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands of such Traverser injuriously affected by the Works of the Company, or (as the Case may be) as to what Accommodation Works ought to be made and maintained by the Company for the Accommodation of the Lands of the Traverser, or to the like Effect respectively, as the Case may be.

Verdict on Traverse to have Effect of Judgment.

XXVII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in *Ireland* against the Company, and may be enforced by like Remedies against the Company, as in the Case of a Judgment at Law, by all Parties interested therein; and in each Case where a Certificate shall have been delivered, such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Company, be delivered up to the said Company, and such Receipt for such Damages shall be given as is herein-before provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land, the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then if the Amount of such Damages shall be less than the Amount paid into Court, the Company shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court, but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Company, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs payable by the Company in respect of such Traverse, shall be a good Discharge to the Company on any such Verdict in the Nature of a Judgment as aforesaid.

To apply to Purchase of Lands for extraordinary Purposes.

XXVIII. The Provisions of this Act shall extend to the Purchase by the Company of Lands for extraordinary Purposes.

8 & 9 Vict. c. 18. incorporated with this Act.

XXIX. All the Provisions of "The Lands Clauses Consolidation Act, 1845," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Meaning of "the Company."

XXX. In the Construction of this Act the Words "the Company" shall mean the Company constituted by the Special Act.

Extent of Act.

XXXI. This Act shall extend to *Ireland* only.

Continuance of Act, Five Years.

XXXII. This Act shall continue in force for Five Years next after the passing thereof, and thence to the End of the then next Session of Parliament.

CAP. LXXI.

An Act to repeal certain Statutes relating to the *Irish* Branch of the United Church of *England* and *Ireland*. [7th *August* 1851.]

'WHEREAS several Acts have been passed in the Parliament of Ireland, and also in the Parliament of the United Kingdom, to encourage the building of Ecclesiastical Residences, and to prevent Dilapidation therein, and to enable the Endowment, Purchase, and Exchange of Glebe, Mensal, and Demesne Lands, and the Erection and Endowment of Proprietary and Parochial Chapels of Ease, and the Assignment of Districts thereto, and the Endowment of Parishes and small Livings, and the Disappropriation of appropriate and impropriate Parishes; and it is expedient that the Provisions contained in such Acts of Parliament should be repealed, in order that the same may be consolidated and amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

The Acts and Parts of Acts herein specified repealed.

I. From and after the passing of this Act the several Acts herein-after mentioned, or so much of such Acts as are herein-after specified or referred to, except so far as is herein-after provided, shall be repealed; that is to say,

10 & 11 Car. 1. c. 2.

So much and such Part only of an Act passed in a Session of the Parliament of Ireland holden in the Tenth and Eleventh Years of the Reign of King Charles the First, Chapter Two, as relate to the Restitution of Impropriation and Tithes, and other Rights Ecclesiastical, to the Clergy, and the Presentation to Churches to which such Rights shall have been restored:

15 Car. 1. c. 11.

Also the entire of an Act passed in the Parliament of Ireland in the Fifteenth Year of the Reign of King Charles the First, Chapter Eleven, and entitled "An Act for endowing of Churches with Glebe Lands:"

10 W. 3. c. 6.

Also so much and such Part only of an Act passed in the said Parliament of Ireland in the Tenth Year of the Reign of King William the Third, Chapter Six, and entitled "An Act to encourage building of

"Houses

" Houses and making other Improvements on Glebe Lands, and to prevent Dilapidations," as relate to the building, improving, and purchasing Houses and Conveniences for Ecclesiastical Persons, and Charges in respect thereof, and to Dilapidations, and the Alienation of Glebe Lands:

2 Ann. c. 10. Also the entire of an Act passed in the said Parliament of Ireland in the Second Year of the Reign of Queen Anne, Chapter Ten, and entitled "An Act for the Exchange of Glebe belonging to Churches in " this Kingdom:"

2 G. 1. c. 14. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Second Year of the Reign of King George the First, Chapter Fourteen, and entitled "An Act for the real Union " and Division of Parishes," as relate to the Endowment by Ecclesiastical Persons of Vicarages and Curacies of Parishes appropriate to their Dignities and Preferments:

6 G. 1. c. 13. Also so much of and such Parts only of an Act passed in the said Parliament of Ireland in the Sixth Year of the Reign of King George the First, Chapter Thirteen, and entitled "An Act for the better " Maintenance of Curates within the Church of Ireland," as relate to the Erection and Repairs of Chapels of Ease in extensive Parishes:

8 G. 1. c. 11. Also the entire of an Act passed in the said Parliament of Ireland in the Eighth Year of the Reign of King George the First, Chapter Eleven, and entitled "An Act for supplying a Defect in an Act passed in " the Second Year of the Reign of Her late Majesty Queen Anne, entitled 'An Act for the Exchange of " 'Glebes belonging to Churches in this Kingdom:'"

8 G. 1. c. 12. Also the entire of an Act passed in the said Parliament of Ireland in the Eighth Year of the Reign of King George the First, Chapter Twelve, and entitled "An Act for the better enabling of the Clergy " having Cure of Souls to reside upon their respective Benefices, and for the Encouragement of Protes- " tant Schools within this Kingdom of Ireland," except so far as the same relates to the Encouragement of Protestant Schools in Ireland:

10 G. 1. c. 6. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Tenth Year of the Reign of King George the First, Chapter Six, and entitled "An Act for explaining and " amending an Act entitled 'An Act for real Union and Division of Parishes,' and for confirming an " Exchange made of a Piece of Ground whereon the Parish Church and Vicarage House of the Parish of " Saint Anne in the Suburbs of the City of Dublin was by a former Act of Parliament directed to be " built for another Piece of Ground, and for appropriating such other Piece of Ground to the same Uses," as relate to the Endowment of Vicarages and Curacies the Churches whereof are appropriate:

12 G. 1. c. 10. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Twelfth Year of the Reign of King George the First, Chapter Ten, and entitled "An Act to amend and explain " an Act entitled 'An Act to encourage building of Houses, and making other Improvements on Church " 'Lands, and to prevent Dilapidations,'" as relate to the building and improving of Ecclesiastical Residences, and Charges in respect thereof, and Dilapidations thereon, and the Purchase of additional Demesne and Mensal Lands:

1 G. 2. c. 15. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the First Year of the Reign of King George the Second, Chapter Fifteen, and entitled "An Act for rendering more effec- " tual an Act entitled 'An Act for the better enabling of the Clergy having Cure of Souls to reside upon " 'their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of " 'Ireland,'" as relate to the endowing Churches and Curacies with Glebe Lands, and of reserving Rents thereout, and the building of Residences by Ecclesiastical Persons:

1 G. 2. c. 18. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the First Year of the Reign of King George the Second, Chapter Eighteen, and entitled "An Act to enable Archbishops, " Bishops, and other Ecclesiastical Persons and Corporations to grant their Patronage or Rights of Pre- " sentation or Nomination to small Livings to such Persons as shall augment the same, and also to enable " Archbishops and Bishops and other Ecclesiastical Persons therein mentioned to make Agreements with " their Tenants for the inclosing and improving their Woods," as relate to the Grant of the Patronage of small Livings to Parties endowing same, and the augmenting of same, and the Erection of Chapels of Ease and Patronage thereof, and the Constitution of such into Perpetual Curacies and Benefices, and Matters connected therewith:

1 G. 2. c. 22. Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the First Year of the Reign of King George the First, Chapter Twenty-two, and entitled "An Act for explaining and " amending an Act entitled 'An Act for the better Maintenance of Curates within the Church of " 'Ireland,'" as relate to Chapels of Ease erected in Parishes and Cities and Corporate Towns:

3 G. 2. c. 12. Also the entire of an Act passed in the said Parliament of Ireland in the Third Year of the Reign of King George the Second, Chapter Twelve, and entitled "An Act for supplying a Defect in an Act for " rendering more effectual an Act for better enabling the Clergy having Cure of Souls to reside upon " their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of " Ireland:"

9 G. 2. c. 13. Also the entire of an Act passed in the said Parliament of Ireland in the Ninth Year of the Reign of King George the Second, Chapter Thirteen, and entitled "An Act for making more effectual an Act to " amend and explain an Act, entitled 'An Act to encourage building of Houses and making other " 'Improvements on Church Lands, and to prevent Dilapidations:'"

15 G. 2. c. 5. Also the entire of an Act passed in the said Parliament of Ireland in the Fifteenth Year of the Reign of King George the Second, Chapter Five, and entitled "An Act to enable Archbishops and Bishops to " demise Part of their Demesne Lands, and to change the Site of their Mansion Houses;"

Also

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Seventeenth Year of the Reign of King George the Second, Chapter Eight, and entitled "An Act for continuing "several Statutes now nearly expiring, and for other Purposes therein contained," as relate to the Repairs of Ecclesiastical Residences: 17 G. 2. c. 8.

Also the entire of an Act passed in the said Parliament of Ireland in the Nineteenth Year of the Reign of King George the Second, Chapter Sixteen, and entitled "An Act for amending the Laws "relating to Demesne Lands belonging to Archbishops, and in relation to the building of new Parish "Churches:" 19 G. 2. c. 16.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Thirty-first Year of the Reign of King George the Second, Chapter Eleven, and entitled "An Act more effectually to enable the Clergy having Cure of Souls to reside upon their respective Benefices, and to build "upon their respective Glebe Lands," as relate to the building of Glebe Houses, and the Grant of Land to Parishes for Glebe Lands, or for the Purpose of being exchanged for other Lands suitable for Glebe: 31 G. 2. c. 11.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Seventh Year of the Reign of King George the Third, Chapter Nine, and entitled "An Act for explaining and "amending an Act passed in the Second Year of His Majesty King George the First, entitled 'An Act "'for the real Union and Division of Parishes, and for other Purposes therein mentioned,'" as relate to Building Charges, Improvements, and Dilapidations on Ecclesiastical Residences: 7 G. 3. c. 9.

Also the entire of Two several Acts passed in a Session of the Parliament of Ireland holden in the Eleventh and Twelfth Years of the Reign of King George the Third, Chapter Sixteen, and entitled "An Act for erecting Parochial Chapels of Ease in Parishes of large Extent, and making such Chapels "and those that are already erected Perpetual Cures, and for making a proper Provision for the Maintenance of Perpetual Curates to officiate in the same, and also in like Manner for making appropriate "Parishes Perpetual Cures," and Chapter Seventeen, entitled "An Act for rendering more effectual the "several Laws for the better enabling the Clergy having Cure of Souls to reside upon their Benefices, "and to build on their respective Glebe Lands, and to prevent Dilapidations, and for the Encouragement "of Protestant Schools within this Kingdom of Ireland," except so far as the same relate to the said Protestant Schools: 11 & 12 G. 3. c. 16. 11 & 12 G. 3. c. 17.

Also the entire of an Act passed in a Session of the said Parliament of Ireland holden in the Thirteenth and Fourteenth Years of the Reign of King George the Third, Chapter Twenty-seven, and entitled "An Act to amend an Act passed in the Eighth Year of His present Majesty, entitled 'An "'Act for erecting new Chapels of Ease in the Parish of Armagh, and making such Chapels and those "'that are already erected in said Parish Perpetual Cures, and for making a proper Provision for the "'Maintenance of Perpetual Curates to officiate in the same, and for other Purposes:'" 13 & 14 G. 3. c. 27.

Also the entire of an Act passed in a Session of the said Parliament of Ireland holden in the Fifteenth and Sixteenth Years of the Reign of King George the Third, Chapter Seventeen, and entitled "An "Act to explain and amend the several Statutes now in force in this Kingdom relative to the Exchange "of Glebe Lands, and the Endowment of Churches with new Glebe, and to remove some Doubts "relating to certain Statutes, and for other Purposes," except so far as same relates to the Cathedral Church of Armagh: 15 & 16 G. 3. c. 17.

And also the entire of an Act passed in a Session of the said Parliament of Ireland holden in the Twenty-third and Twenty-fourth Years of the Reign of King George the Third, Chapter Forty-nine, and entitled "An Act for making appropriate Parishes belonging to Archbishops and Bishops Perpetual "Cures, and the better to enable such Archbishops and Bishops to endow and augment the Endowments "of Vicarages and Curacies to them respectively appropriate, and to render more effectual the several "Acts now in force to enable the Clergy having the Cure of Souls to reside upon their respective Benefices, and to build upon their respective Glebe Lands," except so far as the same relates to the Union of appropriate Parishes, Free Schools, and Churchwardens: 23 & 24 G. 3. c. 49.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Twenty-fifth Year of the Reign of King George the Third, Chapter Twenty-one, and entitled "An Act to "explain and amend the several Acts made in this Kingdom to encourage the building of Houses and "making other Improvements on Church Lands, and to prevent Dilapidation," as relate to the Validity of Certificates granted to Ecclesiastical Persons for Buildings and Improvements: 25 G. 3. c. 21.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the said Year of the Reign of King George the Third, Chapter Forty-nine, and entitled "An Act to explain and "amend the several Acts made in this Kingdom to encourage the building of Houses and making other "Improvements on Church Lands, and for other Purposes," as relate to the Use of Copper in Ecclesiastical Residences: 25 G. 3. c. 49.

Also so much and such Parts only of an Act passed in the said Parliament of Ireland in the Twenty-ninth Year of the Reign of King George the Third, Chapter Twenty-seven, and entitled "An Act for "the better providing for the Repairs of Churches and the Residence of the Clergy," as relate to Glebe Lands: and 29 G. 3. c. 27

Also the entire of an Act passed in the said Parliament of Ireland in the Thirty-first Year of the Reign of King George the Third, Chapter Nineteen, and entitled "An Act to amend an Act passed in "the Eleventh and Twelfth Years of His present Majesty, entitled 'An Act for rendering more effectual "'the several Laws for the better enabling the Clergy having Cure of Souls to reside upon their Benefices, and to prevent Dilapidations, and for the Encouragement of Protestant Schools within this "Kingdom 31 G. 3. c. 19.

" 'Kingdom of Ireland,' and also to amend an Act passed in the Thirteenth and Fourteenth Years of " His present Majesty, entitled 'An Act to amend an Act passed in the Eighth Year of His present " 'Majesty, entitled 'An Act for erecting new Chapels of Ease in the Parish of Armagh, and making " 'such Chapels of Ease and those that are already erected in said Parishes Perpetual Cures, and for " 'making a proper Provision for the Maintenance of Perpetual Curates to officiate in the same, and for " 'other Purposes:'"

40 G. 3. c. 82. Also the entire of an Act passed in the said Parliament of Ireland in the Fortieth Year of the Reign of King George the Third, Chapter Eighty-two, and entitled "An Act for the further Encouragement " of building and improving on Glebe Lands," except so far as it relates to the Mansion House of the See of Meath:

43 G. 3. c. 108. Also the entire of an Act passed in the Parliament of the United Kingdom in the Forty-third Year of the Reign of King George the Third, Chapter One hundred and eight, and entitled "An Act to promote " the building, repairing, or otherwise providing of Churches and Chapels, and Houses of Residences of " Ministers, and the providing of Churchyards and Glebes," so far and no further than as the same relates to the Kingdom of Ireland:

51 G. 3. c. 115. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Fifty-first Year of the Reign of King George the Third, Chapter One hundred and fifteen, and entitled "An Act for " amending the Act Forty-third George Third, to promote the building, repairing, or otherwise providing " the Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Church- " yards and Glebes," so far and no further than as the same relates to the Kingdom of Ireland:

54 G. 3. c. 117. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Fifty-fourth Year of the Reign of King George the Third, Chapter One hundred and seventeen, and entitled "An " Act to extend, so far as relates to the building of new Churches, an Act of the Parliament of Ireland " passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, entitled " 'An Act for reviving and amending an Act passed in the Twenty-third Year of His present Majesty's " 'Reign, entitled 'An Act for amending, continuing, and making more effectual the several Acts now " 'in force in this Kingdom for the more easy Recovery of Tithes and other Ecclesiastical Dues of small " 'Value, and also for the more easy providing a Maintenance for Parish Clerks,' so far only as the same " 'relates to the more easy providing a Maintenance for Parish Clerks, and to encourage the building " 'of new Churches:'"

55 G. 3. c. 147. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Fifty-fifth Year of the Reign of King George the Third, Chapter One hundred and forty-seven, and entitled "An Act " for enabling Spiritual Persons to exchange the Parsonage or Glebe Houses or Glebe Lands belonging " to their Benefices for others of greater Value or more conveniently situated for their Residence and " Occupation, and for annexing such Houses and Lands so taken in exchange to such Benefices as Par- " sonage or Glebe Houses and Glebe Lands, and for purchasing and annexing Lands to become Glebe in " certain Cases, and for other Purposes," so far only and no further than as the same relates to the Kingdom of Ireland:

6 G. 4. c. 8. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Sixth Year of the Reign of King George the Fourth, Chapter Eight, and entitled "An Act to amend and render more " effectual an Act passed in the Fifty-fifth Year of the Reign of His late Majesty for enabling Spiritual " Persons to exchange their Parsonage Houses or Glebe Lands, and for other Purposes therein men- " tioned," so far only and no further than as the same relates to the Kingdom of Ireland:

7 G. 4. c. 66. Also the entire of an Act passed in the said Parliament of the United Kingdom in the Seventh Year of the Reign of King George the Fourth, Chapter Sixty-six, and entitled "An Act to render more " effectual the several Acts now in force to promote the Residence of the Parochial Clergy, by making " Provision for purchasing Houses and other necessary Buildings for the Use of their Benefices," so far only and no further than as the same relates to the Kingdom of Ireland:

7 & 8 G. 4. c. 43. Also so much and such Parts only of an Act passed in a Session of the Parliament of the said United Kingdom holden in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Forty-three, and intituled "An Act to consolidate and amend the Laws in force in Ireland for Unions " and Divisions of Parishes, and for uniting or disappropriating appropriate Parishes or Parts of " Parishes, and to make further Provision with respect to the erecting Chapels of Ease and making " Perpetual Cures," as relate to District Churches and Chapels erected from Portions of contiguous Parishes, and Districts annexed to Chapels already erected, and to Monies payable in respect of Buildings and Improvements in Parishes divided:

6 & 7 W. 4. c. 31. Also the entire of an Act passed in a Session of the said Parliament of the United Kingdom holden in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Thirty-one, and entitled "An Act to amend an Act of His late Majesty King George the Second, for the Encouragement " of building of Chapels of Ease in Ireland:"

8 & 9 Vict. c. 54. Also so much and such Parts only of an Act passed in a Session of the Parliament of the said United Kingdom holden in the Eighth and Ninth Years of the Reign of Queen Victoria, Chapter Fifty-four, and entitled "An Act to amend the Laws in force in Ireland for Unions and Divisions of Parishes, for the " Settlement of the Patronage thereof, and the Celebration of Marriages in the same," as relate to the Apportionment of Charges for Improvements on Glebes in case of Division of Parishes:

11 & 12 Vict. c. 41. Also so much and such Parts only of an Act passed in a Session of the said Parliament of the United Kingdom holden in the Eleventh and Twelfth Years of the Reign of Queen Victoria, Chapter Forty-one, and

and entitled "An Act to amend the Laws relating to the Ecclesiastical Union and Divisions of Parishes "in Ireland," as relate to District Churches and Chapels erected in Portions of Parishes in different Dioceses, and the Exchange of Glebe Lands of disconnected Parishes:

Also the entire of an Act passed in a Session of the said Parliament of the United Kingdom holden in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, Chapter Ninety-nine, and entitled "An Act to encourage Endowment of Chapels of Ease, and facilitate Assignment of Pastoral Districts "thereto, and to amend an Act of the Eighth Year of Her present Majesty for Marriages in Ireland, and "for registering such Marriages," except so far as same relates to Consents given by the Lord Lieutenant, on behalf of Her Majesty, in certain Cases: 12 & 13 Vict. c. 99.

And the said several herein-before recited Acts and Parts of Acts are hereby from and after the passing of this Act repealed accordingly, save and except so far as the said recited Acts, or Parts of Acts, or any of them, repeal the whole or any Part of any other Act or Acts, and also save and except so far as relates to any Acts, Matters, and Things done, Gifts, Grants, made or executed, or as may be necessary for the Purpose of supporting and continuing any Proceeding taken, or the obtaining or enforcing any Certificate of Charge in respect of any Building or Improvements made or authorized to be made, at any Time before the Commencement of this Act, or hereafter to be done or agreed to be done, in pursuance of lawful Authority in that Behalf given previous to the passing of this Act, all which Acts, Matters, and Things, Gifts and Grants, shall be and remain of the like Validity, Force, and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed; and save and except as to the Recovery and Application of any Sum of Money recoverable by reason of any Default which shall have been committed or suffered previous to the Commencement of this Act; and also save and except as to the Recovery and Application of any Sum of Money expended or advanced under or by virtue of any of the said recited Acts or Parts of Acts, and which may be now or at any Time after become due; all which Sums of Money, not by this Act otherwise provided for, shall and may be sued for, recovered, applied, and dealt with, to all Intents and Purposes whatsoever, as if this Act had not been passed.

CAP. LXXII.

An Act to consolidate and amend the Laws relating to the Erection and Endowment of Churches and Chapels and Perpetual Curacies in *Ireland*. [7th *August* 1851.]

'WHEREAS it is expedient to consolidate and amend the Laws relating to the Erection, Endowment, and Constitution of Churches, Proprietary and Parochial Chapelries, and Perpetual Curacies, in *Ireland*, and to give further Facilities and Encouragement to well-disposed Persons for the Endowment of same with competent and permanent Provisions for the Ecclesiastical Persons ministering in same, and to enable such Persons, in certain Cases, to acquire the Patronage of such endowed Churches, Chapelries, or Curacies:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That in the Construction of this Act the Expression "Bishop" shall comprehend and apply to an Archbishop, when occasion shall require. Interpretation of Terms.

With respect to the complete Endowment of Proprietary Chapels, and the Acquisition of the Right of Patronage in consideration thereof, be it enacted as follows:

II. That it shall be lawful for any Person, Body Politic or Corporate, seised or possessed of a sufficient Estate for that Purpose, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by Deed or Will, by and with the Consent of the Bishop of the Diocese, signified in Writing under his Hand and Seal, to allot or set apart in Fee Simple or Fee Farm, or for any Term of Years whereof Sixty Years shall be then unexpired, any Land, not exceeding One Plantation Acre, within any Parish, City, or Corporate Town in *Ireland*, or the Precincts thereof, the said Land not being within One measured Mile of any other Church or Chapel wherein the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established are used and observed, unless situate within some City or Corporate Town, or within a Town containing One thousand Inhabitants, or the Suburbs, Liberties, or Precincts thereof, on which said Lands so set apart it shall be lawful for any Person, Body Politic or Corporate, with the like Consent of the Bishop of the said Diocese, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Land, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established shall be used and observed: As to Appropriation of a Site for Erection of Chapel thereon.

Provided always, that such Person, Body Politic or Corporate, shall first settle and assure (and he and they are hereby authorized and empowered so to do) Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm, or for a Term of Years whereof Sixty Years at the least shall be then unexpired, free from Incumbrance, and of the clear yearly Value of Fifty Pounds at the least, or Money in any of the Government Funds amounting at least to Twelve hundred and fifty Pounds, or a Sum equal thereto partly secured on Lands as aforesaid and partly in Money as aforesaid, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel, and his Successors for ever, and as a perpetual Endowment for such Church or Chapel, together with a Sum equal to Three Pounds in every One hundred Pounds of the original Cost of erecting and fitting up or purchasing such Church or Chapel, to be secured upon Lands or Money in the Funds as aforesaid, in aid of a Fund for the Repairs of such Church or Chapel, and also such further annual Sum as may be required for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which the said Church or Chapel may Endowment of Provision for Minister, and for Repairs.

may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid, or partly in Money and partly in Lands, not being less in Amount than Twenty Years Purchase of such Rent or Outgoings, and that such Lands, Tenements, Tithes, or Hereditaments, and such Government Securities, shall, unless otherwise provided by the said Deed of Endowment, be vested in the Names of the Incumbent and Churchwardens or Chapelwardens of the said Church or Chapel, and their Successors for ever, so soon as they shall be respectively appointed, and in the first instance, and until such Incumbent and Church or Chapel Wardens shall be constituted and appointed, in the Bishop of the Diocese and his Successors, in trust for the Incumbent and Church or Chapel Wardens thereafter to be appointed, and from and after such Appointment in the said Incumbent and Churchwardens or Chapelwardens, and their Successors for ever; and that such Church or Chapel so erected or appropriated and endowed shall be for ever after called and known by such Name as the Founder or Founders of same shall in and by such Deed of Endowment, with the Consent of the Bishop of the Diocese, signified as aforesaid, direct and appoint.

Endowment of a Church or Chapel already built.

III. That it shall be lawful for any Person or Persons, Body Politic or Corporate, seised or possessed of a sufficient Estate in that Behalf, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by Deed or Will or otherwise, with the Consent in Writing of the Bishop of the Diocese, and also of the Incumbent or Minister of the Church or Chapel or Building herein-after mentioned, and of the Majority of the Trustees for the Time being of such Church or Chapel (if any), by a formal Deed of Endowment thereof executed under his Hand and Seal, or under the Corporate Seal, to settle Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm of the yearly Value of Fifty Pounds at the least, clear of all Outgoings, and free from Incumbrances, or Money in any of the Government Funds or other Public Securities amounting at the least to One thousand two hundred and fifty Pounds, or a Sum equal thereto partly secured by Lands as aforesaid and partly in Money as aforesaid, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel (other than the Parochial Church of the Parish) or Building lawfully licensed and fit for the Celebration of Divine Service in which the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established shall be used and observed, provided such Building be erected on a Site lawfully held in Fee Simple, Fee Farm, or for a Term of Years of not less than Sixty Years unexpired, and his Successors for ever, and as a perpetual Endowment of such Church or Chapel, together with a Sum equal to Three Pounds in every One hundred Pounds of the original Cost of erecting and fitting up the said Church or Chapel, to be secured upon Lands or Money in the Funds as aforesaid, in aid of the Fund for the Repairs of such Church or Chapel; and also such further annual Sum as may be needed for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid, or partly in Lands and partly in Money, not being less in Amount than Twenty Years Purchase of such Rent or Outgoings: Provided always, that whereas several Buildings have been erected with the view of being duly endowed and constituted Proprietary Churches or Chapels upon Sites holden for Terms of Years originally not less than Sixty Years unexpired at the Time when the said Buildings or Constitutions were undertaken, but by the Efflux of Time pending the Completion of same the said Terms of Years have become reduced to a Period of less than Sixty Years, and in consequence thereof the same are now incapable of being legally endowed and constituted: Be it enacted, That in every such Case the Provisions herein-before contained shall be available notwithstanding the Expiration of any Portion of said Term, being originally a Term of not less than Sixty Years, and although the said Term had not been originally for Ninety-nine Years.

Proviso as to certain Churches built on Terms originally for 60 Years.

Patronage to be vested in Trustees.

IV. That whenever any such Person, Body Politic or Corporate, shall have erected or appropriated and endowed, or joined in erecting, appropriating, and endowing, any Church or Chapel, or shall have endowed any Church or Chapel or Building already erected, in pursuance of the foregoing Provisions of this Act, whensoever the said Church or Chapel shall have been erected, the said Persons, Bodies Politic and Corporate, together with the Person or Persons in whom the Patronage of such Church or Chapel was theretofore vested, by such Deed of Endowment, executed and enrolled in manner aforesaid, shall vest the Patronage of the said Church or Chapel in Trustees, who shall not be fewer than Five nor more than Seven in Number, and being Members of the United Church of *England* and *Ireland*, to be for that Purpose named in the first instance by the said Person or Persons, Body Politic or Corporate, so erecting or appropriating or endowing such Church or Chapel, or joining in so doing, in manner aforesaid, together with the former Patron or Patrons thereof; and it shall be lawful for the Trustees of any such Church or Chapel receiving any such Endowment as aforesaid, or the major Part of them, by and with the Consent of the Ordinary of the Diocese, signified in manner aforesaid, to enter into any such Consent in and by the said Deed of Endowment as to the Manner and Order of the Nomination and Appointment to such Church or Chapel, and such Consent and Agreement of such Trustees, or the major Part of them, shall be valid and effectual to all Intents and Purposes, any Law, Trust, or Direction to the contrary in anywise notwithstanding; and the Nomination of the Minister or Curate of such Church or Chapel shall thereupon be vested in the said Trustees and their Successors for ever, who shall thereupon be the Patrons of such Church or Chapel; and the Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided, and in default of any such Provision in such Manner as the Bishop of the Diocese shall under his Hand and Seal direct and appoint; and if it shall happen that all the Trustees of the said Church or Chapel for the Time being shall die without having (in pursuance of

Trustees of Chapel already built enabled to consent.

any

any such Power in the said Deed of Endowment contained) appointed any other Trustee or Trustees as their Successors, then and in such Case it shall be lawful for the Minister for the Time being of such Church or Chapel, with the Consent of the Bishop of the Diocese, to appoint the Number of Trustees by the Deed of Endowment required, and in case there shall happen to be no such Minister, it shall be lawful for the Bishop of the Diocese to nominate and appoint the requisite Number of Trustees as aforesaid.

Endowment of Chapels of Ease with Land in Fee Simple.

V. 'And whereas many pious and well-disposed Persons might be induced to erect and build Chapels 'more commodious for themselves and their Families in large Parishes, and endow same with a competent 'Provision for a Minister or Curate to officiate therein, if by Law enabled so to do, and if they were to 'have the Patronage of such Church or Chapel:' Be it enacted, That it shall be lawful for any Person, Body Politic or Corporate, seised of a sufficient Estate for that Purpose, whether in his or their own Behalf or in pursuance of any Trust theretofore created by Deed or Will, by and with the Consent of the Bishop of the Diocese, signified in Writing under his Hand and Seal, to allot or set apart in Fee Simple or Fee Farm any Land, not exceeding One Plantation Acre, within any Parish, City, or Corporate Town in *Ireland* or the Precints thereof, at any Distance from the Parish Church, on which said Lands so set apart it shall be lawful for any Person, Body Politic or Corporate, with the like Consent of the Bishop of the said Diocese, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Lands, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established shall be used and observed; provided always, that such Person, Body Politic or Corporate, shall first settle and assure (and he and they are hereby authorized and empowered so to do) Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm, free from Incumbrance, and of the clear yearly Value of Fifty Pounds at the least, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel, and his Successors for ever, and as a perpetual Endowment for such Church or Chapel, and also such further annual Sum as may be required for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which the said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, not being less in Amount than Twenty Years Purchase of such Rent or Outgoings, and that such Lands, Tenements, Tithes, or Hereditaments shall, unless otherwise provided by the said Deed of Endowment, be vested in the Incumbent and Churchwardens or Chapelwardens of the said Church or Chapel and their Successors for ever, so soon as they shall be respectively appointed, and in the first instance, and until such Incumbent and Churchwardens shall be constituted and appointed, in the Bishop of the Diocese and his Successors, in trust for the Incumbent and Churchwardens thereof to be appointed, and from and after such Appointment in the said Incumbent and Churchwardens and their Successors for ever; and that such Church or Chapel so erected or appropriated and endowed shall be for ever after called and known by such Name as the Founder or Founders of same shall in and by such Deed of Endowment, with the Consent of the Bishop of the Diocese, signified as aforesaid, direct and appoint.

Parties endowing to have Patronage.

VI. That every such Person, Body Politic or Corporate, who shall so have erected or appropriated and endowed any such Church or Chapel, with such Consent as aforesaid, under the last preceding Provision, shall, from and after the Enrolment of said Deed of Endowment in manner herein-after mentioned, be the true and only Patron of the said Church or Chapel, and the sole Right of Presentation or Nomination thereto shall be for ever after vested in him or them, his or their Heirs or Successors, respectively; and where any Two or more Persons have joined in contributing to the Purchase or Erection and Endowment of any such Church or Chapel, such Person or Persons, or Body Politic or Corporate, their or his Heirs or Successors or Assigns respectively, shall nominate and appoint to such Church or Chapel in such Manner and Order as in and by the Deed of Endowment shall be directed and settled, and in default of any such Direction and Settlement, in such Manner and Order as the Bishop of the Diocese shall determine: Provided always, that it shall be lawful for the said Founder or Founders, at any Time when he or they shall so think fit, to grant and make over the Patronage or Right of Presentation of such Church or Chapel to the Bishop of the Diocese wherein same shall be situate, and his Successors for ever, and such Grant shall be by Deed under Hand and Seal, to be registered in the Registry of the Diocese, and enrolled in manner herein-after mentioned.

Where several join in erecting and endowing, Patronage as by Deed of Endowment.

On Execution, &c. of Deed of Endowment, Rector of Parish exempt from Charge for Support of Minister, &c.

VII. That from and after the Execution and Enrolment of any such Deed of Endowment as aforesaid, with such Consent as aforesaid, of any such Church or Chapel, the Rector or Incumbent of the Parish, and his Successors for ever, shall be thenceforth exempt and exonerated from all Charges or Liability to provide for the Support or Maintenance of the Minister or Incumbent of such Church or Chapel erected, constituted, or endowed as aforesaid, unless such Deed of Endowment, with the Consent of the Rector or Incumbent of the said Parish, signified by his executing or endorsing his Name upon the said Deed, shall otherwise expressly provide.

Power to Trustees to dispose of Government Securities, and invest Produce in Purchase of Lands, &c.

VIII. That it shall be lawful for the said Trustees under any such Deed of Endowment, or the Majority of them, or other Person or Persons in whom said Trust Funds shall be for the Time vested, in case such Endowment shall be formed in the whole or part of Government Funds or other Public Securities, as they shall think fit, to dispose of such Government Funds or Securities, and to invest the Produce thereof in the Purchase of Lands, Tenements, or Hereditaments held in Fee Simple or Fee Farm, in such Manner and subject to such Restrictions as in the said Deed of Endowment may be for that Purpose provided; and where such Endowment shall be formed in the whole or in any Part of any Estate or Interest in Lands, Tenements, or Hereditaments less than a Fee Simple or Fee Farm, it shall be lawful for such Trustees, or the Majority of them, as they shall see fit, to purchase any more extensive Interest therein,

or the Reversion or Inheritance therein, in such Manner and subject to such Restrictions as in the Deed of Endowment may be for that Purpose provided.

And with respect to the Erection of Parochial Chapels of Ease by Funds provided by way of Endowment, be it enacted as follows:

Power to erect Parochial Chapels of Ease without Endowment, with Consent of Incumbents.

IX. That it shall be lawful for any Person, Body Politic or Corporate, with the Consent of the Bishop of the Diocese and of the Incumbent of the Parish, under their respective Hands and Seals, to be deposited in the Registry of the said Diocese, to erect or appropriate upon any Site theretofore lawfully appropriated for ever for such Purpose any Building as a Church or Chapel of Ease in the said Parish; and so soon as such Church or Chapel or Building shall have been set apart as such Church or Chapel of Ease, the Incumbent of the Parish shall be for ever, unless and until otherwise lawfully provided, the Minister of said Church or Chapel: Provided always, that wherever there is a Parish Church at which the said Incumbent is bound to officiate, he shall not be bound to have Divine Service in the said Parish Church and Chapel of Ease respectively oftener than once on each *Sunday* and Holiday in each; and such Parochial Chapel of Ease shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept.

As to building Chapels of Ease in large and populous Parishes.

X. That it shall be lawful for any Person or Persons, Body Politic or Corporate, with the Consent in Writing of the Bishop of the Diocese, under his Hand and Seal first had and obtained, to be deposited in the Registry of the Diocese, in any Parish, City, or Corporate Town in which the Parish Church is not sufficient to accommodate the Number of Inhabitants that might resort thereto for Divine Worship, or is at such a great Distance that any considerable Number of the Protestant Inhabitants cannot conveniently repair thereto, the same being in the latter Case more than Three Miles distant from the Parish Church, measured along the ordinary Road, to erect or set apart any Building already erected as a Chapel of Ease in the said Parish upon any Site then or previously set apart and appropriated to the Use of such Chapel for ever; and such Chapel of Ease shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept.

Incumbent of Parish to nominate Curate for Chapel of Ease.

XI. That so soon as such last-mentioned Chapel of Ease shall be erected or appropriated and set apart for Divine Worship, the Incumbent of the Parish shall from Time to Time nominate and appoint a sufficient Curate for every such Chapel, who shall be approved of and licensed by the Bishop of the Diocese, and shall thenceforward constantly perform Divine Service in the said Chapel of Ease whereunto he shall be nominated and licensed as aforesaid.

Bishop to allocate such Salary to Curate as in Cases of other Stipendiary Curates.

XII. That it shall be lawful for the Bishop of the Diocese, upon the Erection or Appropriation and setting apart of any such Parochial Chapel of Ease, to allocate such Salary for such Curate to be nominated or appointed and licensed as aforesaid as he is authorized to do in Cases of other Stipendiary Curates, over and above any permanent Endowment of said Cure granted for the Augmentation of the Maintenance of such Curate, and not exceeding in the whole One hundred and twenty Pounds *per Annum*.

Where Proprietary Church, &c. has been erected and endowed, Bishop empowered, with Consent of Incumbent, to assign a particular District to the same.

XIII. That where any Proprietary Church or Chapel, or any such Chapel of Ease, in which the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established are to be used and observed, has been or shall be erected or appropriated and endowed, or it shall be intended, with such Consents as aforesaid, to erect or appropriate and endow any such Church or Chapel or Building, as a Proprietary Church or Chapel, or as a Chapel of Ease, with or without Endowment, and whether under the Provisions of this or any other Act of Parliament, or by any Ecclesiastical Authority, it shall be lawful for the Bishop of the Diocese (and he is hereby required, unless from special Circumstances he shall deem it not advisable so to do,) with the Consent of the Incumbent of the Parish, to assign a particular District to every such Church or Chapel so erected or appropriated or intended so to be, and where the Site of any such Proprietary Church or Chapel, or Chapel of Ease, so erected or appropriated and endowed as aforesaid, or intended so to be, shall be contiguous to Two or more Parishes, whether in the same Diocese or in Two or more contiguous Dioceses in the same Province, it shall be lawful for the Bishop of the Diocese, or Bishops of each and every of the Two or more contiguous Dioceses respectively, conjointly, with the Consent of the respective Incumbents, to assign a District to such Church or Chapel or intended Church or Chapel, to be formed from said Parish or from contiguous Portions of said Two or more adjacent Parishes, being in the same or in different Dioceses contiguous to each other, or from a Parish and contiguous Portion of a Parish or Portions of Parishes.

Description of Boundaries of assigned Districts to be registered.

XIV. That the Bishop of the Diocese in which such District is assigned, or the Bishops of the several contiguous Dioceses from which any District shall be assigned from Portions of contiguous Parishes in different Dioceses, shall cause a Description of the Boundaries of the District assigned by him or them to such Church or Chapel to be registered in the Registry or Registries of the said Diocese or Dioceses, and shall also cause his or their Orders and Directions in Writing as to all the Offices to be performed in any such Church or Chapel to be registered in the Registry or Registries of his or their Dioceses; and every such District when so assigned shall, from and after the setting apart of said Church or Chapel, be under the immediate Care of the Incumbent or Curate who shall be duly licensed to serve such Church or Chapel, so far as regards Visitation of the Sick and other Pastoral Duties; and it shall be lawful for the Bishop of the Diocese, or the Bishops of the several Dioceses, from which the said District shall be formed, to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in such Church or Chapel, or not, and from Time to Time to alter, enlarge, or abridge such Districts as shall become necessary or expedient: Provided always, that nothing herein contained shall be construed to discharge the Incumbent of any such Parish a Portion of which shall be included in any such District, or any other Ecclesiastical Person having Cure of Souls within the same, or his Successors, from the Cure

of

of Souls or other Parochial Duties in any such District, but the said Cure of Souls shall remain as heretofore.

XV. That every such Proprietary Church or Chapel erected or appropriated or endowed, and every such Chapel of Ease erected or appropriated as aforesaid, whether under this or any other Act of Parliament, and the Incumbent or Curate officiating therein, shall be subject to the Visitation and Jurisdiction of the Bishop of the Diocese wherein such Church or Chapel is situate, to all Intents and Purposes whatsoever. **Churches and Chapels to be under Episcopal Jurisdiction.**

And with respect to the erecting of District Parochial Churches and Chapels by Funds provided by way of Endowment, be it enacted as follows:

XVI. That it shall be lawful for any Person, Body Politic or Corporate, with the Consent in Writing of the Bishop of the Diocese under his Hand and Seal first had and obtained, to be deposited in the Registry of the Diocese, in any Parish in which the Parish Church is not sufficient to accommodate the Number of Inhabitants that might resort thereto for Divine Worship, or is at such a great Distance that any considerable Number of the Inhabitants cannot conveniently repair thereto, to erect any Building or Buildings, or set apart any Building or Buildings already erected, as a new Church or Chapel upon any Site then or previously set apart and dedicated to the Use of such Church or Chapel for ever, and situated in a convenient Place, and such Church or Chapel shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept: Provided always, that a District shall be previously appropriated and assigned to the said Church or Chapel within said Parish, by the Bishop of the Diocese in which it shall be situate, in manner herein-after mentioned. **As to building District Parochial Churches.**

XVII. That it shall be lawful for any Person, Body Politic or Corporate, in any Case in which there shall happen to be a District comprising Parts of Two or more adjacent Parishes (whether in the same or in different Dioceses) so far distant from the nearest Church or Chapel in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are used and observed, that the Protestant Inhabitants thereof, or any considerable Number of them, cannot conveniently repair thither for Divine Worship, to erect a Church or Chapel, or appropriate any Church or Chapel or Building already erected upon any Site theretofore lawfully appropriated for ever for that Purpose, in some convenient Place in any One of the said adjacent Parishes: Provided always, that a District shall be previously appropriated and assigned to the said Church or Chapel, in the Manner herein-after mentioned, from the said adjacent Parishes, being in the same or in different Dioceses, by the Bishop of the Diocese in which the said Parishes shall be situate, or in case they shall be situate in different Dioceses, by the Bishops of the several Dioceses, who shall in the said last-mentioned Case determine which One of the Bishops of the said adjacent Dioceses shall have and exercise Episcopal Jurisdiction over the said District, and the Incumbent or Perpetual Curate thereof, and in case the said Bishops shall not agree therein, the same may be determined by the Lord Lieutenant or other Chief Governor and the Privy Council of *Ireland*. **As to building District Churches for several Parishes.**

XVIII. That where it shall be intended to erect or appropriate and endow any such Church or Chapel as a District Parochial Church or Chapel for One Parish or Benefice only, it shall be lawful for the Bishop of the Diocese, by the Instrument herein-after mentioned, to assign a particular District to every such Church or Chapel so to be erected or appropriated as aforesaid; and where it shall be intended to erect or appropriate and endow any such Church or Chapel for a District to be formed out of Two or more Parishes or Benefices, whether in the same Diocese, or in Two or more contiguous Dioceses, it shall be lawful for the Bishop of the Diocese, or Bishops of each and every of the Two or more contiguous Dioceses respectively, concurring in the Formation of such District, conjointly, by the Instrument herein-after mentioned, to assign a District to such Church or Chapel, or intended Church or Chapel, to be formed from contiguous Portions of said Two or more adjacent Parishes, being in the same or in different Dioceses contiguous to each other. **Power to Bishop to assign Bounds of Parochial Districts.**

XIX. That before any such District Parochial Church or Chapel shall be erected in or for any such District the Bounds for such District shall be ascertained by an Instrument in Writing under the Hand and Seal or Hands and Seals of the Bishop of the Diocese, or Bishops of the several Dioceses, concurring in the Formation of such District, and such Writing shall set out the Bounds of such proposed District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and shall be marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument, and a Copy of such Instrument shall, within Fourteen Days from the Date thereof, be transmitted to the Incumbent of the Parish or the Incumbents of the several Parishes from which said District shall be proposed to be formed, and if he or they shall not consent thereto, a Copy thereof shall be forwarded to the Lord Lieutenant or other Chief Governor of *Ireland* in Council, and the Lord Lieutenant in Council shall in such Case hear and determine any Objection which may be made by or on behalf of such Incumbent or Incumbents or any of them, and shall confirm or alter the same as the Circumstances of the Case may appear to require, and shall order such Instrument to be altered accordingly; and said Instrument, so consented to by the said Incumbent or Incumbents, or so altered by any such Order, or if no Order shall be made thereupon by the Lord Lieutenant or Chief Governor in Council within Six Weeks after the Date of the Transmission of the Copy of such Instrument to the Council Office in *Dublin Castle*, then such Instrument, as originally transmitted, shall be entered in the Registry of the Diocese, or of every Diocese in which such newly created District shall be situated, and for every which Entry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Register, **Bounds of Parochial Districts to be ascertained by the Bishop before the same shall be erected, and Copies sent to Incumbent and Lord Lieutenant for Consents.**

Register, and shall also be enrolled in the Rolls Office of the Court of Chancery in *Ireland*, for which Enrolment the Sum of Ten Shillings, and no more, shall be paid, over and above the Expenses usually paid to the Engrossing Clerk for the same; and upon and after the Registry and Enrolment of every such Instrument the District therein set out and described shall be deemed and reputed to be a several and distinct District or Parish for the Purposes of this Act, and for all Purposes whatsoever, and shall be called and known by such Name as shall be given thereto by such Instrument; and Churchwardens shall be chosen and appointed, and with the like Authority, within the said District, as Churchwardens of Parish Churches now by Law are or may be appointed; saving nevertheless to the Rectors or Incumbents of the several Parishes out of which such District Parishes or Cures shall be respectively formed, and their Successors, all their Rights as Rectors or Incumbents of the respective Portions of such Districts, unless otherwise directed by said Instrument.

Power to Bishop to allocate Salary to Curate.

XX. That it shall be lawful for the Bishop of the Diocese, upon the Erection or Appropriation and setting apart of any such District out of One Benefice or Parish only, to allocate such Salary for such Curate to be nominated or appointed and licensed as aforesaid as he is authorized to do in Cases of Stipendiary Curates, over and above any permanent Endowment of the said Cure granted for the Augmentation of the Maintenance of such Curate, not exceeding in the whole One hundred and twenty Pounds *per Annum;* and in case of any District being formed of Portions of Two or more adjacent Parishes, it shall be lawful for the Bishops of the several Dioceses to determine by the Instrument aforesaid the Proportion of Salary which each of the Incumbents of the adjoining Parishes out of which such District has been formed shall pay to the Curate of such District, over and above any permanent Endowment granted for his Support, if any, and to enforce Payment thereof by Sequestration of the Benefice of any Incumbent neglecting to pay same, or his Proportion thereof, at the Times appointed for the Payment thereof respectively.

As soon as District Parochial Church is erected, &c., Patronage to be vested in Incumbents.

XXI. That so soon as such District Parochial Church shall be erected or appropriated and set apart for Divine Worship, the Incumbent of the Parish or the Incumbents of the several Parishes from which the said District shall be taken shall be the true and only Patron or Patrons of the said Church, and the Right of Presentation or Nomination thereto shall be from thenceforth for ever vested in such Incumbent or Incumbents, and his and their Successors for ever; and in the Case of any District formed of Portions of Two or more Parishes the Bishop of the Diocese or the Bishops of the several Dioceses shall, and he and they are hereby required, by the Instrument aforesaid, to regulate and determine the Manner in which each of such Incumbents shall, on Vacancies of the said Chapelry, nominate to the said Bishop, and also to appoint which of the Incumbents shall first nominate, and the Order in which the several Incumbents of such adjacent Parishes shall, in their Turn, nominate such Curate; and such Incumbent, or the Incumbents whose Turn it shall be, shall from Time to Time nominate and appoint a sufficient Curate for every such Chapelry, who shall be approved of and licensed by the Bishop of the Diocese, or Bishop having Jurisdiction over the said District, and who shall thenceforward constantly perform Divine Service in the said District Parochial Church or Chapel whereunto he shall be nominated and licensed as aforesaid.

Bishop to exercise Jurisdiction over District, Incumbent, &c.

XXII. That the Bishop of the Diocese under whose Episcopal Jurisdiction such Parochial District and Incumbent or Perpetual Curate shall be placed, or in whose Diocese the entire of such District shall be locally situate, shall and may have, use, and exercise all Ecclesiastical and Spiritual Jurisdiction, Powers, and Authorities in and over such District, and the Incumbent or Perpetual Curate and Inhabitants thereof, and, in the former Case, in the same Manner, and as fully and to the same Extent, as if the entire of the said District had been erected and formed out of Parishes locally situate within such Diocese; and the said District shall, for the Purposes aforesaid, be deemed and taken to be within the Limits of such Diocese: Provided always, that nothing herein-contained shall render the Incumbent of any Parish a Portion whereof shall be included in such District, or the Emoluments, Rents, or Tithe Rentcharge of such his Benefice, subject to the Jurisdiction of any Bishop, save the Bishop in whose Diocese his Benefice shall be situate, or prejudice or affect his Rights, Privileges, or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed exclusively out of his Parish.

Incumbent to be subject to no Bishop but that of his Diocese.

Churches and Chapels to be Perpetual Cures capable of Endowment.

XXIII. That every such Proprietary Church or Chapel erected or appropriated or endowed, and every such Parochial Chapel of Ease and District Parochial Church or Chapel erected or appropriated, with or without Endowment as aforesaid, and whether under the Provisions of this or any other Act of Parliament, shall be, from and after the Endowment of such Proprietary Church or Chapel, and after the Erection of such Parochial Chapel of Ease and District Parochial Church or Chapel become and be, a Perpetual Cure and Benefice, by such Name as in the Case of an Endowment shall be mentioned in the Grant of such Endowment, and in default thereof, and in all other Cases, by such Name as by the Founders thereof, with the Consent of the Bishop of the Diocese or District, shall be given, or in default thereof by such Name as the Bishop of the Diocese shall think proper to give it; and the Incumbent or Curate thereof, duly nominated, appointed, and licensed thereto, and his Successors for ever, shall be esteemed to be in Law a Perpetual Curate, to all Intents and Purposes whatsoever, and a Body Politic or Corporate, and shall have perpetual Succession as such, and be capable of receiving to him and his Successors in perpetuity any Endowment in Lands, Tenements, or Hereditaments, Money, or Public Stock or Funds, which may be granted unto him by virtue of this or any other Act, by any Deed of Endowment, or by last Will and Testament.

XXIV. That

As to Plurality of Benefices.

XXIV. That if any Ecclesiastical Person already possessed of any Benefice, Curacy, or Preferment shall be nominated and appointed to officiate in any such Proprietary Church or Chapel, Parochial Chapel of Ease, or District Parochial Church or Chapel, erected or appropriated or endowed under the Provisions of this or any other Act, and shall accept such Appointment, and be duly licensed thereto, in such Case such Benefice, Curacy, or Preferment shall from thenceforth become absolutely void, and thereupon it shall be lawful for the Patron thereof to collate, nominate, or present thereto as if the former Incumbent or Curate had died; and in case any such Incumbent, Minister, or Curate duly licensed to officiate in any such Church or Chapelry shall be licensed, collated, inducted, or installed into any other Perpetual Curacy, Benefice, or Preferment, that in such Case the said Appointment of any such Person as such Incumbent, Minister, or Curate of such Church or Chapel as aforesaid shall be thenceforth absolutely void, and thereupon it shall be lawful for the Patron or Patrons thereof to nominate and appoint another fit and proper Person to officiate as such Incumbent, Minister, or Curate in such Church or Chapel, as if the former Incumbent, Minister, or Curate had died: Provided however, that in case any such Proprietary Church or Chapel, or Perpetual Curacy, erected, appropriated, endowed, or augmented under the Provisions of this or any other Act, and being without actual Cure of Souls of any Parish or Parochial District, shall be situated contiguous and convenient to any One or more Benefice or Benefices having no Parochial Church within the same, it shall be lawful for the Bishop of the Diocese, if he shall so think fit, by any Writing under his Hand and Seal, to be registered in the Registry of the Diocese, to license the holding of such Benefice or Benefices together with such Chapelry or Curacy, any Law or Statute to the contrary notwithstanding, but so that the special Reasons for granting such Licence shall be thereby assigned and stated.

As to Non-residence.

XXV. That if the Incumbent, Minister, or Curate of any such Proprietary Church or Chapel, or Parochial Chapel of Ease, or District Church or Chapel, or Perpetual Curacy, erected, constituted, or endowed under the Provisions of this or any other Act, shall be absent from his Cure for above the Space of Sixty-one Days in any One Year, without the Licence of the Bishop of the Diocese having Ecclesiastical Jurisdiction over the said Church or Chapel first had and obtained for that Purpose, such Church or Chapel or Curacy from thenceforth shall be deemed in Law to be actually avoided, and such Incumbent, Minister, or Curate from thenceforth for ever after shall be disabled to hold and enjoy the same: Provided always, that no Lapse shall incur in respect of such Non-residence until Six Months after Notice thereof in Writing given by the Ordinary of the Diocese to the Patron or Patrons having the Right of Nomination in such Case.

Where Chapels, &c. are suffered to remain void for a certain Time, the same to lapse to the Bishop.

XXVI. That in case any such Proprietary Church or Chapel, or Parochial Chapel of Ease, or District Parochial Church or Chapel, or Perpetual Curacy, erected, constituted, or endowed under the Provisions of this or any other Act, shall be suffered to remain void for the Space of Six Calendar Months without any Nomination of a fit and proper Person to serve the same, by the Patron or Patrons thereof, to the Bishop of the Diocese, or the Bishop having Jurisdiction over the said Church or Chapel, the same shall lapse to the said Bishop, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the Course of Law used in Cases of Presentative Livings and Benefices: Provided always, that in case the said Patron or Patrons shall, after having suffered the said Lapse to incur, afterwards present or nominate to the same before any Advantage taken of the same by the Bishop, Metropolitan, or by the Crown respectively, such Presentation or Nomination shall be as effectual as if made within Six Months, although so much Time has already elapsed as that the Title by Lapse shall have vested in the Crown.

As to Appointment of Chapelwardens.

XXVII. That it shall be lawful to elect, admit, and swear Two fit and proper Persons, being Members of the United Church of *England* and *Ireland*, to act as Chapelwardens in any Proprietary Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act for the Encouragement of the building of Churches or Chapels in *Ireland*, in the same Manner and at the same Period in every Year as in the Case of Churchwardens of Parochial Churches, One of such Chapelwardens to be named by the Incumbent or Minister, or by the Bishop of the Diocese in case there shall be none, and the other by the Proprietors of Pews in such Church or Chapel, or by the Trustees of the Church or Chapel in the first instance, before the said Pews or One Third thereof shall be let; and such Chapelwardens, when so elected, admitted, and sworn as aforesaid, shall have the like Authority within the said Church or Chapel as Churchwardens in the Case of a Parish Church have, and shall, unless otherwise provided by the Deed of Endowment, take care of the Repairs of the said Church or Chapel and the Management of the Funds thereof, and be competent to recover, by all proper Means and Proceedings, the Pew Rents and other Dues belonging to the said Church or Chapel, and so that no such Proceeding shall abate by reason of the Death, Removal, or going out of Office of any such Chapelwardens, but may be commenced, prosecuted, and continued in the official Name of the Chapelwardens of such Church or Chapel, describing the same by its usual Name, or by its local Situation: Provided always, that the Office, Powers, and Duties of such Chapelwardens, when selected, admitted, and sworn, shall be continued until Successors shall be chosen and sworn to fill the said Office as aforesaid.

Where no Parish Church, Bishop may require Service to be performed in any licensed Building.

XXVIII. That it shall be lawful for the Bishop of any Diocese in any Parish in which there shall be no Parish Church, or no Church in sufficient Repair for the Purpose of Celebration of Divine Service in any Parish, to license any Place or Places in the said Parish which may appear to him suitable and convenient for the Celebration of Divine Service, and to authorize and enforce the Performance and Celebration thereof in such licensed Place or Places by the Incumbent of said Parish, or his Curate, in the same Manner as if such licensed Place or Places of Worship had been duly consecrated Churches or Parochial Chapels of Ease.

And

And with respect to the providing and Endowment of Sites for Churches and Chapels, be it enacted as follows:

Power to appropriate and set apart Land for the Erection of a Church or Chapel.

XXIX. That it shall be lawful for any Ecclesiastical Person or Corporation for the Time being Owner of any Demesne, Mensal, or Glebe or other Ecclesiastical Lands holden in right of his See, Benefice, Dignity, or Preferment, or in right of their Corporation, by and with the Consent of the Bishop of the Diocese and the Archbishop of the Province in which the said Lands shall be situate, testified under their respective Hands and Seals, and for any Person or Persons whatsoever seised of an Estate in Fee Simple or Fee Tail, or for Life with immediate Remainder to his own Issue, of or in any Lands whereon any new Parish Church, District Parochial Church, or Parochial Chapel of Ease, or Proprietary Chapel, or other licensed Building, has been, is being, or is intended to be, and may be conveniently or suitably built, to appropriate and set apart, by his or their Deed duly executed, or in case of any such Person seised in Fee Simple, Fee Tail, or for Life, by last Will and Testament duly executed at least Three Calendar Months before his Decease, such Land or Portion of the said Land as may be convenient for the Erection of such Church or Chapel not exceeding One Acre Plantation Measure, and such Appropriation, provided the Bishop of the Diocese shall assent to and confirm the same by Writing under his Hand and Seal, shall in every such Case be valid and effectual to all Intents and Purposes, and in the Case of such Ecclesiastical Person or Corporation seised in right of his Benefice, Dignity, Preferment, or Corporation, and of such Person seised in Fee Tail, or for Life with Remainder to his Issue, shall be as valid and effectual as if said Lands had been granted by a Person capable of absolutely disposing of same, and such Person or Corporation shall for the Purpose of this Act be deemed to be a Person having a sufficient Estate in that Behalf: Provided always, that every such Grant or Devise made in respect of any Church or Chapel intended to be built shall, at the Election of the Grantor or his Representatives, be null and void from and after the Period of Six Years from the Execution of the said Deed or of the Death of such Testator, unless such Church or Chapel shall have been erected, endowed, or constituted in the meanwhile by lawful Authority.

Power to grant Land for Site of Church or Chapel.

XXX. That it shall be lawful for any Person or Persons whatsoever seised of an Estate in Fee Simple, Fee Tail, or for Life or Lives under any Settlement or Will, in his or their own Right, and for the Guardians, Trustees, or Feoffees for charitable and other Uses, and for any Married Woman seised in her own Right, and for Guardians of Minors and Committees of Lunatics and Idiots, with Consent of the Court of Chancery, seised of said Estate as aforesaid, of or in any Lands whereon any Parochial or District Chapel of Ease or Proprietary Chapel, or other licensed Building in which Divine Service according to the Liturgy and Rites of the Established Church of *England* and *Ireland* has been or shall be lawfully performed, is intended to and may be suitably built, or has been previously built, by Deed duly executed and registered and enrolled in manner herein-after mentioned, to grant in Fee Farm such Portion of Land as may be convenient and necessary (not exceeding One Acre Plantation Measure) as and for the Site of said Church or Chapel, and shall and may by such Deed reserve such yearly Rent out of said Land as shall be agreed upon between such Person so granting the same and the Incumbent, Chaplain, or Curate, or Trustees (if any), or the major Part of the said Trustees, of such Church or Chapelry, by and with the Consent of the Bishop of the Diocese in which such Church or Chapelry shall be situate, to be signified by a Certificate in Writing under his Hand and Seal, to be registered in the Registry of the Diocese, or by Indorsement on said Deed of Grant; provided that no such Consent of the said Bishop shall be given unless such Bishop shall be first satisfied that competent Provision has been made towards the perpetual Discharge of the Rent reserved by such Grant.

Title to Site indefeasible.

XXXI. That any Lands or Tenements granted or conveyed for the Site of any such Church or Chapel as aforesaid, and upon which any Church or Chapel has been or shall be erected or appropriated or endowed as aforesaid under the Provisions of this or any other Act, shall, without any Licence in Mortmain, become and remain absolutely vested in the Trustees for the Time being in the said Deed of Endowment of said Church or Chapel or licensed Building named or thereafter duly appointed, and their Successors, or in case there shall be no such Trustees nominated or appointed by such Deed, in the Incumbent or Curate and the Churchwardens or Chapelwardens (if any) of such Church or Chapel, and his and their Successors for ever, and in case there shall be no such Incumbent or Church or Chapel Warden yet appointed, shall be vested in the Bishop of the Diocese and his Successors until such Appointment, free from and discharged of all Demands, Claims, Rights, and Interests in any Person, Body Politic or Corporate whatsoever, including Her Majesty the Queen and Her Successors, but subject nevertheless to the Payment of any Rent that may be reserved thereout, and the Covenants and Conditions under which same are held.

Transfer of Freehold and Leasehold Property to new Trustees without Conveyance.

XXXII. That whenever any Freehold or Leasehold Property has become or hereafter shall become, by any Conveyance, Assignment, or Assurance, vested in any Trustee or Trustees of any such Church or Chapel as aforesaid, for the Purpose of maintaining the Celebration of Divine Service in such Church or Chapel, or of Endowment of Provision for the Minister or Curate thereof, or for a Residence for same, or for a Schoolhouse, such Conveyance, Assignment, or Assurance shall not only vest the Freehold or Leasehold Property thereby conveyed or assured in the Party or Parties therein named, but shall also effectually vest such Freehold or Leasehold Property in their Successors in Office for the Time being and the old continuing Trustees, if any, jointly, or if there be no old continuing Trustee, then in such Successors for the Time being lawfully chosen and appointed, wholly upon the like Trusts and with and subject to the same Powers and Provisions as are contained in or referred to in such Conveyance, Assignment, or other Assurance, or in any separate Deed declaring the Trusts thereof, and that without any Transfer,

Assignment,

Assignment, Conveyance, or other Assurance whatsoever, anything in such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument, to the contrary notwithstanding: Provided always, that in case of any Appointment of a new Trustee or Trustees being made as by Law heretofore was required, the same shall be as valid and effectual to all Intents and Purposes as if this Act had not been passed.

And with respect to the making and augmenting Provisions for the Support of the Curates of Parochial Chapels of Ease, and District Parochial Churches and Chapels, and Proprietary Churches and Chapels, by way of Endowment, be it enacted as follows:

Endowment of Provision for Parochial Chapel by Incumbent of Parish.

XXXIII. That it shall be lawful for the Incumbent of any Parish within which any such District Parochial Church or Chapel or Parochial Chapel of Ease shall be or is about to be erected, or from which in part or wholly the District assigned thereto shall have been formed, by any Deed under his Hand and Seal, to endow such District Parochial Church or Chapel or Parochial Chapel of Ease with such a competent Portion of the Glebe or Tithe belonging to the said Parish as shall be agreed upon by the Bishop and Dean and Chapter, if any, of the Diocese in which the said Parish shall be situate, and the Patron of the Benefice to which the said Glebe or Tithe did belong, and the Incumbent of the said Chapelry, if any, such Consent to be testified by their being Parties to and affixing their Seals to such Writing, not exceeding One Sixth Part of the yearly Income of the said Incumbent out of the said Parish, such Writing of Endowment to be registered and enrolled in the Manner herein-after mentioned, and that upon the Grant of such Endowment being registered and enrolled as aforesaid the Incumbent of the said Parish and his Successors for ever shall be thenceforth discharged from Payment of any Salary or Proportion of the Salary of such Curate so endowed as aforesaid.

Endowment of Provision for District Parochial Churches and Chapels of Ease and Proprietary Chapels by Strangers.

XXXIV. That it shall be lawful for any Person under no legal Disability or Incapacity, or Body Politic or Corporate, having an Estate of Inheritance in Fee Simple or Fee Farm in his, her, or their own Right, or in right of their Corporation, in or of any Lands, Tithes, Tenements, or Hereditaments, and by and with the Consent of the Bishop of the Diocese, under his Hand and Seal, and without any Licence of Alienation or in Mortmain, by Deed indented, under Hand and Seal, or under the Corporate Seal, or in case of a private Person by last Will and Testament in Writing duly executed Three Months at least before the Death of such Testator, provided the Bishop of the Diocese shall confirm and approve of the same under his Hand and Seal, to grant, convey, devise, or bequeath Lands, Tithes, Tenements, or Hereditaments, not exceeding the clear yearly Value of One hundred and fifty Pounds, to any Incumbent or Curate officiating in any such Church or Chapel, and his Successors for ever, or to the Bishop of the Diocese and his Successors in trust for such Incumbent or Curate and his Successors for ever, when such Incumbent or Curate shall thereafter be admitted and licensed, or any Sum of Money, or Government or other Stock or Funds, not exceeding Three thousand Pounds, to any such Incumbent or Curate and his Successors for ever, or to any Trustee or Trustees on his Behalf, or to the Trustees of any such Church or Chapel, the same to be invested in Government or Public Securities in the Names of the Trustees of the said Church or Chapel, or, in case there shall be no Trustees, in the Names of the Incumbent or Curate of such Church or Chapel and the Churchwardens or Chapelwardens thereof, as a perpetual Endowment or Augmentation for such District Parochial Church or Chapel, or such Parochial Chapel of Ease, or Proprietary Church or Chapel, then already erected or intended to be thereafter erected and constituted by lawful Authority, or in aid of any Endowment or Provision made or to be made under the Provisions of this or any other Act of Parliament by the Incumbent of the Parish in which the said Church or Chapelry has been or shall be erected, or from which partly or wholly the District assigned thereto has been or shall be assigned, and such Grant or Conveyance, Devise or Bequest, shall be entered in the Registry of the Diocese to which such Church, Chapel, or District shall belong, and such Deed shall be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* in manner herein-after provided; and every such Grant and Conveyance, Devise or Bequest, so made and enrolled and confirmed as aforesaid, shall be valid and effectual in Law to all Intents and Purposes, whether such Chapel or Church shall be vacant or full of an Incumbent at the Time of such Grant or Conveyance: Provided always, that every such Grant or Endowment intended for any Parochial or District or Proprietary Chapelry not then erected or constituted shall, at the Election of the Donor or his Representative, from and after the Expiration of Six Years from the Execution of such Deed or the Death of such Testator, be null and void, unless in the meanwhile such Church or Chapelry shall have been erected and constituted by lawful Authority.

Application of Collections and Pew Rents.

XXXV. That in every such Proprietary Chapel erected, constituted, or endowed under this or any other Act of Parliament, it shall be lawful for the Chapelwardens or Trustees to collect and levy and recover an annual Rent for the Use of the Pews and Sittings in such Church or Chapel from such Persons as shall be willing to take and occupy same, and to apply the said Rents in and towards defraying the necessary Repairs and Insurance of the said Church or Chapel, increasing the Stipend or Salary of the Incumbent or Curate, or in defraying the other incidental Charges and Outgoings appertaining thereto, unless otherwise provided by the Deed of Trust or Endowment thereof: Provided always, that in every such Proprietary Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act of Parliament One Third at least of the Sittings shall be set apart as Free Sittings for ever.

Certain Sittings to be set apart as Free Sittings.

And with respect to the Restoration of Ecclesiastical Property to Rectors and Vicars, be it enacted as follows:

Endowment of Provision for Rectors and

XXXVI. That it shall be lawful for any Person, being under no Disability or Incapacity, or for any Body Politic or Corporate, seised of any Impropriation of any Parsonage, Rectory, Vicarage, or other Ecclesiastical

Vicars by Restoration of Ecclesiastical Property.

Ecclesiastical Benefice, or of any Glebe Lands, Tithes, Portions, or other Property heretofore ecclesiastical, of any Estate of Inheritance, in possession, reversion, or remainder, by any Deed duly executed under Hand and Seal, or under the Corporate Seal, or by last Will and Testament duly executed in the Case of a private Person, and without any Licence of Alienation or in Mortmain, to restore, dedicate, devise, or convey the same or any Part thereof to the Rector or Vicar of the Parish in which the said Ecclesiastical Property shall be situate, and his Successors for ever, and in case there shall happen to be no Parson, Rector, or Vicar endowed within the said Parish, to the Bishop of the Diocese and his Successors for ever, in trust to and for the Use of such Minister or Curate as shall serve the Cure in the said Parish until there shall be a Rector or Vicar there established, and then and thereafter to the sole Use of the Rector or Vicar of the said Parish and his Successors for ever, and thereupon, from and after the Execution of the said Deed, or the Death of such Testator, and the Registry of such Deed or Will in the Manner herein-after provided, the said Rector and Vicar and his Successors, or the said Bishop and his Successors, shall stand and be seised thereof to him and his Successors for ever of an absolute and indefeasible Estate in Fee Simple; and in case there shall be no Parson or Vicar endowed within the said Parish, and there shall be limited and assured as aforesaid a competent Provision in Glebe Lands, Tithes, or other the Premises aforesaid, which shall be in the Judgment of the Bishop of the said Diocese adequate to the Support and Maintenance of a Rector or Vicar to serve the Cure of said Parish, it shall be lawful for the said Bishop to ordain, constitute, and appoint a sufficient Minister to be Rector or Vicar of the said Parish in a perpetual Succession to him and his Successors for ever, and to cause him to be admitted, instituted, and inducted as Parson and Rector or Vicar thereunto, which Ordination, Constitution, and Appointment, Institution and Induction, shall within Six Months thereafter be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, and from and after the Enrolment thereof the said Parson or Vicar so ordained, instituted, and inducted shall be the Parson or Vicar of the said Rectory, Church, and Parish to him and his Successors for ever in perpetual Succession, and shall be seised to him and his Successors for ever of all and every the Parsonage or other Benefice, Appropriation, Glebe Lands, Tithes, and Premises conveyed or devised as aforesaid to the Bishop of the Diocese as aforesaid of an absolute and indefeasible Estate in Fee Simple as Parson and Rector or Vicar of that Church and Parish; and in case such Endowment shall be the sole and only Provision of such Rector or Vicar in right of the same Benefice, or Four Times in yearly Value so much or more as such Rector or Vicar formerly had in right of the said Benefice, in such Case the sole Patronage of such Benefice shall belong to such Donor or Devisor and his Heirs and Successors only, but if the same be only Three Times so much, then such Donor or Devisor, his and their Heirs and Successors, shall have upon the successive Avoidances Three Presentations, and the former Patron One Presentation, and if but twice as much, then said Donor or Devisor, his or their Heirs or Successors, shall have upon the successive Avoidances Two Presentations, and the former Patron One Presentation, and if of equal yearly Value, or any greater Value not amounting to the double Value, then the said Donor or Devisor, his or their Heirs and Successors, with such former Patron, shall present by Turns, whereof the said Donor shall have the first; and, on the other hand, where the former Endowments of such Benefice shall exceed the yearly Value of said Endowment under the foregoing Provision, the like Proportion and Order to be holden as to the Right of Presentation thereto, the said Order and Proportion to be determined by Commission to be granted out of the Court of Chancery at the proportionable Charge of the said Donor and former Patron, which being executed and returned into the said Court of Chancery shall be final to all Parties.

Patronage in respect of 10 & 11 Car. 1. c. 2. s. 5.

And with respect to the Endowment of small Rectories and Vicarages and Perpetual Curacies, and Acquisitions of Patronage thereby, be it enacted as follows:

Endowment of Provision for Rectors, Vicars, and Curates by Lay Property.

XXXVII. That it shall be lawful for any Person or Persons, Body Politic or Corporate, being under no legal Disability or Incapacity, and without any Licence of Alienation or in Mortmain, by and with the Consent of the Ecclesiastical Person or Corporation seised of the Right of Presentation thereof, and of the Bishop of the Diocese, by any Deed under Hand and Seal, or under Seal of such Corporation, to endow any Benefice, Vicarage, or Perpetual Curacy whereof the Advowson or Right of Patronage shall belong to any Ecclesiastical Person or Corporation, and having no Provision or Endowment thereunto belonging of the Value of Fifty Pounds by the Year, with any Lands, Tithes, Tenements, or Hereditaments of the clear yearly Value of Seventy-five Pounds *per Annum*, or with Money in the Government Funds not producing at the Time of the Endowment a greater yearly Income than Seventy-five Pounds, to be invested in the Name of the Bishop of the Diocese and the Rector and Vicar or Curate aforesaid, as a perpetual Provision for the Rector, Vicar, or Curate of such Benefice, Vicarage, or Curacy, and his Successors for ever; and thereupon it shall be lawful for such Ecclesiastical Person or Corporation seised of such Right of Patronage, Nomination, or Presentation as aforesaid to convey and make over the Advowson, Right of Patronage, Presentation, or Nomination of such endowed or augmented Benefice to the Person or Persons so endowing or augmenting the same in manner aforesaid, his or their Heirs or Successors and Assigns for ever, or by Agreement to grant the Right of Presentation upon every alternate or other Vacancy of the said Benefice, Vicarage, or Curacy in proportion to the Amount of the said Endowment as compared with the previous Endowment of the same, or as nearly in such Proportion as Circumstances will admit, which Deed of Endowment and of Conveyance shall be entered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*; and from and after such Endowment and Conveyance, registered and enrolled as aforesaid, the Person, Body Politic or Corporate, who shall so endow or augment the same, and his Heirs and Successors, shall be the true and only Patron or Patrons of such endowed or augmented Benefice, Vicarage, or Curacy, or

shall

shall have the Patronage of such alternate or other Nomination thereto according to the Provisions of said Deed, and where Two or more Persons or Body Corporate or Politic join in making such Endowment or Augmentation of any such Benefice, Vicarage, or Curacy in manner aforesaid, such Person or Corporation respectively shall present or nominate to the said Benefice, Vicarage, or Curacy by Turns in such Manner as by Deed of Endowment shall be mentioned, and in default thereof in such Manner as the Bishop of the Diocese shall determine and appoint, or shall participate in the Patronage upon alternate or other Vacancies, according to the Provisions of the said Deed, or in default of any such Provision according to the Directions of the Bishop.

And with respect to appropriate and Impropriate Parishes, and the Disappropriation and Endowment thereof, be it enacted as follows:

Power to Archbishop, &c. to declare appropriate Parishes to be Perpetual Cures, &c.

XXXVIII. That it shall be lawful for any Archbishop, Bishop, Dean, Archdeacon, or other Dignitary having any Parish with Cure of Souls appropriate and annexed to his See or Dignity as Part of the Corps thereof, by and with the Consent in the Case of an Archbishop of his Dean and Chapter, and in case of a Bishop with the Consent of the Archbishop of the Province and Dean and Chapter of the Diocese, and in all other Cases with the Consent of the Archbishop of the Province and Bishop and Dean and Chapter of the Diocese, there being Two Thirds at least of such Chapter present, and if there shall be no Dean and Chapter in any of the above Cases, with the Consent, in stead and lieu thereof, of the Archbishop and major Part of the rest of the beneficed Clergy in Synod or at Visitation assembled, testified by any Writing under their Hands and Seals, or being Parties to and affixing their Seals to such Writing as is herein-after mentioned, to declare, by any Writing under the Hand and Seal of such Ecclesiastical Person, to be deposited in the Registry of the Diocese and of the Province in which such Parish shall be situate, and enrolled in the Rolls Office of the High Court of Chancery, that such appropriate Parish shall be thenceforth deemed or taken to be a Perpetual Cure, and the Incumbent thereof and his Successors shall be duly licensed and admitted by the Bishop of the Diocese, and be a Body Politic and Corporate, capable of perpetual Succession and of receiving Endowment in that Behalf, and the Right of Nomination to any such Parish or Curacy aforesaid shall be vested in the Ecclesiastical Person or Corporation to whose See, Dignity, or Preferment the said Parish was appropriated, unless and until otherwise endowed under the Provisions herein contained; and the Ecclesiastical Person to whose See, Benefice, or Preferment the said Parish is or was appropriate shall provide for the Minister or Curate officiating in said Church or Chapel such annual Salary and Allowance as of Right ought to be paid and allowed, and which he might have been liable to theretofore: Provided always, that the Cure of Souls and other Parochial or Ecclesiastical Duties in any such Parish shall remain as theretofore.

Endowment by Ecclesiastical Persons of Vicarages appropriate.

XXXIX. That it shall be lawful for any Ecclesiastical Person or Corporation, with the Consents aforesaid, testified in the Manner aforesaid, by any Deed under his Hand and Seal, to be deposited in the Registry of the Diocese and Province, and enrolled in the Rolls Office of the High Court of Chancery, to endow any Parish, Vicarage, or Perpetual Curacy the Church whereof is appropriate to his or their See, Benefice, Dignity, or Preferment, or, having been appropriated thereto, has been or shall be disappropriated therefrom, with a competent Portion of Glebe or Tithes, or both, belonging to such See, Benefice, Dignity, or Preferment in such Parish, or to augment such Endowment as has been already made for the Maintenance and Support of a proper Vicar or Curate and the Performance of Divine Service in such Parish, Vicarage, or Curacy, and that thereupon such Ecclesiastical Person and his Successors shall be thenceforth for ever discharged for the Payment of any Salary to the said Incumbent or Curate so endowed as aforesaid: Provided always, that no such Ecclesiastical Person or his Successors, to whose See, Benefice, or Dignity such Parish was appropriate, shall receive any Benefit or Advantage from such Endowment or Augmentation.

Power to Persons seised of Ecclesiastical Benefices impropriate to present competent Clerks for such Benefices.

XL. That it shall be lawful for any Person or Persons, being under no legal Disability or Incapacity, and for any Body Politic or Corporate, seised of an Estate of Inheritance in possession of any Parsonage, Vicarage, or other Ecclesiastical Benefice impropriate in *Ireland*, by Writing under his Hand and Seal, or under the Corporate Seal, to present to the Bishop of the Diocese in which such Benefice shall be situate a lawful and competent Clerk for such Parsonage, Vicarage, or Benefice, who shall thereupon be admitted, instituted, and inducted into the Church or Benefice, which Presentation, Admission, Institution, and Induction shall be entered and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*; and from and after such Presentation so made and enrolled as aforesaid the said Impropriation shall be for ever dissolved, and the said Rectory, Vicarage, or other Benefice shall thenceforth become presentative for ever by the Donor thereof, his or their Heirs, Successors, and Assigns, in such Manner and Form, and subject to the like Enactments as to Plurality, Non-residence, and Lapse, as other Churches presentative are.

Registry and Enrolment of Deeds and Wills.

XLI. That every Deed of Endowment or Grant for the Erection, Appropriation, Endowment, or Augmentation of any Church, Chapelry, or Curacy, and every last Will and Testament for the Endowment of the same, and every Deed disappropriating any appropriate or impropriate Rectory, or providing for the Endowment of the same, shall, within Six Months after the Execution of the said Deed or the Death of such Testator, be registered in the Registry of the Diocese of the Bishop having Episcopal Jurisdiction over the same, for every which Registry a Fee of Two Shillings and Sixpence and no more shall be charged; and every such Deed shall within such Time be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Enrolment the Fee of Ten Shillings, and no greater Sum, shall be charged, in addition to the usual Fees for Ingrossment of same.

CAP. LXXIII.

An Act to consolidate and amend the Laws relating to Ecclesiastical Residences in *Ireland*.

[7th *August* 1851.]

'WHEREAS it is expedient to consolidate and amend the Laws relating to the building and maintaining and Purchase and Exchange of Ecclesiastical Residences in *Ireland*, and to apportion more justly and equally the Expenditure in respect of such Residences, and render the Liability of Ecclesiastical Persons in respect of Dilapidations less burdensome:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Construction of Terms in this Act.

I. That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Ecclesiastical Person" shall comprehend and mean an Archbishop, Bishop, Archdeacon, Dean, Prebendary, Dignitary, Canon, Rector, Vicar, or Perpetual Curate having actual Cure of Souls, and the Incumbent, Chaplain, or Perpetual Curate of any Parochial or District or Proprietary Chapelry:

The Expression "Bishop" shall comprehend and apply to an Archbishop:

The Expression "Improvement" shall include all Alterations, Additions, and Repairs (annual necessary Repairs of an ordinary Nature only excepted) in, to, and of any Buildings, Walls, or Fences on any Ecclesiastical Residence, or Demesne, Mensal, or Glebe Lands:

The Expression "See," "Benefice," or "Preferment" shall include any united Sees, and permanently united Benefices or Preferments, so long as the same shall be so united by lawful Authority, and any divided See, Benefice, or Preferment, so long as same shall remain disunited.

With respect to the building and improving Ecclesiastical Residences by way of Memorial, Certificate, and Charge, be it enacted as follows:

Memorial of proposed Building or Improvement to be presented and approved of.

II. That any Ecclesiastical Person, from and after the passing of this Act, intending to erect or make or complete any Building or Improvement on his Demesne, Mensal, or Glebe Lands, and whether on a new or an ancient Site, shall, One Fortnight at the least before he shall have begun to erect or make such Building or Improvement, give unto the Person or Persons who by this Act is or are empowered to grant the Certificate of Charge herein-after mentioned a Memorial in Writing in Three Parts, subscribed with his proper Name and Handwriting, setting forth the Length, Breadth, Height, and Thickness of the Walls of such House or Houses as he intends to build or complete, with the Number of Stories to be contained in the same, together with the Situation of the Ground on which the same are to stand, and a general and sufficient Description of all Houses, Offices, or Buildings, or Parts of such Houses, Offices, or Buildings, Lands or Premises, intended to be improved, and the Occasion for the same, and the Nature and Extent of the intended Improvements, and the maximum Sum proposed to be expended in such Purchase, Buildings, or Improvements, together with an Account or Estimate of the clear yearly Income of his See, Benefice, or other Ecclesiastical Preferment, after all legal Deductions from the same, to be specified in said Memorial or a Schedule thereunto annexed, which said Deductions shall, according to the Circumstances of the Case, comprehend such of the following Particulars as shall be applicable thereto, namely, Tax payable to Ecclesiastical Commissioners, legal Salary of permanent and necessary Curate or Curates, Proxies, Visitation Fees, Charge for Diocesan Schools, Poor's Rate (computed on an Average of Three Years next preceding) on Rentcharge, or other Ecclesiastical Revenues; and the Person or Persons hereby empowered to grant a Certificate of Charge shall, if he or they shall approve of such proposed Buildings or Improvements, in whole or in part, signify in Writing upon the said Memorial his or their Consent to the same, and shall express thereon the Date of such Approval, and cause one Part of such Memorial and Consent, signed by the Person or Persons giving such Consent, to be delivered to the Ecclesiastical Person presenting the same, or his Representatives, and shall cause one other Part of the said Memorial and Approval to be entered at large in the Registry of the Diocese wherein the said Building or Improvements are intended to be erected or made, and shall retain the Third Part thereof for his own Use.

Power to grant a Commission to view and examine Buildings and Improvements made, &c.

III. That the Person or Persons empowered to grant the Certificate of Charge herein-after mentioned shall, at the Request in Writing of any such Ecclesiastical Person who shall have so undertaken any such Buildings or Improvements, in pursuance of a Memorial presented and approved of as aforesaid, or of his personal Representatives, within Twelve Calendar Months after the Completion of said Buildings or Improvements, or, in case of incomplete Buildings or Improvements, within Twelve Calendar Months after the Death or Avoidance of such Ecclesiastical Person, and not later, unless on good and sufficient Reasons appearing to the contrary, and stated in the Commission herein-after mentioned, grant a Commission to Three or more Persons, One of whom shall be a competent Architect, to view and examine such Buildings or Improvements so erected or made as aforesaid, or left incomplete by reason of the Death or Avoidance of such Ecclesiastical Person, and to administer or cause to be administered to the said Commissioners an Oath to return a true and faithful Account and Estimate of the Value of the said Buildings or Improvements so erected or made, and also of the clear yearly Income of the See, Benefice, or Preferment of such Ecclesiastical Person, to be estimated in manner herein-after mentioned, and to report whether the said Buildings or Improvements is or are in conformity with the Terms of the Memorial

Power to administer Oath to Commissioners to return true Account, &c.

Memorial presented and approved of in that Behalf, and in what respect, if any, the said House, Building, or Improvement varies therefrom, and whether or not the said House, Building, or Improvement is or are of a substantial and suitable Character, and fit and convenient for the Residence of such Ecclesiastical Person and his Successors, to the best of their Skill and Knowledge; and it shall be lawful for any One or more Person or Persons, being a Justice or Justices of the Peace for the County in which such Residence is situate, to administer such Oath to said Commissioners, which Oath shall be administered accordingly; and in case any Ecclesiastical Person shall, in pursuance of any such Memorial and Approval as aforesaid, have commenced any of such Buildings or Improvements, but shall have died or otherwise avoided his See, Benefice, or Preferment before he shall have completed the same, the Person or Persons granting such Commission shall insert a Clause therein authorizing the said Commissioners to return a just and faithful Account and Estimate of what Sum or Sums of Money shall be necessary to expend in completing such Buildings or Improvements agreeably to such Memorial, so as to render the same fit and convenient for the Residence of the Successors of such Ecclesiastical Person, according to the best of their Skill and Knowledge, and to administer or cause to be administered to such Commissioners an Oath to the Effect last aforesaid in manner aforesaid; and it shall be lawful for the Person or Persons granting such Commission to appoint, if he or they shall so think fit, a competent Builder or Tradesman to make a Survey and Valuation of the said Buildings or Improvements at or previous to the said Inquiry, and to attend and assist the said Commissioners by his Evidence or otherwise, and for the said Person or Persons to direct and determine finally such reasonable Remuneration for such the Services of the said Builder or Tradesman, to be paid by the Person or Persons requiring the said Commission, as to the Person or Persons granting same shall seem fit; and the said Commissioners shall have Power to examine Witnesses on Oath upon any Article of Account given in and alleged to have been expended on the Buildings or Improvements aforesaid, and upon all other Matters connected with the Subject of the said Inquiry, with a view to their forming a correct Estimate of the Value of the said Buildings or Improvements, and the Sum necessary for their Completion; and the said Commissioners shall diligently inquire into and truly report in Writing upon the several Matters directed by the said Commission to be inquired into.

Power to grant Commission to make a Survey and Valuation of Buildings, &c. previous to the said Inquiry.

IV. That upon the Return of any such Commission as aforesaid it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, in the Case of an Archbishop, and for the Archbishop of the Province in the Case of a Bishop, and for the Bishop of the Diocese in all other Cases, or for the Vicar General or Commissary of the Diocese in case of the Absence from *Ireland* or Illness of any Archbishop or Bishop, to hear and determine such Objections as may be had and taken to the said Report, and to confirm, alter, or amend the same, and to grant a Certificate in Writing under his or their Hand or Hands and Seal or Seals, finally ascertaining and declaring the clear yearly Income of the said See, Benefice, or Preferment, and the Sum really and truly expended and laid out on such Buildings or Improvements, and the Amount which of right ought to be chargeable on the See, Benefice, or other Ecclesiastical Preferment in respect of any such Buildings or Improvements made and completed in conformity with such Memorial presented and approved of as aforesaid, and not otherwise, unless on good and sufficient Reason to the contrary, to be stated in Writing on said Certificate, being the full Amount of the Sums of Money really and truly and properly expended on same; but in case any such Ecclesiastical Person shall so as aforesaid have died, or otherwise avoided his See, Benefice, or Preferment, before he shall have completed such Buildings or Improvements pursuant to such Memorial approved of as aforesaid, the said Lord Lieutenant, Archbishop, Bishop of the Diocese, or Vicar General or Commissary, as the Case may be, shall ascertain and determine finally what Sum of Money will be requisite and necessary to be expended in completing the said Buildings or Improvements, and shall deduct the same out of the Sum which the said Ecclesiastical Person or his personal Representative would have been entitled to receive from his Successor by virtue of the Certificate aforesaid in case he had completed the same, and shall grant a Certificate in Writing finally ascertaining and declaring the Sum of Money of right chargeable in respect of same on the said See, Benefice, or Preferment, being the Amount of the Difference between the said Sum to which the said Ecclesiastical Person would have been entitled if he had completed the said Buildings or Improvements, and the Sums necessary to complete the same; and in case the said Buildings or Improvements so left incomplete as aforesaid shall have been afterwards completed by any Successor, in pursuance of said original Memorial, or of any Memorial to be presented by him to and approved of by the Person or Persons hereby authorized to entertain Memorials as aforesaid, it shall be lawful for such Person or Persons to grant to the Ecclesiastical Person who shall have completed the said Buildings or Improvements pursuant to the said Memorial, so as to render the same fit and convenient for the Residence of such Ecclesiastical Person and his Successors, a Certificate ascertaining and declaring the Sum of Money by him expended in completing the said Buildings or Improvements in manner aforesaid, and the Sum of Money which of right ought to be chargeable on the said See, Benefice, or Preferment in respect of the same, in addition to the Sum paid or payable by virtue of any Certificate or Certificates theretofore granted, as if he had been the original Builder or Improver of the same: Provided always, that no Certificate shall be given in respect of any House or Buildings to be erected as aforesaid, unless the same shall be made of Stone and Lime, or Brick and Lime, and timbered in the Roof and in the Floors of such Building or Dwelling House, except the Basement Story, with Oak, Larch, or Fir Timber, (Bog Oak, and Fir if of Home Growth, and *American* Deal Timber, excepted,) and covered with Slates, Tiles, or with Lead, and leaded in the Gutters and Valleys, and be reported by the Commissioners as aforesaid as built in a substantial and permanent Manner, and as suitable for the Residence of such Ecclesiastical

Upon Return of Commission Lord Lieutenant, &c. empowered to hear and determine Objections as may be taken to Report.

No greater Amount shall be made chargeable at One Time than Two Years Income.

Ecclesiastical Person and his Successors: Provided also, that no greater Amount shall in any Case be made or become chargeable at any One Time, by virtue of any One or more Certificate or Certificates, in respect of any House, Outhouse, Garden, or other Improvement merely, upon any See, Benefice, or Ecclesiastical Preferment, or Union of Sees, Benefices, or Preferments, than Two Years clear Value or net Income of said See, Benefice, or Preferment, or Union, as aforesaid, to be estimated as herein-after provided and certified as aforesaid; and every such Certificate granted in any of the Cases aforesaid shall, subject to the Power of Appeal herein-after provided, be final and conclusive to all Intents and Purposes whatsoever upon the Propriety and Amount of the said Charge, and every other Matter thereby, pursuant to the Powers aforesaid, adjudicated upon.

Certificate, subject to Power of Appeal, to be final.

Estimate of Income of See or Benefice.

V. That the clear yearly net Income to be mentioned in every such Certificate as aforesaid shall be estimated in respect of the particular See, Benefice, or other Ecclesiastical Preferment only on which such Building or Improvement is purchased or made, and no other, unless the same shall be then permanently united, appropriated, or annexed, by Patent or otherwise, to or with some other See, Benefice, or Ecclesiastical Dignity or Preferment, in which Case said Certificate shall contain a true Statement of the clear yearly net Income of the said several united or consolidated Sees, Benefices, Dignities, or Preferments holden by such Ecclesiastical Person at the Time of making such Purchase, Building, or Improvement, and shall be calculated so as to deduct therefrom the permanent and annual Deductions herein-before mentioned, and payable thereout or affecting same.

Amount certified to be a Charge on the Ecclesiastical Emoluments of the See, &c.

VI. That the Amount so certified as aforesaid by such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or by such Archbishop, Bishop, or Vicar General or Commissary, shall from the Date of such Certificate be deemed and taken to be a Charge or Incumbrance on the Ecclesiastical Emoluments or Profits of the See, Benefice, or Preferment holden by such Ecclesiastical Person making or completing such Purchase, Building, or Improvement, at the Time of his making or completing the same; and after Provision made for all proper and necessary Outgoings and Charges in respect of the said See, Benefice, or Preferment, including a competent Provision for the Person or Persons discharging the actual Cure of Souls in the said See, Benefice, or Preferment, such Charge, and every Sequestration issued in respect thereof in manner herein-after mentioned, shall be paramount to all other Charges and Incumbrances and Sequestrations whatsoever, and shall be payable in preference thereto, excepting only Sequestrations issued in pursuance of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland; and such Charge, on the Death of any Ecclesiastical Person liable to the Payment thereof, shall be deemed and taken to be and shall rank as a Judgment Debt of such deceased Ecclesiastical Person, and be paid as such, as if a Judgment had been duly acknowledged by or entered against him during his Lifetime by the Person or Persons then entitled to the Charge, for the Amount of the said then existing Charge, and immediately after all the *bonâ fide* Judgments, Crown Bonds, and Recognizances entered up, acknowledged, or executed by him during his Lifetime.

3 & 4 W. 4. c. 37.

Registry of Certificate.

VII. That such Certificate of Charge granted as aforesaid shall, within Six Months from the granting of the same, be entered of Record in the public Registry of the Diocese to which the same relates, and in default thereof the said Charge shall not, nor shall any Sequestration issued thereon, be entitled to any Preference or Priority by virtue of this Act, nor shall the said Certificate, until registered, have any Effect or Operation whatsoever to charge said See, Benefice or Preferment; and the Exemplification of such Certificate, so registered, under the Hand and Seal of the Archbishop or Bishop of the Diocese, shall be as good and effectual in the Law to all Intents and Purposes, at any Trial or other Proceeding at Law or in Equity, as if the Original of the same had been produced; and that any Person shall, upon Demand, and Payment of a Sum not exceeding Twopence for each Seventy-two Words thereof, be entitled to have from the Registrar of said Diocese a certified Copy of every such registered Memorial and Certificate of Charge in respect of any See, Benefice, or Preferment, and shall be entitled, upon Demand, and Payment of a Fee not exceeding Five Shillings, to a Memorandum of Search in respect of such registered Certificate and Memorial, certified by the Registrar to set forth correctly the Date and material Contents of all such Certificates and Memorials as shall have been registered theretofore.

And with respect to the Apportionment of the said Charges as between the Ecclesiastical Person obtaining such Certificate and his Successors, and the Time and Manner of recovering the same, be it enacted as follows:

Charge to be subject to progressive Diminution in respect of Lapse of Time.

VIII. That every such Charge in respect of any Building or Improvement made as aforesaid shall be subject to a fixed annual Decline or Reduction in respect of Lapse of Time by a Sum equal to and at the Rate of Two Pounds Ten Shillings for every Hundred Pounds of the Amount originally charged by the said Certificate for every Year and proportional Part of a Year that shall elapse while such Ecclesiastical Person claiming by himself or his Representatives to be entitled to the Benefit of the same shall have been entitled to the Rents, Issues, and Profits of the See, Benefice, or Ecclesiastical Preferment upon which the same is made chargeable, until the entire Amount thereof shall have been thereby extinguished: Provided always, that in respect of the Ecclesiastical Person who shall have obtained the said Certificate, and his Representatives, such Charge shall not be subject to any such Reduction in respect of Lapse of Time, until, in the Case of any Purchase or building of a new House or Offices, after the Expiration of the full Term of Five Years, and in all other Cases until after the Expiration of Three Years from the Date of the Approval of the Person or Persons hereby authorized thereto to the Memorial presented by or on behalf of the said Ecclesiastical Person, or such Part of the said aforesaid Term as such Ecclesiastical Person

Saving in favour of the Person building.

shall

shall continue to hold the said See, Benefice, or Preferment, and in every such Case the said Charge shall begin to decline from and after the Expiration of the said Term of Years commencing from the Date of the said Approval, or from the Death or Avoidance of such Ecclesiastical Person (whichever shall first take place), and not sooner.

Charge payable in respect of complete Buildings.

IX. That every such Ecclesiastical Person, or his personal Representative, having obtained a Certificate of Charge as aforesaid, shall have, receive, and recover from his next Successor or his Representative the full Amount stated and certified in such Certificate as of right chargeable on the said See, Benefice, or Preferment, reduced by said Deduction in respect of Lapse of Time (if any), or such Instalments and proportional Part of any Instalment thereof as shall accrue due while such Successor has been entitled to the Profits and Emoluments of the said See, Benefice, or Preferment, and such next Successor, or his Representatives, having paid the Amount charged by the said Certificate, reduced as aforesaid, or such Instalments or proportional Part of any such Instalment, shall have, receive, and recover from his next Successor or his Representatives the Amount actually paid to the Predecessor or his Representatives, subject to the like Reduction in respect of Lapse of Time; and such last-mentioned and every subsequent Successor, and his and their Representatives, shall be in like Manner entitled to have, receive, and recover from his or their next Successors, or his or their Representatives, the Sum or Sums which he or they shall have respectively paid to his or their Predecessor or Predecessors, or his or their Representative, subject in all Cases to a like Reduction in respect of Lapse of Time, until the entire Amount of the said original Charge shall have been thereby paid off or extinguished.

Time and Manner of recovering Charge.

X. That the several Sums made chargeable and payable by virtue of any such Certificate as aforesaid, reduced by such Deductions (if any) as aforesaid, shall be paid by each Successor chargeable therewith respectively, or his Representatives, to the Person entitled to receive the same, in all Cases by Four equal Instalments, the first thereof to become payable at the End or Expiration of One Year from the Death or Removal of the Predecessor entitled to such Charge, and the other Three Instalments at successive Intervals of Six Months therefrom; and the same, and every proportional Part thereof made payable by this Act, may, after the Intervals aforesaid, be recovered by the Ecclesiastical Person entitled to recover the same, or his Representatives, either by Distress on any of the Lands or Tenements of the See, Benefice, or Preferment belonging to the Successor hereby required to pay the same, or by Sequestration of the Profits and Emoluments of the said See, Benefice, or Preferment, after due Provision made for such Person or Persons as shall discharge the actual Cure of Souls in the said See, Benefice, or Preferment, (which Sequestration is to be made and granted by the Person or Persons for the Time being empowered to grant such Certificate of Charge as herein-before mentioned, or in case such See, Benefice, or Preferment is already under Sequestration at the Time that any such Charge or Instalment thereof shall become due, it shall be lawful for the Person so authorized to issue a Sequestration as aforesaid instead thereof to make an Order on the Sequestrator to pay such Instalment or Charge so due or to accrue due, without issuing any further or other Sequestration for that Purpose,) or by Action of Debt or Assumpsit in any of Her Majesty's Superior Courts of Law in *Ireland* against such Successor or his Representatives; and in any such Action or Suit it shall be a sufficient Statement of the Cause of Action in the Declaration to declare for the Amount of such Instalment of the said Charge, or such proportional Part thereof, as due by the Defendant to the Plaintiff, according to the Form, as nearly as may be, of the usual common indebitatus Counts in Assumpsit or in Debt.

By Distress, Sequestration, or Action.

And with respect to the Persons who shall in certain Cases be deemed Successors, be it enacted as follows:

Successor dying or avoiding before entire Charge payable.

XI. Where any such Successor as aforesaid shall die, or otherwise avoid such See, Benefice, or Preferment, before the entire Amount of the said Instalments, or any of them, in respect of the said Charge, shall have become payable, such Successor and his Representatives shall in such Case be liable only to the Payment of such Instalments as have actually accrued due during his Incumbency, and for such a Part of the Instalment then running due as shall be proportioned to the Time that shall have elapsed from the Date of the Avoidance of the Predecessor, or from the Accrual of the preceding Instalment to the Day of the Death or Avoidance of such Successor; and the Residue of the said running Instalment, or such Part thereof as shall be proportioned to the Period of his Incumbency, shall be paid and payable by the next Successor, who shall in such Case, and to the Extent of the Instalments afterwards to accrue, and the Balance of any running Instalment, be deemed and taken to be the Successor for all the Purposes of this Act.

Successor proving insolvent, Charge recoverable from next Successor.

XII. That in case any such Ecclesiastical Person or his Representatives as aforesaid entitled to any such original or reduced Charge shall, by reason of the Insolvency of any such Successor, or of his Estate, after having, to the Satisfaction of the Person or Persons empowered to entertain Memorials in that Behalf, with all due Expedition proceeded to enforce Payment of said Charge, or Instalments or proportional Part thereof, have failed to recover the Amount of the said Charge, or such Instalment or proportional Part thereof, as against such Successor or his Representative, it shall be lawful for the said Ecclesiastical Person or his Representatives, by and with the Consent of such Person or Persons empowered as aforesaid first had under his or their Hand and official Seal, such Consent not being given until after due Notice to the Person to be made liable in respect thereof, who if he shall so desire it, shall be heard in opposition thereto, to demand and recover the Amount of the said Charge, Instalment, or proportional Part thereof, or the Residue thereof then remaining due and unpaid, from the next Successor of such insolvent Successor, who shall, to the Extent of such Charge so remaining due, be deemed and taken to be the next Successor of the Ecclesiastical Person entitled to the said Charge; and it shall be lawful for such last-mentioned Successor

cessor to deduct and retain from such Ecclesiastical Person so in default, or his Representatives, any Proportion of the Profits and Emoluments of the said See, Benefice, or Preferment to which the said Ecclesiastical Person might have been entitled, to the Extent of the said annual Reduction of Two Pounds Ten Shillings *per Annum* on each One hundred Pounds of the said original Charge which the Estate of the said insolvent Successor should have borne if the said Charge or Instalment had been duly paid.

Successor in case of Union of Sees or Benefices.

XIII. That in case any such See, Benefice, or other Ecclesiastical Preferment upon which there shall be a subsisting Charge by virtue of any such Certificate as aforesaid shall thereafter become lawfully and permanently united, by Patent or otherwise, with any other See, Benefice, or Preferment, or Portion of any See, Benefice, or Preferment, the Ecclesiastical Person for the Time being holding such united Sees, Benefices, or Preferments shall be deemed and taken to be the Successor of the Ecclesiastical Person entitled to the Charge, to all Intents and Purposes of this Act; and the Sum then remaining due and payable in respect of any such Certificate shall be and continue a Charge on the said See, Benefice, or Preferment thertofore liable thereto, in like Manner, and shall be payable by the like Instalments, and in the same Priority, as if the said Union had not taken place.

Successor in case of Division or Disappropriation of Benefices.

XIV. That in case any Parish or other Ecclesiastical Preferment shall be lawfully divided, or any Parish or Parishes, or Ecclesiastical Preferment or Preferments, or Part or Parts thereof, theretofore united or appropriated to any See, Dignity, or Benefice, or other Ecclesiastical Preferment, shall be separated or disappropriated therefrom, whereon any such Charge as aforesaid shall be subsisting at the Time of said Division or Separation or Disappropriation, the Incumbent or other Ecclesiastical Person for the Time being entitled to the Rents, Issues, and Profits of the Part of the said divided, disunited, or disappropriate Parish, Dignity, or Preferment, or Part of a Parish or Preferment, on which the said Building or Improvement shall have been made, shall be deemed and taken to be exclusively the Successor of the Ecclesiastical Person entitled to the Charge, to all Intents and Purposes of this Act, notwithstanding that the Amount of the then existing Charge shall exceed Two Years Income of the said Parish or Preferment, or Part of a Parish or Preferment: Provided always, that the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland*, upon any such Division or Separation or Disappropriation of any such Parish or Parishes or Ecclesiastical Preferment, or Parts of any Parish or Preferment, upon which any such Charge shall be then subsisting, shall have regard to such Charge, with a view to its Apportionment; and it shall and may be lawful for them to apportion any such Charge as they shall think just and reasonable upon the several Parishes or Preferments, or Parts of Parishes or Preferments theretofore united; and the respective Incumbents of the said divided Parishes or Parts of Parishes, and their respective Successors therein, shall in respect of such apportioned Parts of the said Charge be deemed and taken to be respectively the Successors of the Ecclesiastical Persons entitled to said Charge, to all Intents and Purposes of this Act.

Apportionment by Lord Lieutenant and Council.

Successor paying only Part of Charge may recover same against his Successor.

XV. That where any Ecclesiastical Person chargeable with the Amount of such original or reduced Charge as aforesaid, or all or any of the Instalments thereof, or proportionate Part thereof, shall have paid but a Part thereof to the Ecclesiastical Person entitled to the same, or his Representative, such Person or his Representative making such partial Payment as aforesaid shall be entitled to have, receive, and recover from the next Successor or his Representatives so much of the said Charge as he or they shall have actually paid, reduced by said Deduction in respect of Lapse of Time as aforesaid, but subject to the Priority of the Demand of the Ecclesiastical Person or his Representatives entitled to the Residue of the said then existing Charge, which shall be paramount, and paid in preference thereto, to be recoverable by any of the Means aforesaid: Provided always, that no Successor liable to the Payment of the said divided Charge, or his Representatives, shall in any Case whatever be liable for any greater Sum in the aggregate than the Amount of the said original Charge, reduced by Deduction in respect of Lapse of Time accrued at the Death or Avoidance of his next immediate Predecessor.

And with respect to the compulsory building of Glebe Houses in certain Cases, be it enacted as follows:

Ordinary may direct Residence to be built.

XVI. That every Archdeacon, Dean, Dignitary, Prebendary, Rector, Vicar, Perpetual or Impropriate Curate, having actual Cure of Souls, and admitted into any One or more Benefice or Benefices or other Ecclesiastical Preferments, which, either singly or jointly, produce a clear yearly Income of One hundred Pounds or upwards, and having no House of Residence thereon fit and convenient for the Residence of said Ecclesiastical Person and his Successors, but having upon any One of said Benefices or Preferments, or being for that Purpose lawfully endowed with, such Portion of Glebe or Mensal Lands within or adjacent to the said Benefice or Preferment as the Archbishop or Bishop of the Diocese shall judge fit and convenient for building thereon, shall, after he shall have been Three Years in possession of the said Benefice or Benefices or other Ecclesiastical Preferments, and within a Time certain, to be limited and appointed by the Archbishop or Bishop of the Diocese, build and improve upon such Glebe or Mensal Lands by erecting a suitable Dwelling House and Offices in conformity with a Memorial to be presented and approved of in manner aforesaid; and in case any such Ecclesiastical Person shall neglect or refuse to make such Building and Improvements within the Time so limited as aforesaid, it shall be lawful for the Archbishop or Bishop of the Diocese to sequester a Moiety of the Profits of such Benefice or Benefices or Preferments until a Sum not exceeding Two Years Income of such Benefice or Benefices or Preferments shall be received, to be laid out and expended in making said Improvements on the said Glebe or Mensal Lands as aforesaid, though such Ecclesiastical Person shall decline or omit to present a Memorial as aforesaid; and the said Ecclesiastical Person or his Representatives shall, upon the Completion of the said Buildings or Improvements during the Period of his Incumbency, or, in case of the same being left incomplete

plete by reason of his Death or Avoidance, immediately thereafter, be entitled to demand and have a Certificate of Charge in respect of the said Building or Improvements completed or left incomplete for the like Amount, and of the like Nature and Effect in all respects, as if such Ecclesiastical Person had himself voluntarily undertaken such Buildings or Improvements; and in case the Incumbency of the said Ecclesiastical Person so declining shall determine before the said Buildings or Improvements shall have been commenced, or before the required Amount shall have been levied (in which latter Case it shall be lawful for the Bishop of the Diocese to require and enforce in like Manner the Contribution of the Balance necessary to complete the said Sum from the Successor or Successors of said Ecclesiastical Person), the Incumbent so avoiding, or his Representative, shall be entitled to a Certificate of Charge for the Amount actually levied during the Incumbency, after deducting the Expense of levying same; and the Successor, having paid the same, and the Balance aforesaid, or any Part thereof, shall be entitled to a Certificate of Charge for the entire Amount so paid of the like Nature and Effect as if the Charge were obtained in respect of Buildings voluntarily undertaken.

Money levied to be expended under Directions of the Bishop.

XVII. That the Money so to be raised shall, after Payment of the Charges of levying same, be paid, either altogether or in Parcels, at the Discretion of the Bishop of the Diocese, into the Hands of such Person or Persons as shall be nominated and appointed by the said Bishop or Archbishop of the Diocese, by Writing under his Hand, to receive and apply the same for the Purpose of making such Buildings or Improvements, after such Nominee shall have given Security by Bond to the Bishop or Archbishop of the Diocese, with sufficient Surety, in double the Sum so raised, with Condition for his duly applying and accounting for the same according to the Provisions of this Act; and the Person or Persons so to be nominated shall enter into Contracts with proper Persons for such Buildings or Improvements as shall be approved of by the said Bishop or Archbishop, and shall be specified in a Memorial in Writing subscribed with the Hand of such Person or Persons so nominated as aforesaid, and countersigned with the Signature of the said Bishop or Archbishop approving of the same (a Copy of which Memorial shall be registered at large in the Registry of the Diocese, and shall for this Purpose be in the Room and Stead of a Memorial presented by the Ecclesiastical Person holding the said See, Benefice, or Preferment); and the said Person or Persons so nominated shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Buildings or Improvements according to the Terms of the said Agreement, and shall take proper Receipts and Vouchers for the same; and as soon as the said Buildings or Improvements shall be completed, and the Money paid for the same, such Person so nominated as aforesaid shall make out an Account of his Receipts and Payments, together with the Vouchers for the same, and enter them in a Book, fairly written, which shall be signed by him, and laid before the Bishop or Archbishop of the Diocese, and examined by him; and, when allowed by Writing under the Hand of such Bishop or Archbishop, such Allowance shall be a full Discharge to the Person so nominated in respect of the said Accounts and the Expenditure of the said Monies; and if any Balance shall remain in the Hands of such Nominee the same shall be returned to the Ecclesiastical Person whose Benefice or Preferment was put under Sequestration as aforesaid, or his Representatives, and shall be considered in estimating the Amount payable under any such Certificate of Charge.

And with respect to the building and improving of Ecclesiastical Residences by means of Money raised on Mortgage, be it enacted as follows:

Inquiry and Report of Building and Improvements necessary.

XVIII. That if by reason of the Inability of any Ecclesiastical Person having no sufficient House of Residence, or having a Residence requiring substantial and permanent Improvement, to advance the necessary Sums of Money for building or improving such House of Residence on his See, Benefice, or Preferment, or for any other sufficient Reason, it shall appear proper and expedient so to do, it shall be lawful for the Person or Persons hereby empowered in that Behalf to grant a Certificate of Charge in respect of the building or improving of any such Residence to grant a Commission to Two or more fit and proper Persons, One of whom shall be an Architect, directing them to inquire whether there is a fit House of Residence within the said See, Benefice, or Preferment, and what are the net annual Profits of the same, and whether a fit House of Residence can be provided on the Demesne, Mensal, or Glebe Lands belonging to the said See, Benefice, or Preferment, or to view and examine the existing Buildings or Improvements, and inquire and report whether the same are in need of any and what permanent or substantial Repairs, Additions, Alterations, or Improvements; and such Commissioners shall be sworn truly and faithfully to inquire and report upon the Matters so referred to them, in the same Manner, and shall have the like Powers and Authorities to examine Witnesses, as the Commissioners of Valuation of Buildings pursuant to Memorial, and shall, if necessary, have the Assistance of One or more Builders or Tradesmen, to be nominated by the Person or Persons issuing the said Commission, and shall annex to their Report a Certificate of the actual State and Condition of the Buildings, if any, and of the Value of the Timber and other Materials, if any, thereupon, fit to be employed in building or repairing the said House of Residence, or to be sold, and a Plan or Estimate of the Work fit and proper to be done for building or improving such House of Residence, with all necessary and convenient Offices, to be signed by such Builder or Tradesman; and thereupon such Person or Persons receiving said Report shall cause to be transmitted to the Ecclesiastical Person holding such See, Benefice, or Preferment a Copy of the said Report, Estimate, and Plan, and shall hear and determine such Objections as may be had, preferred, and taken to the said Report or any Part thereof, in Writing, within Two Calendar Months from the Transmission of the said Report, and shall confirm, alter, or amend the same as he or they shall think

fit; and thereupon such Report, so amended or confirmed, shall be entered at large in the Registry of the Diocese.

Estimated Expense to be raised on Mortgage.

XIX. That it shall be lawful for such Person or Persons empowered to entertain Memorials as aforesaid, upon the Confirmation of any such Report recommending that any such Building or Improvements shall be made, by Mortgage of the Demesne, Mensal, or Glebe Lands, Tithes, Rents, and other Profits and Emoluments arising from such See, Benefice, or Preferment, to raise such Sum as the said Estimate may amount to (together with the Costs of such Commission of Inquiry and Report) after deducting the Value of any Timber or other Materials which may be thought proper to be sold, such Sum not exceeding in the whole Two Years net Income of such See, Benefice, or Preferment, to be calculated in manner aforesaid; which said Mortgage shall be made to the Person or Persons advancing the Money so to be raised for the Term of Thirty-five Years, or until the Principal Money, with Interest for the same, and the Costs of recovering the same, shall be paid and satisfied in manner herein-after mentioned, and shall be by Deed or Deeds in the Form or to the Effect in that Behalf contained in the Schedule to this Act annexed, and shall be effectual to bind such Ecclesiastical Person and his Successors until said Principal Money, Interest, and Costs shall be fully paid and satisfied; and such Mortgagee shall execute a Counterpart of such Mortgage, to be kept by the Ecclesiastical Person holding such See, Benefice, or Preferment for the Time being, and a Copy thereof shall be registered in the Registry of the Diocese.

As to the Repayment of Amount of Mortgage and Interest.

XX. That every Ecclesiastical Person entitled to the Profits and Emoluments of such See, Benefice, or Preferment charged with any such Mortgage as aforesaid, and his Successors for the Time being, and his and their personal Representatives respectively, shall be liable to, and shall, from and after the Expiration of the First Year of the said Term of Thirty-five Years (in which Year no Part of the Principal Sum borrowed shall be repayable), yearly and every Year, such Year to be computed from the Date of the said Mortgage, pay to the Mortgagee, his Executors, Administrators, or Assigns, One Thirtieth Part of the Principal Sum, until the whole thereof shall be repaid, and shall at the End of the First and every succeeding Year pay the yearly Interest on the Principal Sum, or so much thereof as shall from Time to Time remain unpaid; and in case of the Avoidance of any such See, Benefice, or Preferment, by Death or otherwise, the Sum payable at the End of any Year in which the said Avoidance shall occur shall be apportioned between the Successor and the Ecclesiastical Person avoiding such See, Benefice, or Preferment, in such Proportion as the Profits of such See, Benefice, or Preferment shall have been received by him for the Year in which such Death or Avoidance shall have happened; and in case such Successor and the Ecclesiastical Person so avoiding, or his Representative, cannot agree in adjusting such Proportion, the same shall be finally determined by the Person or Persons empowered to entertain Memorials as aforesaid; and such Principal, Interest, and Costs, and such proportional Part of the same, may be recovered by such Mortgagee, his Executors or Administrators, by Action of Debt in any of the Superior Courts of Law, or in case the same shall be in arrear and unpaid for the Space of Forty Days after the same shall become due, by Distress and Sale, in such Manner as Rents may be recovered by Landlords or Lessors from their Tenants by the Laws in being; and in such last-mentioned Case it shall be lawful for the Person or Persons empowered to borrow the said Money on Mortgage as aforesaid to sequester the Profits of such See, Benefice, or Preferment till such Payment shall be made.

As to the Expenditure of the Money in building or improving.

XXI. That the Money so to be raised by Mortgage as aforesaid shall, after Payment of the Costs of the said Commission of Inquiry and Report, be paid, altogether or in Parcels, at the Discretion of the Person or Persons empowered to borrow the same, into the Hands of such Person or Persons as shall be nominated and appointed by him or them, by Writing under his or their Hands; and so much thereof as shall be necessary shall be applied and dealt with in the Manner prescribed in respect of building of Glebe Houses, under Directions of the Ordinary in default of the Ecclesiastical Person directed to build, or as nearly thereto as the Circumstances will admit; and the Balance remaining, if any, shall be applied in part Discharge of the Principal Money secured by the said Mortgage, at the Discretion of the Person or Persons borrowing same.

Power to contract for the Purchase of suitable Glebe Houses.

XXII. That it shall be lawful for the Bishop of any Diocese, in any Case in which a House of Residence shall be necessary to be provided for the Rector, Vicar, or other Incumbent of any Benefice, Parochial or District Chapelry, or Perpetual Curacy, having actual Cure of Souls, and cannot be conveniently erected on the Glebe of such Benefice, Chapelry, or Curacy, or in case there shall be no Glebe appertaining thereto, to contract for the absolute Purchase of any House or Buildings, with or without a suitable Portion of Land, conveniently situate for the Residence of such Rector, Vicar, Chaplain, or Curate, or to contract for any Land upon which a House of Residence can be conveniently built, and for the Erection of the said House of Residence thereon, and to raise the Purchase Money thereof, and the necessary Expenses of erecting the same, by Mortgage of the Glebe, Rentcharge, and Emoluments of such Benefice, Chapelry, or Curacy, in the same Manner in all respects as is provided with respect to Mortgages herein-before authorized; and the Principal Money, Interest, and Costs secured by the said Mortgage shall be repayable by the Rector, Vicar, or other Incumbent for the Time being, and his Successors, and recoverable against him and his personal Representatives, in the like Manner and to the same Extent as is herein-before provided in respect to the aforesaid Mortgages: Provided always, that no greater Sum shall be charged upon any such Benefice, Chapelry, or Curacy, under the Authority of the foregoing Provision, than Two Years net Income of such Benefice, Chapelry, or Curacy, after deducting all necessary Outgoings and Charges thereon in manner aforesaid.

And with respect to the providing by way of Endowment of Glebe Lands and Houses by well-disposed Persons desirous to promote the Residence of a Minister to officiate in any Church, Parochial Chapelry, or Perpetual Curacy, be it enacted as follows:

As to Endowment of Glebe Lands or Houses by Deed or Will.

XXIII. That it shall be lawful for any Person, Body Politic or Corporate, having in his own Right, or in right of their Corporate Body, an Estate in Fee Simple, Fee Tail, or Fee Farm, in possession, reversion, or contingency, in Lands, Tenements, or Hereditaments, and having legal Capacity to dispose of the same, whether in his or their own Behalf, or in pursuance of any Trust theretofore created, by any Deed duly executed under his Hand and Seal, and in the Case of Her Majesty and Her Successors by Deed under the Great Seal of *Ireland*, and in the Case of a Corporation aggregate by Deed under the Corporate Seal, such Deed to be registered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, within Six Months after the Execution thereof, or in case of a private Person by last Will and Testament in Writing duly executed at the least Three Calendar Months before the Death of the said Testator, and duly registered in the Registry of the Diocese within Six Months after his Decease, without any Licence of Alienation or in Mortmain, and without any Deed disentailing or destroying any Estate Tail, to grant or to devise to the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy having no House of Residence or Glebe Lands, or an insufficient or inconvenient House of Residence or Quantity of Glebe Land belonging thereto, and his Successors, or to any Person or Persons or Corporation, in trust for the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy, then or thereafter, and within the Time hereinafter provided, erected and constituted by lawful Authority in any Parish or District, any House, Outhouse, Yard, Garden, Orchard, Easement, Lands, or Tenements, as a House of Residence or Conveniency or as Glebe Lands for such Church, Chapelry, or Curacy, whether lying within the local Limits of such Benefice, Chapelry, or Curacy, or not; provided that the same be deemed by the Bishop of the Diocese suitable and conveniently situate for the actual Residence and Occupation or Enjoyment of the Incumbent, Chaplain, or Curate thereof, and his Successors; and provided also, that such Lands, together with the former Glebe of such existing Church, Chapelry, or Curacy, shall not exceed Forty Acres at the most, and that such Grant or Devise shall be null and void as to the Excess thereof, but shall be valid and effectual as to the Residue; and such House, Outhouse, Yard, Garden, Orchard, Easement, Lands, or Tenements shall, from and after such Grant or Devise thereof, registered and enrolled as aforesaid, and the Death of any such Testator, for ever be deemed and taken to be the Glebe House, Outhouse, Office, Yard, Garden, Orchard, Easement, and Glebe Land of such Church, Chapelry, or Curacy, to all Intents and Purposes, and shall be vested in the Incumbent, Chaplain, or Curate thereof, and his Successors for ever, or in case of there being no such Incumbent, Chaplain, or Curate at the Date of such Grant, or the Death of such Testator, or afterwards, the same shall be vested in the Bishop of the said Diocese, and his Successors, or in such Trustee or Trustees as shall be nominated by such Benefactor, and the Survivor of them, and the Heirs of such Survivor, in trust for and unto and to the Use of such Incumbent, Chaplain, or Curate as shall be thereafter duly nominated and appointed thereto, until there shall be such Incumbent, Chaplain, or Curate there established, and until such Incumbent, Chaplain, or Curate, and his Successors, shall be constituted a Corporation sole capable of perpetual Succession, and then and from thenceforth to the sole Use of such Incumbent, Chaplain, or Curate, and his Successors for ever.

As to Endowment of Purchase Money to build Glebe House.

XXIV. That it shall be lawful for any Person or Persons, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by any Deed duly executed under his Hand and Seal, or by last Will and Testament to be executed at the least Three Calendar Months before his Decease, such Deed or Will to be registered and enrolled in manner aforesaid, to give or bequeath any Sum of Money not exceeding Five hundred Pounds to the Bishop or Archbishop of any Diocese, or to any Person or Persons or Body Corporate, towards or in trust for the Erection or Purchase of a House of Residence, and together with or without a convenient Portion of Land thereunto annexed, for the Incumbent, Chaplain, or Curate of any Church, Parochial or District Chapelry, or Perpetual Curacy, then or thereafter, and within the Time herein-after provided, to be erected and constituted by lawful Authority, and not having a suitable Residence thereunto belonging, and his Successors for ever, or for any Improvements thereon, to be for such Purposes applied according to the Will and Desire of such Benefactor by said Deed or Will expressed, with the Consent and Approbation of the Ordinary of the Diocese, and, in default of such Direction, in such Manner as shall be directed and approved by the Bishop with the Consent of the Incumbent, Chaplain, or Curate, in case there be any such then existing; and thereupon such Buildings or Improvements shall be made or purchased accordingly, as soon as same conveniently may be after the Execution of the said Deed or the Death of such Testator, by the Person or Persons nominated by the said Benefactor, with the Consent of the Ordinary of the Diocese as aforesaid, or by the Ordinary of the Diocese, with the Consent of the Incumbent, Chaplain, or Curate aforesaid, in case there shall be such; and such Person or Persons or Body Corporate so nominated as aforesaid, and such Ordinary of the Diocese, shall have full Capacity and Ability to purchase, take, and enjoy, for the Purpose aforesaid, as well from such Benefactor as from all other Persons willing to sell or alien, any Lands, Tenements, Goods, or Chattels necessary for the Purpose aforesaid: Provided always, that if any such Grant or Bequest shall exceed the Amount herein-before mentioned the same shall be void as to the Excess only, and shall be valid and effectual as to the Residue.

As to Endowment of Lands not convenient to be exchanged

XXV. That it shall be lawful for any Archbishop, Bishop, Archdeacon, Dean, Dean and Chapter, Dignitary, or Prebendary, with such Consents as are herein-after mentioned, and for any Person or Persons being a Tenant in Fee Simple or Fee Tail or Fee Farm in possession, and for any Body Politic or

for suitable Glebe.

or Corporate having Lands or Tenements in Fee Simple or Fee Farm, and having legal Capacity to dispose of the same without any Licence of Alienation or in Mortmain, and without any Deed disentailing or destroying any such Estate Tail, to grant any such Lands or Tenements not exceeding Ten Acres for Glebe to any Church, Parochial Chapelry, or Perpetual Curacy, at whatever Distance the same may be therefrom, to the Intent that such Lands may be afterwards exchanged for other Lands lying near the Church, Chapelry, or Curacy, and more convenient for the Residence of the Incumbent, Chaplain, or Curate thereof: Provided always, that any such Grant by any Archbishop or Bishop shall be with the Consent of his Dean and Chapter respectively, or, where there is no Dean and Chapter, with the Consent of the Archdeacon and Six beneficed Clergymen of the Diocese; and any Grant by any Archdeacon, Dean, or Dean and Chapter, Dignitary, or Prebendary shall be with the Consent of the Archbishop or Bishop of the Diocese, such Consent to be signified in all Cases by a Certificate in Writing, attested by the Hand and Seal of such Ecclesiastical Person or the Corporate Seal of such Corporate Body.

As to Endowment in trust for Chapelry or Curacy to be void unless erected within reasonable Time.

XXVI. That every such Grant, Devise, or Bequest of any Lands or Tenements, Hereditaments, or Money, as and for or in trust for the Endowment of any Parochial Chapelry or Perpetual Curacy not then already erected and constituted by lawful Authority, shall, from and after the Expiration of Five Years fom the Execution of such Deed or the Death of such Testator, at the Election of the Grantor or Donor, or his Representative, be null and void to all Intents and Purposes, unless such Parochial Chapelry or Perpetual Curacy shall have been in the meanwhile erected and constituted by lawful Authority; and every such Lands and Tenements granted to the Intent that same might be exchanged shall be absolutely null and void, unless an Exchange for other Lands lying nearer and more convenient be made and perfected within the Space of Two Years from the making of such Grant; and such Lands, Tenements, or Benefactions shall from thenceforth revert to and to the Use of the said Benefactor, his Heirs, Executors, or Administrators: Provided always, that it shall be lawful for the Bishop of the Diocese, by Certificate under his Hand and Seal, to be deposited in the Registry of the Diocese, a Counterpart thereof to be transmitted to the Lord Lieutenant of *Ireland*, for good and sufficient Reason appearing to the said Bishop, and stated in the said Certificate, to enlarge or vary the Time herein-before allowed, and such Allowance of the said Bishop shall be valid and effectual, unless the same shall be disallowed by the said Lord Lieutenant and Privy Council of *Ireland*.

And with respect to Dilapidations suffered or committed in or upon Ecclesiastical Residences, be it enacted as follows:

Power to issue Commission for inquiring into Dilapidations.

XXVII. That in case the Mansion House, Buildings, Offices, Gardens, Orchards, Fences, or other Improvements belonging to any See, Benefice, or Preferment shall have been suffered to fall into Decay for Want of proper annual and necessary Repairs, whether before or after the passing of this Act, and whether by the Neglect of the Ecclesiastical Person for the Time being holding such See, Benefice, or Preferment, or any of his Predecessors, it shall be lawful for the Person or Persons hereby empowered to entertain Memorials for building, upon Complaint of such Dilapidations by the Successor of any Ecclesiastical Person having died or otherwise avoided such See, Benefice, or Preferment, or, in default of such Complaint made within Three Calendar Months after the Nomination, Induction, Installation, or Enthronement of such Successor, on the Application of the Ecclesiastical Person so vacating as aforesaid, or his Representatives, or, in the Case of Dilapidations suffered by any Ecclesiastical Person then holding such See, Benefice, or Preferment, upon the Report in Writing of the Rural Dean, or good and sufficient Reasons appearing to such Person or Persons empowered as aforesaid, to issue a Commission to Three or more Persons, One of whom shall be a competent Architect, to be sworn to view and examine the said House of Residence, Buildings, or Improvements, and the said Demesne, Mensal, or Glebe Lands, and well and truly to report on the Matters referred to them by such Commission, in like Manner and with such Powers and Authorities as in the Case of Commissioners of Valuation of new Buildings herein-before mentioned; and the said Commissioners shall have full Power and lawful Authority to enter upon and examine the said Buildings or Improvements and the said Lands, and, with the Assistance of a Builder or Tradesman to be nominated by the Person or Persons issuing the said Commission, and of One other Builder or Tradesman to be nominated by the Ecclesiastical Person sought to be charged, or his Representatives, if he or they shall so think fit, who shall have full Power to enter and make a Survey and Examination of the said House or Offices, at or previous to said Inquiry, to inquire and report the Nature and Extent of such Dilapidations or Waste, and the Sum of Money which they shall judge to be necessary for the effectual repairing of all such Defects as shall so have happened by means of such Dilapidations as aforesaid, and to restore the same to such staunch and habitable Order and Condition as that the same may be fit and proper for the Residence of the said Ecclesiastical Person and his Successors, and the Nature of such Repairs, and the Manner in which same should be executed, and whether immediately or at some future Time, and the probable Cost and Expense of effecting the said Repairs or Improvements, and the Amount which the Ecclesiastical Person holding or vacating such See, Benefice, or Preferment should contribute to any such prospective Repairs or Improvements: Provided always, that in case of Dilapidations arising from the Want of any permanent and substantial Repairs and Improvements, and occasioned by inevitable Accident, and without wilful Default, and which might be effected by way of Memorial and Charge, or by Money raised on Mortgage repayable in manner aforesaid, it shall be lawful for the said Commissioners and they are hereby required to make a special Report in respect thereof, with a view to the Exemption of same from any such Estimate of Dilapidation chargeable against any such Ecclesiastical Person, and the Execution of the said Repairs, by Money raised by way of Charge or Mortgage, and in such Case to inquire and report whether or not due and reasonable Diligence has been exercised

exercised in effecting of the said Repairs in a timely and seasonable Manner, by Memorial or otherwise, and also, in Cases of Dilapidations committed or suffered previous to the Incumbency of the Ecclesiastical Person sought to be charged, to inquire and report whether such Ecclesiastical Person used all reasonable Diligence to obtain and enforce a Certificate of Charge in respect thereof against his Predecessor or his Representatives, and failed to do so from good and sufficient Causes; and upon the Return of such Commission, and Report made thereunder, it shall be lawful for the Person or Persons empowered to entertain Memorials in that Behalf to hear and determine all Objections that may be had or taken in Writing within the Space of Three Months after the Date thereof to the Matter of the said Report or any Part thereof, and to confirm, alter, or amend the same, if he or they shall so think fit, and to moderate and reduce such Charges in respect of Dilapidations, and to determine what Portion of such Repairs shall be done and executed at the Charge and Expense of such Ecclesiastical Person or his personal Representative, and what Part thereof shall be done and executed by Money raised by way of Charge or by Money raised on Mortgage in manner aforesaid, and to fix a Time for the Execution of the Repairs of such Dilapidations respectively, and to declare by whom and when the Costs of said Commission shall be paid; and thereupon the said Repairs and Improvements so directed to be done and executed by way of Memorial and Charge, or by Money raised on Mortgage, shall be done and executed accordingly in manner aforesaid, and said Costs shall be paid as declared; and the Ecclesiastical Person holding such See, Benefice, or Preferment on which such Dilapidations shall have been incurred or suffered shall, within the Time specified by such Persons as aforesaid, effectually repair all such Dilapidations and Defects as have so happened, and execute all such Repairs and Work upon the said Residence as by the said Ordinary shall be declared to be chargeable against him, and pay such Costs as may be adjudged against him; and in default thereof it shall be lawful for the Person or Persons so empowered as aforesaid (having previously admonished such Ecclesiastical Person in that Behalf) to sequester the Profits and Emoluments of such See, Benefice, or Preferment, or a competent Portion thereof, after due Provision made for the Person or Persons who shall discharge the actual Cure of Souls in said See, Benefice, or Preferment, until a Sum shall be received sufficient to answer the Purposes of the said Repairs, and the Costs of the said Commission and Monition; and the Money so to be raised, after defraying such Expenses, shall be applied and expended, under the Management of a Person nominated by such Person so authorized as aforesaid, on the Repairs mentioned in the said Report, and approved of as aforesaid, in like Manner as is herein-before provided in the Case of building of Ecclesiastical Residences upon default of an Ecclesiastical Person required to build as aforesaid; and upon the Report of such Commissioners that the said Dilapidations have been thoroughly repaired, and upon such Report being confirmed and approved by a Certificate under the Hand and Seal of the Person so authorized as aforesaid, and which Report and Certificate shall be thereupon entered at large in the Registry of the Diocese, such Ecclesiastical Person and his Representatives shall be thenceforth for ever discharged from all further Claim or Demand in respect of Dilapidations incurred at or previous to the Date of such Report to the Period to be therein stated by the said Commissioners when said Dilapidation has been thoroughly repaired.

Upon Confirmation of Report as to Dilapidations a Certificate of Allowance to be granted in respect to the same.

XXVIII. That upon the Confirmation of any such Report in respect of Dilapidations suffered by any Predecessor, the Person or Persons confirming the same shall grant a Certificate of the Amount, ascertained in manner aforesaid as chargeable against such Predecessor or his Representatives; and it shall be lawful for the Ecclesiastical Person obtaining such Certificate to deduct the Amount thereof from any Building Charge to which the said Predecessor or his Representatives may be entitled, and, at his Election, to be notified by any Writing under his Hand and Seal to be registered in the Registry of the Diocese, to make such Deduction immediately after his Induction or Installation or Enthronement, and before he shall have become a Successor chargeable as aforesaid with the entire Amount of said Charge, and such Money shall thereupon be expended and laid out in the effecting of the necessary Repairs, and such Charge shall thereupon, as against such Successor expending the same, be subject to Set-off to the Extent of such Deduction accordingly; and in case there shall be no such Charge existing, or in case the Amount of such existing Charge shall be less than the Sum allowed in respect of such Dilapidations, it shall be lawful for the said Ecclesiastical Person or his Representative to institute his Suit in the Ecclesiastical Court of the Diocese in which such Predecessor shall then be an Incumbent against such Predecessor, or, in case of an Archbishop or Bishop, to apply to the Person or Persons authorized to entertain Memorials in that Behalf for a Sequestration of any See, Benefice, or Preferment of which the said Ecclesiastical Person may then happen to be in possession, and which Sequestration of One Half of the annual Profits of such See, Benefice, or Preferment, or such other lesser Proportion thereof as shall be sufficient for the Purpose, said Person or Persons empowered as aforesaid shall, on the Production of such Report and Certificate of Allowance in respect of Dilapidations, and at the Expiration of One Year after such Ecclesiastical Person shall have been so in possession of the said See, Benefice, or Preferment, be at liberty to issue, and to direct the Sums so levied to be paid over to the said Ecclesiastical Person or his personal Representatives, in satisfaction of such Claim for Dilapidations, together with the Costs of such Proceeding, or in case of a prior Sequestration of the said Profits being in force, it shall be lawful for such Person as aforesaid to order the Sequestrator to pay such Ecclesiastical Person, or his Representatives, such Proportion of the said Profits as aforesaid; and it shall be also competent to any such Ecclesiastical Person, or his personal Representatives, having obtained such Certificate of Allowance in respect of Dilapidations against any such Predecessor or his personal Representatives, at his or their Election, to recover the Amount thereof by Action of Debt or on the Case in any of Her Majesty's Superior Courts of Record in *Ireland;* and in every such Action or Proceeding such Report of the said Commissioners, confirmed or altered as aforesaid, and

and such Certificate of Allowance made thereupon, or examined and certified Copies thereof, shall be received as Evidence of the Existence, Nature, and Amount of such Dilapidations for or against either of such Ecclesiastical Persons or their Representatives.

As to Expenditure of Money recovered in respect of Dilapidations, &c.

XXIX. That the Amount so recovered or deducted in respect of any Dilapidations or Waste by any such Successor shall be by him laid out and expended in the Repair of such House, Buildings, or Improvements, or the Restoration and Improvement of the said Demesne, Mensal, or Glebe Lands, in conformity with the Report of the said Commissioners; and such Successor, or his Representative, shall, within the Space of Twelve Calendar Months after the Date of such Certificate of Allowance of Dilapidation, produce to the Person or Persons empowered to grant the same proper Vouchers or other Evidence to his or their Satisfaction to show that the said Sum has been justly and properly expended thereon, or shall establish to his or their Satisfaction that all reasonable Diligence has been exercised to enforce the Recovery thereof; and in default thereof it shall be lawful for the Person or Persons empowered to grant such Certificate to sequester the entire of the Rents, Issues, and Profits of the Benefice or Preferment of the said Ecclesiastical Person until, after the Payment of all necessary Charges and Outgoings, including a Provision for such as shall have Cure of Souls in the said Benefice or Preferment, a Sum shall be received sufficient to effect such Repairs, and to restore and improve the said Lands; and the Money so to be raised shall be applied and expended, under the Management of a Person or Persons to be nominated by the Person or Persons issuing such Sequestration, or empowered thereto, upon the Repairs and Improvements mentioned in the said Report, and approved of by the said Person or Persons, in like Manner as is hereinbefore mentioned in the Case of Buildings of Ecclesiastical Residences upon default of an Ecclesiastical Person required so to do, or shall be applied in part Payment under any Estimates in respect of the said Repairs given to the Ordinary in manner aforesaid, or in part Payment of the Principal Money of any Mortgage of the Issues and Profits of the said Benefice granted in manner aforesaid; and in case it shall happen that the Ecclesiastical Person recovering or being allowed said Sum in respect of Dilapidations suffered by his Predecessor shall die before the same shall have been expended on such Repairs or Improvements, in such Case the immediate Successor of the said Ecclesiastical Person shall in like Manner have, receive, and recover from the Representative of such Ecclesiastical Person the Amount so recovered or allowed, but not expended on said Repairs or Improvements, by Action of Debt in any of Her Majesty's Superior Courts of Record in *Ireland*, or deduct the same from any Sum payable to him on account of any Charge as aforesaid, and shall expend and lay out the same in manner aforesaid, and subject to the like Penalties and Forfeitures as aforesaid: Provided always, that in case it shall appear that all due and reasonable Diligence has been exercised to enforce the Payment of the Amount of such Certificate without Effect, and that the Estate of the Predecessor chargeable as aforesaid is insolvent, it shall be lawful for the Person or Persons empowered to grant Certificates as aforesaid, by a Memorandum in Writing endorsed on or annexed to said Report, to permit and approve of such Repairs being done by Memorial and Charge, or by Money raised on Mortgage, such Memorandum setting forth the Grounds of such Allowance.

'And whereas it is expedient to enable Ecclesiastical Persons to call for Inspection of their Residences, 'and to exonerate themselves from Charge as to Dilapidations by Execution of such Repairs as may be 'reported necessary:' Be it enacted as follows:

Power to issue a Commission to inspect and examine Houses, &c. of Ecclesiastical Persons.

XXX. That it shall be lawful for the Person or Persons hereby empowered to entertain Memorials for building Ecclesiastical Residences, upon the Application in Writing of any One or more Ecclesiastical Person or Persons holding any See, Benefice, or Preferment, to issue a Commission, to be directed to Three or more fit and proper Persons, and One of whom shall be a competent Architect, to inspect and examine all and every of the several Houses, Buildings, and Improvements, Lands and Premises, of such Ecclesiastical Person or Persons in the said Commission mentioned, in pursuance of such Requisition or Requisitions, which said Commissioners shall be sworn to inquire and report the Matters referred by the said Commission, in the like Manner, and shall have the same Powers and Authorities, and the like Assistance of One or more Builders or Workmen, to be nominated by the Person or Persons issuing the said Commission, as Commissioners of Valuation of Buildings erected in pursuance of a Memorial as aforesaid, and shall inquire and report whether each and every of the said Buildings and Improvements, Lands and Tenements, is and are in good and sufficient Repair at the Time of such Inspection, and the Nature and Extent of the Dilapidations arising from Want of proper annual and necessary Repairs, or from the Neglect of timely Execution of permanent and substantial Repairs, or from wilful Default, and the Nature of the Repairs necessary to make good such Dilapidations, and whether the said Residences respectively stand in need of any and what permanent and substantial Repairs or Improvements, and the Sum of Money which they shall judge to be necessary to be expended upon the Repairs of such Dilapidations, and the effecting of such permanent Repairs and Improvements, and the Manner in which, and the Time or Times at and within which, such Repairs or Improvements respectively shall be made, distinguishing such as may be required immediately from such as may be required at a future Period; and upon the Return of the said Commission and Report it shall be lawful for the Person or Persons empowered to entertain Memorials as aforesaid to hear and determine such Objections as may be had and taken in Writing within Three Calendar Months after the Date thereof to the said Report or any Part thereof, and to confirm, alter, or amend the same as he or they shall think fit, and to fix a Time for the Repairs of such Dilapidations, and also, having regard to the Time and Manner in which such Dilapidations shall have accrued, and whether due Diligence shall have been exercised for the Purpose of obtaining or enforcing against any Predecessor or his Representatives the Amount of any Charge for

Dilapidations,

Dilapidations, to determine whether such permanent Repairs and Improvements shall be executed by the Ecclesiastical Person holding such See, Benefice, or Preferment at his own proper Cost and Charge, or by way of Memorial and Charge, or by Money raised on Mortgage in manner aforesaid, and thereupon the said Report so amended or confirmed shall be entered at large in the Registry of the Diocese; and the Ecclesiastical Person holding such See, Benefice, or Preferment, and applying for such Inspection, shall, within the Time specified by such Person as aforesaid, effectually repair all such Dilapidations, and such Defects as may have happened by reason thereof as aforesaid, and execute all such Repairs and Works as by the said Report shall be required; and in default thereof it shall be lawful for the Person or Persons so empowered as aforesaid (having previously admonished him as aforesaid) to sequester such Portion of the Rents and Profits of such See, Benefice, or Preferment, and apply the Proceeds of the same, in like Manner as herein-before mentioned on a Commission issued on Complaint made of Dilapidations as aforesaid; and upon the Report of such Commissioners, approved and entered at large in the Registry of the Diocese as aforesaid, that such Dilapidations as shall have been so declared chargeable against such Ecclesiastical Person have been thoroughly repaired, such Ecclesiastical Person and his Representatives shall be thenceforth for ever discharged from all further Claim or Demand in respect of Dilapidations incurred at or previous to the Date of such Inspection, to the Period to be therein stated by the said Commissioners when the said Dilapidations shall have been thoroughly repaired; and upon the Execution of any such permanent Repairs or Improvements as aforesaid being duly reported, the said Ecclesiastical Person or his Representatives shall be entitled to a Certificate of Charge of the like Nature and Effect as if executed pursuant to a Memorial presented and approved of as aforesaid: Provided always, that in respect of any Glebe House belonging to any such Parochial Church, Chapelry, or Perpetual Curacy, it shall be lawful for the Bishop of the Diocese, if he shall so think fit, with the Consent of the Incumbent, to authorize and require the Rural Dean, with the Assistance of the Diocesan Architect or his sufficient Deputy, to be approved by said Bishop in Writing, from Time to Time to make an Inspection of such Glebe Houses, Buildings, and Improvements, Lands and Tenements, being within the District of such Rural Dean, and to report on the Condition of the same, in like Manner and with the Authorities of the said Commissioners in case of Inspection herein-before mentioned; and such Report may be objected to, altered and confirmed, registered and enforced, in like Manner and shall have the like Effect as the Report of such Commissioners as aforesaid; and upon a Certificate of the said Rural Dean, and Architect or Deputy, as aforesaid, that such Repairs have been executed in pursuance thereof, the Incumbent or his Representatives shall be entitled to the like Exoneration or Certificate of Charge as aforesaid.

On Report of Commissioners that Dilapidations have been repaired, Ecclesiastical Person discharged from further Claim, &c.

XXXI. That in all Cases in which, upon any Inspection, it shall appear to the Commissioners, or Rural Dean and Architect, making the same, that any such Ecclesiastical Residence, or any Part or Offices thereof, is or are too ancient or decayed to be repaired, or is or are wholly or in part unnecessary or unsuitable for the Use and Residence of such Ecclesiastical Person and his Successors, having regard to the Income of such Ecclesiastical Person, the Situation and State of Repair of said Residence, or other Circumstances which the said Commissioners shall deem important in that Behalf, it shall be lawful for the said Commissioners and they are hereby required to make a Report thereof to the Person or Persons issuing the said Commission, together with the Grounds and Circumstances upon which the said Report is founded, and the Manner in which, in the Opinion of the said Commissioners, it would be most advisable to deal with such Residences or any Portion thereof so reported unworthy of Repair, or useless or unsuitable, and also to report whether or not any existing Charge in respect of any such Ecclesiastical Residence should be affected or reduced, and if so to what Extent, in case any such Buildings or Offices should be condemned; and it shall be lawful for the Person or Persons issuing the said Commission, upon the Return of any such Commission and Report, to hear and determine any Objections that may be had or taken to the said Report or any Part thereof, and to confirm, alter, or amend the same wholly or in part, as shall to him or them seem fit, and to condemn such House or Buildings or any Part thereof to be pulled down and destroyed, or otherwise sold, converted, and disposed of, as shall seem to him or them proper and expedient in that Behalf, and reduce any existing Charge affecting such Benefice in Amount in respect thereof, and to require and direct, if he or they shall so think fit, in the Manner herein-before provided, a new House of Residence or Building to be erected or purchased on the same or a different Site, and, in case the Sale of the Materials of which such former Residence or Portion thereof was composed shall be directed and had, to apply the Produce of such Sale in the building or improving of such Ecclesiastical Residence in manner aforesaid, so far as such Produce will extend.

As to Condemnation of Residences and unnecessary Offices.

XXXII. That in case it shall happen that any such Ecclesiastical Residence, or in case the Glebe or Mensal Land belonging to any See, Benefice, or Preferment having no Residence, is placed in an unhealthy or inconvenient Situation, or is otherwise unsuitable for the Residence of any such Ecclesiastical Person and his Successors, from the Income of such Ecclesiastical Person, or from its Situation or State of Repair or other Circumstances, and shall be so reported by the Commissioners aforesaid, it shall be lawful for the Person or Persons issuing the said Commission to direct and authorize the Sale of such Residence and the Appurtenances belonging thereto, and a Portion of the Glebe Land contiguous thereto, not exceeding Twenty Acres in the whole, to any Person, Body Politic or Corporate, either altogether or in Parcels, for such Sum or Sums of Money as to such Person or Persons issuing such Commission as aforesaid shall appear reasonable; and thereupon it shall be lawful for such Ecclesiastical Person, and he is hereby empowered, by and with the Consent of such Person or Persons empowered to issue such Commission as aforesaid, to be signified by his or their Execution of the Deed of

As to Sale of unsuitable Residence.

of Conveyance hereby authorized to be made, absolutely to sell such House of Residence and Appurtenances, with such contiguous Land as aforesaid, or such Glebe Land, to any Person or Persons, Body Politic or Corporate, either altogether or in Parcels, and upon Payment of the Purchase Money thereof to such Person or Persons as the Person or Persons empowered to issue such Commission shall nominate, by Deed indented, to convey and assure such House of Residence, Land, and Appurtenances unto and to the Use of the Purchaser or Purchasers, his or their Heirs or Assigns or Successors, or as he or they shall direct or appoint; and the Receipt of such Person or Persons so nominated shall be an effectual Discharge to such Purchaser or Purchasers paying such Monies or such Parts thereof as in such Receipts shall be expressed, who shall be thereupon discharged from the said Monies, and shall not be accountable for the Loss or Misapplication of the said Monies or any Part thereof; and the Monies to arise from such Sale or Sales shall, after Payment of all Costs, Charges, or Expenses of such Sale, if it shall be sufficient thereto, be applied by the Person or Persons so nominated to receive the same in and towards the Erection or Purchase of some other suitable Residence or Land in the Manner herein-before provided in respect of building of Ecclesiastical Residences on the Default of the Ecclesiastical Person required to build the same; and the Residue of the Money, if any, shall be applied towards the Extinguishment of any existing Charge upon the said Benefice or Preferment, or shall be otherwise applied in permanent and useful Improvements on the said Ecclesiastical Residence or Glebe Lands, as the Person or Persons empowered to issue such Commission shall approve; but if such Purchase Money shall prove insufficient for the Purchase or Erection of a Residence or Land as aforesaid, it shall be lawful for the Person entitled to issue said Commission as aforesaid to require and enforce the Contribution of the Balance from the Ecclesiastical Person for the Time being holding said See, Benefice, or Preferment, or to raise the Amount upon Mortgage in manner aforesaid.

Certificate in respect of new Residence to discharge all Liability and Charges in respect of former Residence.

XXXIII. That where any such Ecclesiastical Person shall have obtained a Certificate of Charge in respect of any Purchase, Building, or Improvement of any new House of Residence, such Ecclesiastical Person and his Successors shall not be bound to keep the former Residence or Offices in repair, nor shall he or they be entitled to have, receive, or recover any Sum of Money from his or their Successors on account of the Purchase, Building, or Improvement of the former House of Residence the Site whereof shall have been changed.

Charge to be extinct on Sale or Exchange of Residence.

XXXIV. That when any such Ecclesiastical Person shall have sold, exchanged, or disposed of any Ecclesiastical Residence in respect of which any such Charge shall have been then subsisting, the Person so purchasing or taking said Residence in Exchange shall hold same thenceforth freed and discharged from said Charge.

'And whereas it is expedient that Decisions in respect of Building Charges, Dilapidations, and the 'Purchase and Sale of Ecclesiastical Residences, should be uniform, and subject to Correction in case of 'Error:' Be it therefore enacted as follows:

Appeal from Decisions as to Buildings and Dilapidations.

XXXV. That it shall be competent for any Ecclesiastical Person, or his personal Representative, who shall feel himself aggrieved by any Order to be pronounced by any Person herein-before authorized in that Behalf, requiring him to build or improve the House of Residence of such Ecclesiastical Person, or by any Refusal of Permission to build or improve the same, or by any Allowance or Disallowance of any Claim for building or improving any such House of Residence, or for or in respect of Dilapidations committed or suffered in respect thereof, or by any Order in respect of the Sale of any Ecclesiastical Residence, or touching any Charge in respect of the said Residence, within Twelve Calendar Months after the making the Order or Refusal complained of, to appeal in a summary Way from any such Decision of a Bishop or his Vicar General to the Archbishop of the Province, or in his Absence to his Vicar General, and from the Decision of any Archbishop or his Vicar General to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and Six or more of the Privy Council of *Ireland*, being Members of the Established Church, who shall respectively have full Power and Authority to make such Order as to him or them shall seem fit in the Premises, and with respect to the Costs of the Appeal, and to grant, confirm, alter, or amend any Certificate made or refused in respect thereof; and such Order and Certificate so made, granted, confirmed, altered, or amended, shall be of the like Force and Effect as if it had been made by the Person from whose Decision such Appeal shall have been had, and shall be entered in the Registry of the Diocese in like Manner.

And with respect to the Purchase of Residences, and Demesne, Mensal, and Glebe Lands, by Ecclesiastical Persons, pursuant to Memorial and Charges in respect thereof, and the Exchange of inconvenient Residences, be it enacted as follows:

As to Purchase of Residences.

XXXVI. That it shall be lawful for any Ecclesiastical Person having no House of Residence belonging to his See, Benefice, or Preferment, or a House of Residence unsuitable or inconveniently situate, by and with the Consent of the Person or Persons hereby empowered to entertain Memorials in that Behalf, to be certified under his or their Hands and Seals, upon a Memorial to be presented in like Manner and Form (so far as the Circumstances of the Case may admit) as in the Case of building of Residences as aforesaid, by any Deed or Deeds to be registered and enrolled in the Manner herein-after mentioned, to purchase to him and his Successors for ever any House of Residence already built within or convenient to his See, Benefice, or Preferment, with suitable Lands and Conveniences thereto belonging, or any Lands or Tenements fit for such Buildings and Conveniences for the Residence of such Ecclesiastical Person and his Successors, such Lands to be from thenceforth Part of the Demesne, Mensal, or Glebe Lands of such Ecclesiastical Person and his Successors for ever; and the Purchase Money for the same, and the Charges and Expenses of building or improving the said Residence (not exceeding in the whole Two Years net Income

Income of such See, Benefice, or Preferment), shall be ascertained and certified in like Manner as hereinbefore provided in respect of Buildings erected pursuant to Memorial, and such Certificate shall be of the like Force and Effect, and the Amount therein mentioned shall be paid and recovered in like Manner: Provided always, that no such Certificate shall be given in respect of the Purchase of any House, Building, Office, or Lands, unless the same shall be purchased by such Ecclesiastical Person in Fee Simple or in Fee Farm, subject to such Rent as shall be mentioned in the said Memorial, and approved of as aforesaid.

As to Purchase of Demesne, Mensal, and Glebe Lands.

XXXVII. That it shall be lawful for any Archbishop or Bishop having not more than One hundred Acres of Demesne Lands annexed to his See, and for any Rector, Vicar, or other Incumbent of any Benefice, Parochial Chapelry, or Perpetual Curacy, not having more than Five Acres of Glebe belonging to his Benefice, Chapelry, or Curacy, by and with the Consent of the Person or Persons by this Act empowered to entertain Memorials as aforesaid, to be testified under his Hand and Seal at the Foot of a Memorial to be presented and approved of as in the Case of building of Ecclesiastical Residences, or by his being Party to the Deed or Instrument of Purchase, by any Deed or Instrument in Writing, to be registered and enrolled in the Manner herein-after mentioned, to purchase to him and his Successors for ever any Lands within the Limits of his See, Benefice, or Preferment, or immediately adjacent and convenient thereto, not exceeding in Quantity, in the Case of an Archbishop or Bishop, the Number of Two hundred Acres, and in the Case of a Rector, Incumbent, or Curate, Twenty Acres, upon which Purchase there may be reserved out of said Lands any yearly Rent not exceeding One Half of the improved Value of said Lands at the Time of the Purchase thereof, which said Rent so reserved shall be a Charge on the said Lands so purchased in the Hands of such Ecclesiastical Person and his Successors for ever; and such Lands so purchased shall be and continue the Demesne or Glebe Lands of such See, Benefice, or Curacy, to all Intents and Purposes; and every such Ecclesiastical Person who shall have purchased said Lands, or his personal Representative, shall be entitled to demand and have a Certificate of Charge on such See, Benefice, or Curacy, (not exceeding Two Years net Income thereof,) for the Amount of the Purchase Money thereof, of the like Nature, Force, and Effect as a Charge for building or improving of Ecclesiastical Residences pursuant to Memorial.

Exchange of inconvenient Residences and Lands.

XXXVIII. That it shall be lawful for any Ecclesiastical Person having a House of Residence, Office, or Demesne, Mensal, or Glebe Lands, belonging to his See, Dignity, Benefice, or other Preferment, Parochial Chapelry, or Perpetual Curacy, inconveniently situate for the Discharge of the Duties of such Ecclesiastical Person, or situate in an unhealthy Situation, by and with the Consent of the Person or Persons hereby empowered to entertain Memorials as aforesaid, to be testified under his Hand and Seal at the Foot of a Memorial to be presented and approved of as in the Case of building of Ecclesiastical Residences, or by his being a Party to the Deed or Instrument of Exchange, (and in the Case of a Benefice, Perpetual Curacy, or Chapelry, by and with the further Consent of the Patron thereof, to be signified and expressed by signing and sealing the Deed of Exchange,) by any Deed to be registered and enrolled in the Manner herein-after mentioned, to exchange the whole or any Part of the Demesne, Mensal, or Glebe Lands of such See, Dignity, Benefice, Chapelry, or Curacy, or any Residence, Offices, Easements, or Appurtenances thereunto belonging, and situate in an inconvenient or unhealthy Situation, with any Archbishop, Bishop, Dean, Dean and Chapter, Rector, or other Person, Body Politic or Corporate, whether aggregate or sole, ecclesiastical or lay, for Lands or any Residence, Offices, Easements, or Appurtenances of greater or equal Value, Worth, and Purchase, and being held in Fee Simple, and lying convenient to the Cathedral Church or Chapel of such Ecclesiastical Person, and situate in a suitable and healthful Situation: Provided always, that where the Patronage of any such Benefice shall happen to be in Her Majesty or Her Successors, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to give the said Consent in manner aforesaid; and where the Patronage shall happen to be in a Minor, Idiot, Lunatic, or Feme Covert, such Consent may be given by the Guardian, Committee, or Husband of such Patron executing the said Deed in manner aforesaid, and in the Name of such Patron, and thereupon such Patron shall be bound thereby in such Manner as if he or she, being of full Age, or sound Mind, or sole, had executed same.

Memorial for Purchase or Exchange to set forth certain Particulars of Houses, &c.

XXXIX. That every such Memorial presented by any Ecclesiastical Person intending to make any Purchase or Exchange of any such Demesne, Mensal, or Glebe Lands, or such Residences, Offices, or Appurtenances as aforesaid, under the Provisions of this Act, shall, in addition to such other Particulars as may be pertinent and necessary thereto, set forth the Particulars, Extent, and Situation of such House, Offices, Lands, or Appurtenances respectively to be given and taken in Exchange or Purchase, accompanied by a Map or Survey and Valuation made by some competent Surveyor, and verified by a Declaration to be made by such Surveyor before any Justice of the Peace for the County in which the said House or Lands or either of them are situate, (which Declaration he is hereby authorized to administer,) of the House, Offices, or Lands, or Appurtenances, proposed to be purchased or given and taken in Exchange, setting forth separately the Value of all the Timber or other Trees growing thereon, if any, and also of all Mines, Minerals, and Quarries, and all other Rights, Profits, and Advantages whatsoever, belonging to the said House, Offices, Lands, and Premises respectively.

Enabling Sale and Exchange of suitable House and Land for Glebe.

XL. That it shall be lawful for any Owner of any House, Offices, Buildings, Lands, or Tenements suitable and convenient for the Residence, Offices, or Glebe of any such Rector or other Incumbent of any Parish, Parochial Chapelry, or Perpetual Curacy, whether such Owner be a Corporation, sole or aggregate, or Tenant in Fee Simple or in Fee Tail, general or special, or for Life or Lives, and for the Guardians, Trustees, or Feoffees for charitable and other Uses, and for any married Woman seised in her own Right, and for the Guardians and Committee of Lunatics and Idiots, and for the Ecclesiastical Commissioners

missioners for *Ireland* having Houses or Lands belonging to any suppressed See or Dignity, to exchange or sell, convey or release, the said House, Offices, Buildings, Lands, or Tenements to or with any such Rector or Incumbent authorized to make such Exchange or Purchase, and having such Consents as aforesaid, and his Successors, and to enter into all necessary Agreements for that Purpose for such other Houses, Offices, Buildings, Lands, or Tenements belonging to such Rector or Incumbent as shall be ascertained to be of equal Value and Purchase at the Time, or for such Sum of Money as shall be ascertained to be the true and just Value of the same at the said Time, by a Valuation to be made in the Manner herein-after mentioned, not only on behalf of themselves, and their respective Heirs, Executors, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeazance of the Estate of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics or Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under this Act if they respectively had been under no Disability: Provided always, that no Lands or Tenements exceeding the Quantity of Five Acres shall be granted or conveyed (except by way of Exchange) under the foregoing Provision, and that the Value and Purchase Money of any House, Offices, Lands, or Tenements purchased from or given and taken in Exchange from any Party under Disability or Incapacity, and not having Power to sell or exchange except under the Provisions of this Act, shall, except in the Case of the Ecclesiastical Commissioners for *Ireland* aforesaid, be ascertained and determined by the Valuation of a Jury in the Manner herein-after provided, and that the Value shall in all other Cases, unless the said Parties or the said Ordinary shall otherwise require it, be ascertained by Consent between the said Owner and such Ecclesiastical Person, with such Consents as aforesaid: Provided also, that no Dwelling House or Part of the Lands usually reputed as Demesne Lands to the Dwelling House belonging to any such Tenant for Life or Tenant in Tail shall be purchased or taken in Exchange under the foregoing Provision.

Power to issue Precept to Sheriff or Coroner to summon a Jury.

XLI. That it shall be lawful for the Ordinary of the Diocese, upon Receipt of any such Memorial in respect of the Exchange or Purchase of any such House, Offices, Lands, or Tenements, by any such Rector, Vicar, or other Incumbent as aforesaid, at his own Instance, and he is hereby required, upon the Demand in Writing of any Party concerned and interested in any such intended Purchase or Exchange, to issue his Precept in Writing to the Sheriff or Coroner of the County where the said House, Offices, or Lands to be purchased or accepted in Exchange by such Rector, Incumbent, or Curate shall be situate, requiring him to summon a Jury to ascertain the Value of the said House, Offices, Lands, Tenements, or Hereditaments proposed to be given and taken in Exchange or purchased; and upon the Receipt of such Precept the said Sheriff or Coroner shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts of Record, to meet at a convenient Time and Place to be appointed by him for that Purpose, such Time not being less than Fourteen Days nor more than Twenty Days after the Receipt of such Precept, and such Place not being more than Eight Miles distant from the said House, Offices, Lands, or Tenements in question, unless by the Consent of the Parties interested, or unless such Distance shall happen to be unavoidable; and such Sheriff or Coroner shall forthwith give Notice to the Parties interested in and demanding such Inquiry; and out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff or Coroner in the usual Way, and if a sufficient Number of indifferent Jurymen summoned as aforesaid do not appear, the Sheriff or Coroner shall return other and indifferent and qualified Persons of the By-standers, and others that may be speedily procured, to make up a Jury, with like Challenge to the Polls of such Jurymen as in ordinary Cases is by Law permitted; and such Jury, being impannelled and sworn, shall inquire of the true Value of the respective Houses, Offices, Lands, or Tenements proposed to be exchanged or purchased, and the Quantity of the said Lands, and of the best and most improved Rent and full yearly Value, and Quantity of Land so proposed to be granted subject to a Rent, by the Oaths of such skilful and credible Witnesses as shall be produced by either Party, which Oaths the said Sheriff or Coroner is hereby authorized to administer; and the said Sheriff or Coroner is hereby required to return the Value, together with the Mears and Bounds of the said House, Offices, or Lands so proposed to be purchased and given and taken in Exchange, for which Inquisition and Return the Sheriff shall be entitled to the Fee of Ten Shillings, and no greater Sum, to be paid by the Party requiring the same, or in other Cases by the Rector or Incumbent proposing to make such Purchase or Exchange; and such Inquisition and Return shall be filed and recorded in the Rolls Office of the High Court of Chancery in *Ireland* for the Fee of Six Shillings and Eightpence, and no more, to be paid as last aforesaid; and the said Inquisition, Return, and Deed of Purchase or Exchange shall be binding and conclusive to all Intents and Purposes upon the Party so making such Sale or Exchange, and all others claiming any Estate, Title, or Interest in the said House, Offices, Lands, or Tenements, or any Part thereof, in reversion, remainder, or expectancy, by, from, or under him, or under any Settlement or Entail thereof, and shall entitle the said Ecclesiastical Person making such Purchase (with the Consent of the Ordinary as aforesaid) to a Certificate of Charge in respect of the Purchase Money thereof, not exceeding Two Years Income of the said Benefice or Curacy, of the like Nature and Effect as Charges in respect of Buildings of Ecclesiastical Residences.

XLII. That

XLII. That every such House, Offices, Lands, or Tenements purchased or accepted in Exchange as aforesaid by any Rector or Incumbent, with such Consent as aforesaid, shall, from and after such Grant or Conveyance as aforesaid, to all Intents and Purposes be deemed and taken to be the House of Residence, Offices, Glebe, or Appurtenances of the Benefice, Parochial Chapelry, or Perpetual Curacy of such Ecclesiastical Person making such Purchase or Exchange, and his Successors for ever, without any Licence in Mortmain; and that in case of any Exchange made in pursuance of this Act, no such Ecclesiastical Person or his Successors shall be at any Time thereafter evicted or ejected from the peaceable and quiet Possession and Enjoyment of the said House, Offices, Lands, or Premises, or any of them, which have been so granted or conveyed to such Ecclesiastical Person by way of Exchange, by reason of any Person or Corporation claiming Right or Title thereto prior to or in defeazance of or in derogation of the Right or Title of the Person, Body Politic or Corporate, granting or conveying the same in Exchange: Provided always, that nothing herein contained shall exempt any such Ecclesiastical Person or his Successors from the Observance and Performance of any Covenants, Agreements, or Conditions in such Grant contained: Provided also, that it shall be lawful for any Person, Body Politic or Corporate, claiming such Right or Title, and he is hereby authorized, to have and exercise the same Powers and Remedies in trying his Right to and in obtaining Possession of any House, Offices, Lands, or Premises granted in Exchange by any such Ecclesiastical Person, as the said Person, or Body Politic or Corporate, would have been entitled in case this Act had not passed to have or exercise in trying the Right and obtaining the Possession of the House, Offices, Lands, or Premises in Exchange for which the same shall have been granted and conveyed by any such Ecclesiastical Person under the Authority of this Act.

House and Lands purchased and taken in Exchange to be Glebe.

XLIII. That every such Ecclesiastical Residence, Office, or Glebe Lands so given, granted, and conveyed in Exchange by any such Ecclesiastical Person, with such Consents and in manner as aforesaid, shall, from and after such Grant and Conveyance thereof, be and become vested in and settled upon the same Person or Persons, and to and for and subject to the same Estates, Uses, Trusts, and Limitations, and subject to the same Powers, Conditions, Charges, and Incumbrances, as the said House, Lands, or Tenements so to be granted and conveyed in Exchange were vested in, settled upon, and subject to before such Exchange thereof, and would have been vested in, settled upon, and subject to in case such Exchange had not been made; and that such House or Lands so granted by such Ecclesiastical Person in Exchange shall likewise be subject to the like Payments (if any) in respect of Tithe Rent-charge or other Ecclesiastical Charge as the House or Lands accepted in Exchange by such Ecclesiastical Person were theretofore or might thereafter have been liable to.

Former Ecclesiastical House or Glebe Lands to be subject to the like Uses as those taken in Exchange.

XLIV. That in every Case in which, under the Authority of this Act, any Sale or Conveyance shall be made of any House, Offices, Lands, or Tenements which shall belong to any Corporation, Tenant for Life or in Tail, married Woman seised in her own Right or entitled to Dower, Guardian or Committee of any Lunatic or Idiot, Trustee, Executor, or Administrator, or other Person having a partial or qualified Interest only in such House, Office, Lands, or Tenements, and not entitled to sell or convey the same except under the Provisions of this Act, except in the Case of the Ecclesiastical Commissioners for *Ireland* aforesaid, the Purchase Money thereof shall be paid into the Bank of *Ireland*, with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed there to the Account of such Accountant General *ex parte* the Ecclesiastical Person making such Purchase, and in the Matter of this Act, pursuant to the Method by any Act for the Time being for regulating Money paid into the said Court; and such Monies shall remain so deposited until the same shall be applied to some One or more of the following Purposes; that is to say, first, in the Discharge of any Debt or Incumbrance affecting the same Lands, Tenements, or Hereditaments, or any other Lands, Tenements, or Hereditaments settled therewith to the like Uses or Trusts, or in the Purchase of other Lands, Tenements, or Hereditaments to be conveyed, limited, and settled to the like Uses and Trusts and in the same Manner as the said Lands, Tenements, or Hereditaments stood settled to, or such of them as shall be then existing and unsatisfied; and in the meantime, and until such Purchase shall have been made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in some one of the Public Funds of the Kingdom, and the Dividends and annual Produce thereof shall from Time to Time be paid, by One Order or several Orders of said Court, to the Person or Persons who would have been entitled to the Rents, Issues, and Profits of the Lands, Tenements, or Hereditaments in case no Purchase and Conveyance thereof had been made under the Provisions of this Act.

Application of Purchase Money.

And with respect to the taking of Lands at a Rent as Demesne, Mensal, or Glebe Land, be it enacted as follows:

XLV. That it shall be lawful for any Archbishop or Bishop, with the Consent of his Dean and Chapter, or, where there is no Dean and Chapter, with the Consent of the Archdeacon and Six beneficed Clergymen of the Diocese, and for any Dean, Dean and Chapter, Archdeacon, Dignitary, or Prebendary, with Consent of the Bishop of the Diocese and Archbishop of the Province, such Consents to be signified under Hand and Seal, or Seal, having any Lands belonging to him or them, and convenient for a Glebe for any Parish Church, Parochial Chapelry, or Perpetual Curacy not already endowed with Twenty Acres of Glebe Land, by any Deed under the Hand and Seal or Seal of such Ecclesiastical Person or Corporation, to be registered and enrolled in the Manner herein-after mentioned, to grant any such Lands, not exceeding, together with the Glebe Land already belonging to such Church, Chapelry, or Curacy, Forty Acres in the whole, to the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, and his Successors for ever, at a Moiety of the then improved yearly Rent, or for any greater Sum; and such Lands so granted as aforesaid shall, from and after the Execution of said Grant, be deemed and taken to

Enabling Grant of Ecclesiastical Lands as Glebe at Half Rent.

be the Glebe Land of said Church, Chapelry, or Curacy for ever; and such Rent shall be paid by such Incumbent, Chaplain, or Curate, and his Successors for ever, by Two equal half-yearly Payments on the First Day of *May* and First Day of *November* respectively in each and every Year, and shall be a Charge on such Lands so granted as aforesaid.

Enabling Grant of neighbouring Glebe.

XLVI. That in case there shall happen to be any Benefice, Parochial Chapelry, or Perpetual Curacy to which there be no sufficient Glebe Lands belonging whereon a House of Residence might be built, and there shall be in a contiguous Parish Glebe Land suitable and convenient for the Purpose, and which can be spared without Detriment to such contiguous Parish, it shall be lawful for the Incumbent of the said Parish having such superfluous Glebe Land, by and with the Consent of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Seals, and of the respective Patrons of such Benefice, Chapelry, or Curacy, and of the Incumbent, Chaplain, or Curate of the said Church, Chapelry, or Curacy, certified as aforesaid, by Deed indented, and to be registered and enrolled in manner herein-after mentioned, to grant any such Glebe or Part thereof to the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, and his Successors for ever; and upon such Grant may be reserved such yearly Rent as may be agreed upon, with such Consent as aforesaid, to be payable by such Incumbent, Chaplain, or Curate, and his Successors, at such Times as may be by the said Indenture expressed and declared; and such Glebe Land so annexed as aforesaid shall thereupon for ever be deemed and taken to be Glebe Land of the said Parish, Chapelry, or Curacy to which the same shall be annexed, to all Intents and Purposes whatsoever.

Enabling Grant of Lay Lands for Glebe at a Rent.

XLVII. That it shall be lawful for any Person under no legal Disability or Incapacity, and for any Lay Corporation or Body Politic, having in his or their own Right, or Right of their Corporate Body, any House, Lands, or Tenements in Fee Simple or Fee Tail in possession, or of an Estate for Life or Lives in possession, with immediate Remainder to his own Issue, by any Deed or Deeds, to be executed under his or their Hand and Seal or Corporate Seal, such Deed to be registered and enrolled in manner herein-after mentioned, and without any Licence in Mortmain, and without barring any such Estate Tail, to grant or demise in Fee Farm any such House, Lands, or Tenements (not being a Portion of the Demesne Lands usually occupied with and appertaining to the Mansion House of any such Person being a Tenant for Life) as a Glebe House or Lands for the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy, not exceeding, together with the Glebe already belonging thereto, Ten Acres, to such Incumbent, Chaplain, or Curate, and his Successors for ever, being a Body Politic or Corporate, and in all other Cases to any Person or Persons, Body Politic or Corporate, and his or their Heirs or Successors, in trust for such Incumbent and his Successors, and shall and may by such Deed reserve to such Person and his Heirs, or to such Corporate Body, and his or their Successors for ever, such yearly Rent out of the said Lands and Tenements so granted, and subject to such Rents, Covenants, and Agreements as shall be agreed upon between such Person or Body Corporate so granting the same, and the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, with the Consent of the Ordinary of the Diocese and the Archbishop of the Province in which such Church, Chapelry, or Curacy is situate, to be signified by a Certificate in Writing under their Hands and Seals respectively, to be registered in the Registry of the Diocese, or by Endorsement of the said Deed of Grant.

Enabling Surrender of Glebe Lands.

XLVIII. That it shall be lawful for any Incumbent having unnecessary Glebe Lands subject to a Rent or Reservation, by and with the Consent of the Bishop of the Diocese and Archbishop of the Province, signified in Writing under Hand and Seal, and registered as aforesaid, or by Endorsement on the Deed or Instrument herein-after mentioned, and by the Consent of the Person for the Time being entitled to the Rent or Reversion of the said Lands, and competent to consent thereto, to surrender same or any Portion thereof, by a Deed or Instrument in Writing, to be registered in the Registry of the Diocese aforesaid, and thereupon such Lands so surrendered shall cease to be Glebe Lands from thenceforth for ever.

Registry of Deeds.

XLIX. That every Deed of Sale, Grant, or Exchange, or Surrender of any House, Offices, Lands, Tenements, or Premises, made or executed in pursuance of this Act, together with the Maps and Valuations of the Valuators (in case there shall be such), shall, within Six Calendar Months after the Execution of such Deed or Instrument, be registered in the Registry of the Diocese to which the same shall relate, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Registry the Fee of Two Shillings and Sixpence shall be paid, and for which Enrolment the Fee of Ten Shillings shall be paid, and no greater or other Sum.

With respect to the Remedies for Recovery of Rents reserved upon Glebe Lands, be it enacted as follows:

Remedies for Recovery of Rent in arrear.

L. That in case any Rent reserved upon any Grant or Demise of Land as or for a Glebe shall be in arrear and unpaid, it shall be lawful for the Person or Body Politic entitled thereto to recover the same from the Ecclesiastical Person so in arrear, or his Representatives, by Distress on the said Lands, or by Action of Debt or on the Case in any competent Court of Record in *Ireland*; and in case One Year's Rent of any such Lands shall be in arrear and unpaid for the Space of Twenty-one Days, it shall be lawful for the Ordinary of the Diocese, upon the Request of the Person or Persons to whom such Rent is due, to summon the Ecclesiastical Person so in arrear before him, and if such Ecclesiastical Person shall not satisfy the said Ordinary that the said Rent has been paid, by Oath or otherwise (which Oath the said Ordinary is hereby authorized to administer), the Ordinary of the Diocese shall forthwith sequester a competent Portion of the Profits of such Benefice, Chapelry, or Curacy, until the said Arrear of Rent, and all Costs and Charges attending such Sequestration, to be ascertained by the said Ordinary, shall be fully discharged, and if such Arrear of Rent, or any Part thereof, or the said Costs and Charges attending such

Sequestration,

Sequestration, shall remain unpaid, notwithstanding such Sequestration, at the Death or Avoidance of such Incumbent, Chaplain, or Curate, the same, not exceeding, however, One and a Half Year's Rent, shall be paid by the Successor of such Ecclesiastical Person, and if he shall neglect and refuse to pay the same or any Part thereof for the Space of One Calendar Month after his Admission into such Benefice, Chapelry, or Curacy, the Ordinary of the Diocese shall, upon Complaint thereof, and, if he shall deem it necessary, upon Proof thereof on Oath as aforesaid, grant a new Sequestration till the same be paid off; and such Successor, having paid such Arrear of Rent and Costs as aforesaid, shall and may recover the same from his Predecessor or his personal Representative by an Action of Debt or on the Case in any Court of Record of competent Jurisdiction in *Ireland*.

Vouchers of Rent and Mortgage Instalments to be produced to Bishop.

LI. That every Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy having any Glebe House or Lands appertaining thereto subject to a Rent or Mortgage, shall, so often as he shall be thereunto required by the Bishop of the Diocese, exhibit to the said Bishop, or to any Person by him deputed in Writing to demand the same, a sufficient Aquittance in full for all Rents and Instalments of Mortgage Money or Interest due in respect of the said Glebe House or Lands up to the last Gale Day or Day of Payment before such Demand, and prove, if required, the Perfection of such Acquittance by Oath or otherwise (which Oath the said Bishop and his Deputy appointed as aforesaid is hereby authorized to administer); and in case such Acquittance shall not be exhibited and proved, on such Demand as aforesaid, the said Bishop is hereby authorized and required to sequester the Profits of such Benefice, Chapelry, or Curacy until out of the Issue thereof the said Bishop shall be enabled to pay all Rent, Instalments, and Interest in arrear, together with the Costs of such Sequestration, which said Rent, Instalments, and Interest and Costs he is hereby required to pay and satisfy.

Copy of Ejectment to be served on Bishop.

LII. That a Copy of every Summons in Ejectment brought for Nonpayment of Rent reserved or payable out of any Glebe Lands shall be served on the Bishop of the Diocese at such Time and in such Manner as it is necessary now to serve a Summons in Ejectment in ordinary Cases upon necessary Parties.

Insurance of Ecclesiastical Houses.

LIII. That every Ecclesiastical Person having any House of Residence shall annually, or from the Time that such House of Residence shall be completed, insure, at One of the Public Offices established in *London*, *Westminster*, or *Dublin* for Insurance of Houses and Buildings, the Houses and other Buildings of the said See, Benefice, or Preferment, against Accidents by Fire, at a Sum of Money equal to Three Fourths of the original Cost of such House of Residence; and upon Neglect to make such Insurance, or to produce the Receipt in respect of the same, when demanded by the Person or Persons hereby empowered to entertain Memorials in respect of such Residences, or his or their Deputy appointed in Writing, such Person or Persons shall have Power to sequester a competent Portion of the Profits of the See, Benefice, or Preferment of such Ecclesiastical Person until out of the Issues thereof the said Ordinary shall be enabled to effect such Insurance, together with the Costs of such Sequestration.

And with respect to the Appropriation of Bishops and Deanery Lands for Demesne, be it enacted as follows:

Archbishops, &c. may appropriate Lands for Demesne.

LIV. That it shall be lawful for any Archbishop, Bishop, Dean, Archdeacon, Dignitary, or Prebendary of any Cathedral Church having no sufficient Demesne or Mensal Lands, or having Demesne or Mensal Lands situate at too great a Distance from his or their Mansion House or Cathedral Church, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and of the Privy Council, Six at least of the said Privy Council agreeing thereto, out of any Portion of his or their respective Ecclesiastical Lands, being actually out of Lease, or whereof the Lease being unexpired shall be surrendered to or purchased by such Ecclesiastical Person, to set apart so much thereof as shall be necessary and convenient for Demesne or Mensal Lands to him and his Successors for ever, which Lands so set apart shall for ever thereafter be deemed and taken for the Demesne or Mensal Lands of such Ecclesiastical Person and his Successors; and where the present Demesne or Mensal Lands or any Portion thereof are situate at an inconvenient Distance from the said Mansion House or Cathedral Church, it shall be lawful for such Ecclesiastical Person, having, with such Consent as aforesaid, appropriated other Lands more convenient for him and his Successors, in lieu thereof, to demise such former Demesne or Mensal Lands, being of equal Value with the Lands set apart, for such Estate or Interest, and under and subject to such Rents, Reservations, Terms, and Conditions, as he or they might have demised the Lands so set apart as aforesaid.

And with respect to the Disappropriation of unnecessary Demesne Lands, be it enacted as follows:

Disappropriation of unnecessary Demesne Lands.

LV. That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall, on the Application of any Archbishop, and the Archbishop of the Province shall, on the Application of any Bishop, grant a Commission to Five or more Persons, empowering them or any Three of them to view all the Demesne Lands of such Archbishop or Bishop, and to cause a Survey to be taken and a Map to be made thereof, and in such Map to distinguish and set apart such Part, not less than Two hundred and fifty Acres of the said Lands, as they shall judge fit and sufficient for a Demesne for an Archbishop or Bishop of that See, and the Nature and Quality thereof, and to certify the same under their Hands and Seals to the said Lord Lieutenant or Chief Governor or Governors, or to the Archbishop of the Province, in which Commission a Power shall be given to any One or more Justices or Justice of the Peace of the County wherein any Part of the said Demesne Lands shall be situate to administer an Oath to such Commissioners so appointed as aforesaid, justly and faithfully to execute the said Commission according to the best of their Skill and Knowledge, which Oath shall be so administered;

tered; and upon the Return of the said Commission, Certificate, and Map it shall be lawful for the said Lord Lieutenant or Chief Governor or Governors, or for the said Archbishop of the Province, by Writing under his or their Hand or Hands and Seal or Seals, to set out and settle a proper Demesne for such Archbishop or Bishop not containing less than Two hundred and fifty Acres, and to cause a Map thereof to be made and affixed to such Writing, which Writing and Map shall be lodged in the Council Office, and a Duplicate thereof shall be lodged in the Registry of the Diocese of such Archbishop or Bishop; and the said Lands so set out as Demesne Lands shall always from thenceforth be deemed to be the Demesne Lands belonging to the said Archbishop or Bishop and his Successors for ever; and that from thenceforth it shall be lawful for the said Archbishop or Bishop and his Successors to demise the remaining Part of the said former Demesne Lands for such Term or Terms as is herein-after mentioned, that is to say, all such Lands as do not lie within any Town Corporate or Market Town, or within Half a Mile thereof, for any Term not exceeding Ninety-nine Years in possession, and all the Residue of such Lands for such Term of Years as by the Laws for the Time being in force he is empowered to demise other Lands belonging to his said See.

Reservation of Rents of Demesne Lands under this Act.

LVI. That in all Cases where by virtue of this Act any Portion of the Demesne or Mensal Lands belonging to any Ecclesiastical Person shall be demised, the full yearly Value of such Part of the said Demesne or Mensal Lands as shall be demised pursuant to this Act at the Time of making the said Demise shall be reserved by such Ecclesiastical Person, without Fine or Consideration; and that no more than Ten Acres Plantation Measure of such Part of the said Demesne or Mensal Lands as shall be within any Corporate or Market Town, or within Half a Mile thereof, shall be demised by such Ecclesiastical Person to or in trust for the Use or Benefit of any One Person.

Regulations as to the letting or demising Glebe Lands.

LVII. That it shall not be lawful for any Rector, Vicar, or Incumbent, or other Ecclesiastical Person, having a Glebe fit and convenient to be built upon for the Residence of him and his Successors, or whereon a convenient and suitable House of Residence has been or shall be built, or which shall lie so contiguous to the said House as to be conveniently made use of for the same, to alien, let, or demise such Glebe or any Part thereof to any Person or Persons for any longer Term or Time than One Year from the making thereof, in possession, and not in reversion; and that every Alienation or Demise thereof for more than One Year shall be absolutely null and void to all Intents and Purposes whatsoever: Provided always, that in any Case in which any Rector, Vicar, or Incumbent shall have any Lands in right of his Benefice unsuitable for the Purposes of Residence, or exceeding Twenty Acres, that it shall be lawful for every such Incumbent, by Indenture, sealed and delivered by such Incumbent in the Presence of One or more Witness or Witnesses, and with the Consent of the Archbishop or Bishop of the Diocese under his Hand and Seal, such Consent being signified by way of Endorsement to be written on such Indenture, or by his being an executing Party thereto, to demise to any Person, being in the actual Occupation thereof, any Part or Parts of the Glebe Lands of the said Benefice unsuitable or unnecessary for Residence as aforesaid, either altogether or in Parcels containing not less than Ten Acres each, for any Term not exceeding Thirty-one Years, to take effect in possession, or so as any existing Lease shall be surrendered or expire within One Year from the Date thereof, and that a Counterpart thereof shall be executed, and duly registered in the Registry of the Diocese: Provided always, that in and by every such Lease there shall be reserved and made payable half-yearly the best Rent that can at the Time of making such Lease be obtained or reasonably be expected for the same, without taking any Fine or Premium, or any Sums of Money or other Thing by way of Fine or Premium, for making same: Provided also, that every such Lease not authorized or permitted by this Act shall be absolutely null and void to all Intents and Purposes whatever; and it shall be lawful for the Archbishop or Bishop of the Diocese, notwithstanding same, to exercise all Powers and Jurisdictions vested in him respectively by any Statute or otherwise relative to the enforcing the building of Houses of Residences, and changing the Sites thereof, and the Residence of the Clergy on their Benefices, anything herein to the contrary notwithstanding.

The SCHEDULE referred to in the foregoing Act.

THIS INDENTURE, made the Day of in the Year of our Lord between the Right Reverend Father in God Lord Bishop of of the One Part, and of the other Part: Whereas the said Bishop, pursuant to the Directions of an Act passed in the Fifteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act "to consolidate and amend the Laws relating to Ecclesiastical Residences in Ireland," hath determined to raise the Sum of £ , to be laid out and expended in building [rebuilding, *or* repairing, *as the Case may be,*] the Parsonage House [Vicarage, *&c. &c., as the Case may be*] of [*describing it*] [*or* in purchasing a House and Land for the Residence and Occupation of the Incumbent of the Rectory *or* Vicarage, *&c.* of]: And whereas the said hath agreed to lend and advance the Sum of £ upon a Mortgage of the Glebe, Tithes, Rentcharges, Rents, Profits, and Emoluments [*as the Case may be*] of said Benefice [*or* Perpetual Curacy], pursuant to the Directions and the true Intent and Meaning of the said Act: Now, this Indenture witnesseth, That the said Bishop, in consideration of the Sum of £ , paid at or before the sealing and delivering hereof into the Hands of , a Person [*or* Persons, *as the Case may be,*] nominated by the said Bishop to receive the same, pursuant to the Directions of said Act, and which Receipt of the said Sum of £ the said have [*or* hath] acknowledged

by

by an Endorsement on this Deed, doth by these Presents grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, all the Glebe Lands, Tithes, Rentcharges, Rents, Compositions, Salaries, Stipends, Fees, and other Profits and Emoluments whatsoever arising or payable to the Incumbent of the said Benefice [*or* Perpetual Curacy] in respect thereof, with all the Rights, Members, and Appurtenances thereunto belonging, to have, hold, and receive and enjoy the said Premises unto the said his Executors, Administrators, and Assigns, from henceforth for the Term of Thirty-five Years fully to be complete and ended: Provided always, that if the Incumbent for the Time being of the said Benefice [*or* Perpetual Curacy] and his Successors shall, from and after the Expiration of the First Year of the said Term, yearly and every Year (such Year to be computed from the Date hereof), pay to the said his Executors, Administrators, and Assigns, One Thirtieth Part of the Sum of £ , until the whole thereof shall be repaid, and at the End of the First and every succeeding Year pay Interest at the Rate of per Cent. per Annum on the said Sum of £ ; or so much thereof as shall from Time to Time remain unpaid, according to the true Intent and Meaning of these Presents and of said recited Act, and also all Costs and Charges which shall be occasioned by the Nonpayment thereof, these Presents, and everything herein contained, shall be void: Provided always, that it shall be lawful for the Incumbent for the Time being of the said Benefice, and his Successors, peaceably and quietly to hold and enjoy the said Glebe Lands, Tithes, Rentcharges, Rents, Composition, Stipends, Fees, Profits, and Emoluments whatsoever arising or to arise from or in respect of the said Benefice [*or* Perpetual Curacy], until Default shall be made by him or them respectively in the Payment of the Interest and Principal, or some Part thereof, at the Times and in the Manner aforesaid. In witness, *&c. &c.*

CAP. LXXIV.

An Act to amend an Act of the Eleventh and Twelfth Years of Her Majesty, relating to Poor Rate Poundage and the Valuation of Ecclesiastical Property in *Ireland*; and to provide for the Renewal of Leases of Lands disappropriated from Bishoprics. [7th *August* 1851.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church of* Ireland: And whereas the same was afterwards amended by subsequent Acts: And whereas by an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to empower Lessees of Tithe Rentcharges in* Ireland *to deduct a Proportion of Poor Rate Poundage from Rent, and also to empower the Ecclesiastical Commissioners in* Ireland *to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in* Ireland, it is amongst other things enacted, that from and after the passing of the said secondly-recited Act it should be lawful to and for the said Ecclesiastical Commissioners, in and from the Valuation made or to be made of any Ecclesiastical Property for the Purpose of imposing the Rate, Tax, or Assessment required by the said first-recited Act, in addition to the Charges specified as Deductions in the said first-recited Act, to deduct also such Amounts or Sums as the said Commissioners should ascertain as proper to be deducted from such Valuation for or on account of any County Cess, or Poor Rate or Poundage Rate for the Relief or Employment of the Poor, or for repaying any Advances made for those Purposes, and paid or payable in respect of such Ecclesiastical Property, such Deductions by the said Commissioners to be made according to a Return of County Cess paid in respect of such Property and of the Rates struck in the Electoral Division or Divisions within which such Property may be situate during the Half Year ending on the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax should be demanded: And whereas the Provision in the said secondly-recited Act contained, whereby the Deduction thereby directed to be made from the Valuation made or to be made of any Ecclesiastical Property for the Purpose aforesaid is required to be made according to a Return of the County Cess paid in respect of such Property and of the Poor's Rate struck in the Electoral Division or Divisions within which such Property may be situate during the Half Year ending the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax shall be demanded, has been found to operate unjustly, and it is expedient to amend the said secondly-recited Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

3 & 4 W. 4. c. 37.

11 & 12 Vict c. 80. s. 2.

I. That it shall and may be lawful for the said Ecclesiastical Commissioners, in making the Deductions by the said secondly-recited Act authorized to be made in and from the Valuations made or to be made for the Purpose of imposing the Rate, Tax, or Assessment required to be made as aforesaid, to ascertain and make such Deduction according to a Return of the County Cess paid in respect of such Property and of the Rate or Rates struck in the Electoral Division or Divisions within which such Property may be situate during the Year ending on the Thirty-first Day of *December* in each Year, and that the Amount of such Valuation so to be made, after allowing such Deduction, in addition to the Charges specified as Deductions in the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, shall be the Amount of the Valuation upon which the said Rate, Tax, or Assessment shall

Deductions to be made under secondly-recited Act to be calculated upon a yearly instead of a half-yearly Return.

shall be imposed for the Twelve Months next ensuing, and that the First Valuation to be made under the Provisions of this Act shall be for the Purpose of imposing the Tax to become payable on the First Day of *January* next after the passing of this Act.

In Cases of Disappropriations of Rectories, Lands, or Glebes, &c. from a Bishopric, and the same being united to a Vicarage, &c., the Incumbent required to grant Renewals of Leases theretofore made by the Bishops of such See

II. 'And whereas by the said recited Act of the Third and Fourth Years of His late Majesty King 'William the Fourth, and by the several Acts to amend the same, the Lord Lieutenant and Privy 'Council in *Ireland* were authorized, with the Consent of any Archbishop, Bishop, Dean, Archdeacon, 'Dignitary, Prebendary, or Canon, or upon the Avoidance of their respective Bishoprics, Dignity, 'Prebend, or Canonry, to disappropriate from any such Spiritual Preferment as aforesaid any Rectory, 'Vicarage, Tithes, or Glebes, and to unite them to the Vicarages or Perpetual or other Curacies of the 'respective Parishes, so as that each such Rectory, Vicarage, Tithes, or Glebes, or Parts thereof, shall, 'with its respective Vicarage, Perpetual or other Curacy, form a distinct Parish or Benefice: And 'whereas by an Act of the Sixth and Seventh Years of His said Majesty, Chapter Ninety-nine, the said 'Provision is extended to Mensal and Demesne Lands: And whereas no Provision has been made for 'the leasing or granting Renewal Leases of any Lands, Tenements, or Hereditaments so disappropriated 'as aforesaid, and united to such Vicarages or Perpetual or other Curacies: And whereas by reason 'thereof the existing Interests of the Tenants of such Lands and Premises are much prejudiced by being 'deprived of the Power of obtaining Renewals of their Leases, and it is expedient that leasing Powers of 'like Nature as the leasing Powers which had theretofore existed in relation to such Lands and Premises 'previous to their Disappropriation should be exercised after their Disappropriation as aforesaid:' Be it therefore enacted, That in all such Cases of Disappropriation as aforesaid it shall be lawful for the Incumbent of the Parish or Benefice to which any such Lands, Tenements, or Hereditaments so disappropriated as aforesaid shall have been so united, and he is hereby required, upon the Application of the respective Lessees, Assignees, or Tenants of such Lands or Premises, to accept a Surrender of any subsisting Lease of the same, and to demise anew the Lands, Tenements, or Hereditaments therein comprised, for such like Term or Interest as shall have been granted therein by the Lease so surrendered, or as the Archbishop, Bishop, or other such Ecclesiastical Person as aforesaid shall have had the Power of granting or demising previously to such Disappropriation, reserving by such new Lease the annual Rent or Rents theretofore reserved out of the said Lands, Tenements, and Hereditaments by the Lease so surrendered, and receiving for and in consideration of making such new Lease Payment of such Fine as may be equal to the average Amount of Renewal Fines theretofore paid or agreed to be paid, or customarily paid or payable, for the Renewal of the Lease or Interest in such Lands, Tenements, or Hereditaments, such annual Rent or Rents, and average Amount of such Renewal Fines, to be ascertained by all such and the like Means as by the said first-recited Act provided in Cases of Renewals made by the Ecclesiastical Commissioners for *Ireland* of Leases of Lands theretofore belonging to a Bishopric, and subject to like Provisions, Restrictions, and Limitations as in the said Act contained in relation to such last-mentioned Renewals by the said Commissioners; and it shall be lawful for the respective Tenants, Lessees, or Under-tenants of any such Lands, Tenements, or Hereditaments so disappropriated to apply to the Incumbent of the Benefice to which the same shall have been so united, and also to the Ecclesiastical Commissioners for *Ireland*, for the Purchase of a perpetual Estate and Interest of and in any such Lands or Premises customarily leased, in like Manner as such Tenants, Lessees, or Under-tenants respectively could or might have applied to the Bishop of such Diocese and to the said Ecclesiastical Commissioners by virtue of the said Acts relating to the Temporalities of the Church in *Ireland*, or any of them, in case such Lands or Premises had not been so disappropriated; and in case of any such Application all such and the like Proceedings shall be had as by the said Acts or any of them prescribed in the Case of any Application for the Purchase of the Fee Simple and Inheritance of and in any Lands belonging to any Bishopric, save that in such Case the Incumbent of the respective Benefice to which such Lands or Premises shall have been so united shall in all such Proceedings be substituted for and in the Place of the Bishop of the Diocese from which the said Premises shall have been so disappropriated: Provided always, that if any Lessee, Assignee, or Tenant of any Lands, Tenements, or Hereditaments so disappropriated as aforesaid shall surrender the same and his Interest therein and in the Lease or Demise thereof to the Incumbent for the Time being of the Parish or Benefice to which the same shall have been so united, or to any One on behalf of or in trust for such Incumbent, in order to terminate the said Lease or Demise without obtaining any Renewal thereof, or for the Purpose of augmenting the Income of such Benefice, nothing herein contained shall in any such Case extend to authorize or empower the Incumbent of any such Parish or Benefice, or his Successors, at any Time or Times thereafter to demise again or lease the said Lands, Tenements, or Hereditaments so surrendered as aforesaid, or any Part thereof, to any Person or Persons whomsoever.

Power to the Bishop of Down, &c. to renew Leases of certain disappropriated Lands.

III. 'And whereas by an Order of the said Lord Lieutenant and Privy Council, under the Provisions 'of the said first-recited Act, certain Lands, Tenements, and Hereditaments theretofore belonging to the 'Bishopric of *Down, Connor, and Dromore* have been disappropriated from the said Bishopric, and have 'been united and annexed to certain Vicarages in the said Order mentioned: And whereas, for the 'Purpose of the Liquidation of a certain Charge upon the said Bishopric in respect of certain Buildings 'and Improvements upon the Lands of the said See, it was by the said Order in Council provided, that 'the now Bishop of *Down, Connor, and Dromore*, and his Successors, should continue to receive the 'Revenues of the Lands, Tenements, and Hereditaments so disappropriated from the said Bishopric for 'a certain Period of Time in the said Order mentioned in that Behalf: And whereas it is expedient to 'provide for the Renewal of Leases of such Lands, Tenements, and Hereditaments in the Interval of

'Time

'Time to elapse before the Expiration of such Period:' Be it therefore enacted, That during the said Interval of Time to elapse before the Expiration of the said Period in the said Order mentioned, it shall be lawful for the now Bishop of *Down, Connor, and Dromore*, and his Successors, notwithstanding such Disappropriation as aforesaid, to exercise, by and in his or their own Name and Right, all such Powers of leasing and demising of the said Lands, Tenements, and Hereditaments so disappropriated from the said Bishopric of *Down, Connor, and Dromore*, as before the said Disappropriation a Bishop of the said Diocese might have had and exercised; and in the Case of any such last-mentioned Lands, Tenements, or Hereditaments so disappropriated, and being demised by Leases customarily renewed from Time to Time, it shall be lawful for the said now Bishop and his Successors to accept Surrenders of such Leases, and to make new Leases or Renewals of the same respectively, in like Manner to all Intents and Purposes as, in case the said Disappropriation had not been had and made as aforesaid, the said Bishop and his Successors would have been authorized and empowered to do in respect of any Lands or Premises belonging to such Bishopric; and such Leases or Renewals shall be as good and valid to all Intents and Purposes as if such Disappropriation had not been had and made as aforesaid: Provided always, that from and after the Expiration of the said Period of Time in the said Order mentioned as aforesaid all Rent, Covenants, and Reservations reserved or made payable by or contained in any such Lease or Renewal made as last aforesaid shall become and be payable to and enure for the Benefit of the Incumbent or Incumbents of the Benefice or respective Benefices to which the said Lands, Tenements, or Hereditaments in such Lease or Renewal comprised have by the said Order in Council been so united and annexed, and his and their Successors in such Benefice or Benefices, who shall have all such Remedies for enforcing Payment, or Performance of such Rent, Covenants, and Reservations, as if the same had been expressly made payable or reserved to or covenanted with or by such Incumbent or respective Incumbents, or his or their Successors.

CAP. LXXV.

An Act to amend and continue the Metropolitan Sewers Acts. [7th *August* 1851.]

'WHEREAS an Act was passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, "to consolidate and continue in force for Two Years, and to the End of the then next "Session of Parliament, the Metropolitan Commissions of Sewers," and the said Act was limited to continue in force for Two Years next after the passing thereof, and thence to the End of the then next Session of Parliament, and such Act has been amended by an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-three: And whereas it is expedient to continue the said Acts for such Period as herein mentioned, and to amend the same as herein provided:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 112.

12 & 13 Vict. c. 93.

Appointment of a Chairman and Deputy Chairman of Commissioners of Sewers.

I. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint One of the Metropolitan Commissioners of Sewers for the Time being to be the Chairman, and One other of such Commissioners to be Deputy Chairman of such Commissioners, and upon every Vacancy in the Office of such Chairman or Deputy Chairman to appoint in like Manner some other Person to such Office; and every such Chairman and Deputy Chairman shall hold his Office during Her Majesty's Pleasure,

Salary of Chairman.

II. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary not exceeding One thousand Pounds by the Year to be paid to the Chairman for the Time being of the said Commissioners; and such Salary shall be paid out of the Monies applicable to the Payment of the general Expenses of the said Commissioners.

The Chairman or Deputy Chairman to preside at Courts of Sewers.

III. The Chairman for the Time being appointed under this Act shall be the Chairman at every Court of Sewers to be holden under the said Acts at which he is present, and in his Absence the Deputy Chairman for the Time being appointed under this Act shall be such Chairman, and the Person presiding as Chairman shall have a Second or Casting Vote, as provided by the said firstly-mentioned Act.

Two Commissioners (One being the Chairman or Deputy Chairman) to be a Quorum (except as after mentioned).

IV. Such of the said Commissioners as shall be present at any Court of Sewers, the Chairman or Deputy Chairman being One of the Commissioners present, and the Number of Commissioners present being not less than Two, may exercise and perform all the Powers, Authorities, and Duties vested in the Commissioners, except as herein-after provided; and if Two of such Commissioners, or such Chairman or Deputy Chairman, be not present within One Hour after the Time appointed for holding any Court of Sewers, such Court may be adjourned in manner provided by the said first-mentioned Act in case Six Commissioners be not so present; and where under the said Acts the Signatures of Six of the Commissioners is required to any Rate, Warrant, or other Matter, except as herein-after provided, it shall not be requisite for the same to be signed by more than Two of the Commissioners under this Act, but the Chairman or Deputy Chairman shall be One of the Commissioners by whom the same shall be signed.

Rates to be made and Mortgages authorized by no less than Six Commissioners (the Chairman being One).

V. Provided always, that no District or Special Sewers Rate shall be made except at a Court at which not less than Six Commissioners shall be present, of whom the Chairman shall be One, and shall be signed by not less than Six Commissioners, of whom the Chairman shall be One; provided also, that no Rate or Rates amounting to more than Threepence in the Pound shall be made by the said Commissioners; and no Money shall be borrowed, nor shall any Mortgage be made or Annuity granted, by the said Commissioners, except in pursuance of an Order of a Court at which not less than Six Commissioners shall be present, of whom the Chairman shall be One.

Metropolitan Sewers Acts (11 & 12 Vict. c. 112., 12 & 13 Vict. c. 93.) to continue in force for One Year.

VI. The said firstly-mentioned Act, and so much of the said secondly-mentioned Act as would expire at the End of the present Session of Parliament, as amended by this Act, and this Act, shall continue in force for One Year next after the passing of this Act, in like Manner as if the Time so limited had been the Time originally limited by the said firstly-mentioned Act for the Continuance thereof.

CAP. LXXVI.

An Act to extinguish the Right of the Crown to Deer in the *New Forest*, and to give Compensation in lieu thereof; and for other Purposes relating to the said Forest. [7th *August* 1851.]

'WHEREAS all Persons having Rights of Common or other Rights in or over the *New Forest* in the County of *Southampton*, as well as all Persons having Estates within or adjoining to the same, would be greatly benefited by the Removal of the Royal Deer within the said Forest: And whereas Her Majesty has been graciously pleased to signify Her Intention to give Directions for the Extinction or Removal, with all convenient Speed, of Her Majesty's Deer within the said Forest, and to consent to the Extinguishment of the important and valuable vested Right of the Crown to stock and keep the said Forest stocked with Deer in consideration of the Compensation herein-after provided in lieu of such Right: And whereas under and by virtue of the Act of Parliament of the Ninth and Tenth Years of King *William* the Third, Chapter Thirty-six, and of the Act of Parliament of the Forty-eighth Year of King *George* the Third, Chapter Seventy-two, or One of them, Her Majesty is empowered to inclose and keep inclosed in Severalty in her actual Possession, freed and discharged from all Rights of Common, and from all manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, such Quantity of Land in the said Forest as shall amount to Six thousand Acres, such Inclosures, when the Woods and Trees growing therein have become past Danger of browsing of Deer or Cattle or other Prejudice, to be laid open, and other Lands of equal Quantity to be thereupon inclosed in lieu thereof, and so from Time to Time in manner in the said Acts or One of them particularly provided:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Deer to be removed within Two Years.

I. That the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or such Officers or Officer of Her Majesty as the said Commissioners shall order, shall, with all convenient Speed, and within Two Years from the passing of this Act, remove or cause to be removed all Her Majesty's Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct.

Right to keep Deer in New Forest to cease.

II. That when such Deer shall have been so removed the Right of Her Majesty, Her Heirs and Successors, to keep Deer in the said Forest, shall absolutely cease.

In lieu of such Right, Her Majesty empowered to inclose not exceeding 10,000 Acres, in addition to the 6,000 Acres already inclosed.

III. That it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to inclose, sever, and improve, and plant with Trees of any kind, within and out of the Waste Lands of the said Forest, in whole or in part, any Quantity of Land not exceeding Ten thousand Acres in the whole, in addition to the Six thousand Acres already in Inclosure, or which shall be inclosed as aforesaid in the said Forest under or by virtue of the Acts of Parliament in that Behalf herein-before mentioned, and so that there shall not be more than Sixteen thousand Acres (inclusively of the said Six thousand Acres in the said Forest) inclosed and held in Severalty as aforesaid at One and the same Time, and such Inclosures shall be made under and by virtue of a Commission or Commissions to be from Time to Time granted and issued by Her Majesty for that Purpose, and each of such Commissions shall be directed to Six or more such Persons as Her Majesty shall think fit, whereof Two in each Commission shall be Justices of the Peace for the said County of *Southampton*, and shall not be Officers of such Forest; and any such Commission may be revoked and renewed, as Her Majesty, Her Heirs and Successors, may think fit; and any new Commissioner may be appointed by Her Majesty, Her Heirs and Successors, under Sign Manual, on the Death, Resignation, or Incapacity of any Commissioner; and such Inclosures shall be set out and made from and out of such Parts or Places in the said Forest (other than and except such Lands as have been drained with Tiles by Money received by the Crown from the *Southampton and Dorchester* Railway Company in compensation for Portions of the Forest taken by the Company for the Purpose of their Works) as shall be found or ascertained by the said Commissioners, or any Three or more of them, (One whereof shall be One of the said Justices) to be most convenient to be inclosed, and to be best adapted for the Growth and Produce of Timber or other Trees, and may be best spared from the Commons and Highways of the said Forest; which said Inclosures shall be admeasured by a sworn Surveyor, and set out and inclosed, butted and bounded, and the Quantities, Butts, and Boundaries thereof returned into the Office of Land Revenue Records and Enrolments, there to remain of Record for ever.

Such Inclosures to remain in Possession of the Crown, freed from all Common and other Rights.

IV. That the said Inclosures so made and set out as aforesaid shall remain in Severalty in the actual Possession of the Crown, freed and discharged of and from all Rights of Common, and of and from all manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, during the Period of the same remaining so inclosed for the Growth and Preservation of Timber and Trees, and until the same or any Part thereof shall be laid open, under the Provisions herein-after contained, and shall be made and reputed a Nursery or Nurseries for Timber or Trees only.

When Trees within the Inclosures are past

V. That at all Times hereafter, whenever the Lord High Treasurer or Commissioners of the Treasury, or Chancellor of the Exchequer, for the Time being, shall be satisfied, and shall determine that the Woods and Trees which shall be growing within any of the said Inclosures made or to be made under and by

virtue

virtue of the said recited Acts or this Act, or any of them, are become past Danger of browsing of Cattle or other Prejudice, and shall think fit to lay the same or any Part thereof open and in Common, and shall cause the same so to be done, that then and so often it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to inclose, and plant with Trees, in lieu of so much of the Inclosure as shall be so laid open, the like Quantity out of any other Part of the Residue of the Wastes of the same Forest, to be set out by like Commission and Admeasurement as aforesaid, and to be holden inclosed, freed and discharged of and from all manner of Common and other Rights as aforesaid, for so long Time as the same shall continue inclosed, according to the Direction, Purport, and Intent of this Act, to be a Nursery or Nurseries for Timber and other Trees as aforesaid, instead of so much as shall be laid open according to the Direction aforesaid.

Danger of browsing of Cattle or other Prejudice, such Inclosures to be thrown open, and new Inclosures made in lieu thereof.

VI. And for the making and maintaining the said Inclosures so to be set out and made as aforesaid, and for defraying the Charges thereof, the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being shall from Time to Time set out, fell, and dispose of so many decayed or other Trees in such Forest (not being Ship Timber) as shall be necessary to make and maintain the said Inclosures, and defray the Expense thereof.

Expense of Inclosures to be defrayed by Sale of decayed or other Trees (not being Ship Timber).

VII. Provided always, That, notwithstanding the Removal of the Deer, and the Extinguishment of the Right to keep Deer therein, the said Forest shall to all Intents and Purposes whatsoever remain vested in Her Majesty, Her Heirs and Successors, in like Manner and to the same Extent as it was immediately before the passing of this Act; and nothing in this Act contained, or which may be done in pursuance thereof, shall be held to take away, alter, or affect any Rights or Privileges whatsoever of Her Majesty, Her Heirs or Successors, in, over, or upon the said Forest (other than the Right of keeping Deer therein), or to take away, alter, or affect the Right of Her Majesty, Her Heirs or Successors, to any Lands already inclosed within the said Forest, by reason that the same were or shall be alleged to have been continued and preserved for the Purpose of producing Hay for the Use of the Deer kept within the said Forest, or otherwise, and so that the same may, on behalf of Her Majesty, Her Heirs and Successors, be let or occupied in any Manner and for any Purpose whatsoever.

Saving Her Majesty's Rights, except as regards the keeping of Deer.

VIII. 'And whereas by the Removal of the Deer and otherwise various Lodges, Lodge Grounds, and 'other Tenements now or heretofore occupied by Keepers or other Officers of Her Majesty in or for the said 'Forest will no longer be required to be so occupied, and it is expedient that the same should be let to the 'best Advantage:' But, inasmuch as the Powers of leasing given by the Act, Tenth of *George* the Fourth, Chapter Fifty, are by such Act declared not to extend to the demising or leasing of any of the Royal Forests, Parks, or Chases in *England*, or any Part or Parcel thereof, be it declared and enacted, That the Powers of leasing given by the said last-mentioned Act shall henceforth extend and be construed to extend to enable the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to demise or lease all or any Parts or Part of the *New Forest* the Soil and Freehold of which now is or hereafter may be permanently vested in Her Majesty, Her Heirs and Successors, discharged of all Common and other Rights of the Subject in and over the same: Provided always, that such Power of letting shall not extend to any Portion of the Lands for the Time being inclosed, under the Authority of the said recited Acts or of this Act, for the Growth of Timber or other Trees.

Power to Commissioners of Woods, &c. to lease Parts of the New Forest.

IX. That it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Royal Sign Manual, to give and grant Licences to any Person or Persons to hunt, hawk, fish, and fowl upon and over the said Forest.

Her Majesty may grant Licences to sport over New Forest.

X. 'And whereas divers of Her Majesty's Subjects claim Common of Pasture, Common of Turbary, 'and Common of Estovers, and certain Rights of Pannage, and to dig Gravel, Sand, and Marl, and cut 'Fern, Heath, and Furze, in and upon the *New Forest:* And whereas great Doubt and Uncertainty 'exists as to the Extent of the said Rights or Claims, and as to the Persons entitled to exercise the same: 'And whereas it is expedient to provide for a due Registration of the said Rights and of the Persons so 'entitled, and an easy and economical Mode of adjudicating upon and finally settling all such Claims:' Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, and they are hereby required, within Three Calendar Months from the passing of this Act, to cause Notice to be given in the *London Gazette*, and in Two or more Newspapers usually published and circulated in the County of *Southampton*, requiring all Persons having or claiming any Right of Common of Pasture, Right of Common of Turbary, Right of Common of Estovers, or any Right of Pannage, or to take or dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, in, upon, or over the said Forest, to deliver such Claims in Writing to the Verderers for the Time being of the said Forest at a Meeting to be held by the said Verderers for that Purpose on a Day to be specified in the said Notice, the said Day so specified for the said Meeting not being less than Six nor more than Nine Calendar Months from the Day of Insertion of the said Notice in the *London Gazette*.

Commissioners of Woods and Forests to give Notice in London Gazette requiring all Persons claiming Rights to deliver in their Claims to the Verderers.

XI. That the said Verderers for the Time being, or any Two or more of them, shall on the Day specified in the said Notice proceed to hold a Meeting at *Lyndhurst* in the said Forest to receive the said Claims, and shall have Power to adjourn the said Meeting from Time to Time as to them may seem expedient, giving such public Notice of such Adjournment as to them or any Two of them may appear reasonable.

Verderers to hold a Meeting to receive Claims.

XII. That all Persons having or claiming any Right of Common of Pasture, Common of Turbary, Common of Estovers, or any Right of Pannage, or to dig or take Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, in, over, or upon the *New Forest*, shall at the said Meeting prefer and deliver to the Verderers their Claims in Writing, to be signed by them or their Agent lawfully appointed thereto, distinctly

At such Meeting Persons claiming Rights to deliver in their Claims in

Writing to the Verderers.

tinctly specifying the Nature, Extent, and Particulars of the Claim preferred, the Quantity and Locality of the Lands or Tenements in respect of which such Claim is made, the Rents or other Payments or Acknowledgments due or payable to Her Majesty for or in respect of such Rights or Claims, and the Estate or Interest which they have respectively in such Lands or Tenements, and mentioning therein the Places of Abode of the respective Claimants, or their Agents, at which Notices in respect of such Claims may be delivered; and no Claim shall be received by the Verderers after the Day of the said Meeting, or the last Day of Adjournment thereof.

Claims to be entered in a Book.

XIII. That all Claims preferred and delivered to the Verderers at the said Meeting, or any Adjournment thereof, shall be entered by the Clerk of the Verderers in a Book to be kept for that Purpose, and each Claim and the Entry thereof shall be numbered in consecutive Order; and the said Book, when completed, shall be signed by the Verderers, or any Two or more of them, and shall be countersigned by the said Clerk.

Two Copies of the Book containing Claims to be made and deposited.

XIV. That Two Copies of the said Book so completed shall be made, each of which shall be signed by the said Verderers, or any Two or more of them, and countersigned by the said Clerk, One whereof shall be deposited within One Month of the said Signature in the Office of Land Revenue Records and Enrolments, and the other with the Clerk of the Peace for the County of *Southampton*.

Claims not preferred to be absolutely barred.

XV. That every Claim not preferred as aforesaid at the said Meeting, or some Adjournment thereof as aforesaid, shall be and hereby is absolutely barred and extinguished.

In Cases of Infancy or Lunacy, &c., Guardians or Trustees may act.

XVI. That wherever any Person entitled to claim any Right of Common of Pasture, Common of Turbary, Common of Estovers, or Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, shall be an Infant, Lunatic, Idiot, Feme Covert, or under any other legal Disability, or beyond the Seas, the Guardian, Trustee, or Committee of the Estate, Husband, or Attorney respectively, may prefer and subscribe such Claim in as full and ample Manner as any Person interested may do, or in default thereof such Person as may be nominated for that Purpose by the said Verderers, or any Two of them, and whom they are hereby empowered to nominate under their Hands, shall be substituted for the Purposes of making the said Claim, and for all other Purposes of this Act, in the Place of such Person so under Disability or Incapacity as aforesaid.

Abstract of Claims to be published in London Gazette.

XVII. That within One Month after the Register as aforesaid shall have been so signed by the Verderers, and countersigned as aforesaid, an Abstract of the Claims, stating the Number of the Claim, and the Name and Abode of the Claimant, and the Land or Tenements in respect of which he claims, and the Subject Matter of the said Claim, shall be inserted in the *London Gazette*, and published for Two consecutive Weeks in some Two or more of the Newspapers usually published or circulated in the County of *Southampton*, and Copies of such Abstract shall be printed and furnished by the Clerk of the Verderers to all Persons claiming any of the aforesaid Rights, on Application for the same, and on Payment of the Sum of One Shilling for every such Copy.

Claims, when preferred, may be objected to.

XVIII. That it shall be lawful for any Person who shall have been inserted in the Register as having made any Claim, either on his own Behalf or on behalf of any other Person, to object to any Claim so preferred and registered as aforesaid.

Verderers to hold a Meeting to receive Objections to Claims.

XIX. That within Three Months after the last Publication of the said Claims the said Verderers, or any Two of them, shall hold a Meeting at *Lyndhurst* aforesaid to receive all such Objections, Notice of which Meeting shall be given by advertising the same in the *London Gazette*, and in any Two or more Newspapers usually published or circulated in the said County, and by such other Means (if any) as the Verderers shall direct, One Calendar Month at least before the said Meeting, and the said Verderers shall have Power from Time to Time to adjourn the said Meeting.

No Objection to be received after Meeting held for that Purpose.

XX. That no Objection to any Claim shall be received by the said Verderers after the said Meeting to be held for that Purpose, or some Adjournment thereof.

Objections to be delivered in Writing.

XXI. That every Person who shall object to a Claim shall deliver his Objection in Writing to the Verderers at their said Meeting or some Adjournment thereof, and shall deliver a Duplicate of the said Objection at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive such Objections.

Objections to be signed by the Party making them.

XXII. That every Objection so delivered to any Claimant as aforesaid, or to the said Verderers, shall be signed by the Party objecting, or his Agent thereto duly authorized, and shall specify the Place of Abode of such Objector or such Agent (except in the Case of an Objection made on behalf of Her Majesty), the Number of the Claim made by such Objector, and the Number of the Claim so objected to.

Objections to be entered in a Book.

XXIII. That all Objections preferred as aforesaid shall be entered in a Book in the same Manner as such Claims are hereby directed to be entered, and shall be signed by the said Verderers, and countersigned by their Clerk.

Duplicates of Objections to be deposited, &c.

XXIV. That Copies or Duplicates of such Objections shall be made and deposited in like Manner as the Copies of the Register of Claims are directed to be made and deposited.

Period for Completion of Register of Claims, &c.

XXV. That the said Register of Claims and Objections shall be completed by the said Verderers within Two Years from the Date of the Insertion in the *London Gazette* by the said Commissioners of Woods, Forests, and Land Revenues of the Notice requiring the said Claims to be made.

Claims to be allowed if not objected to.

XXVI. That all Claims not so objected to as aforesaid shall be allowed by the Verderers, and shall be good and valid in Law, and shall not be questioned or impeached in any Proceeding in Law or Equity.

XXVII. That

XXVII. That in case any Claim of Right of Common of Pasture, Common of Turbary, Common of Estovers, or Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Furze, or Heath, shall not be objected to, the Verderers shall enter a Memorandum to that Effect on the Register of Claims, and the Clerk of the Verderers shall deliver to any Person applying for the same, on Payment of the Sum of Five Shillings, a Certificate under his Hand of such Memorandum having been made, which Certificate purporting to be so signed shall be Evidence in all Courts that such Claim was not objected to as aforesaid. In Cases of Claim not objected to the Verderers to enter Memorandum on the Register of Claims.

XXVIII. That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to prefer any Claim in respect of any ancient inclosed Lands or Tenements of Her Majesty, or in respect of any Purchases made by or on behalf of the Crown, and it shall be lawful for the said Commissioners, on behalf of Her Majesty, to object to all or any of the Claims which may be preferred and registered as aforesaid. Commissioners of Woods, &c. to prefer Claim in respect of any ancient inclosed Lands, &c.

XXIX. That after the Register of Objections is completed as aforesaid the Clerk of the Verderers shall and he is hereby required within One Calendar Month to deliver all Claims objected to, and all Objections to such Claims, to the Clerk of the County Court of *Southampton* at the Office of the County Court in the Town and County of the Town of *Southampton*. Clerk of Verderers to deliver Claims objected to, &c. to Clerk of County Court.

XXX. The Judge of the said County Court shall and he is hereby required to hold a Court or Courts at such Place or Places in or in the immediate Vicinity of the said Forest as he may deem most convenient for the Purpose of hearing and determining such Objections, such Court to be held after One Month's Notice of the Time and Place of holding the Court shall have been given in the Mode in which Notice is now given of holding any County Court. Judge of County Court to hold Courts in the Vicinity of the Forest.

XXXI. That at the Time of giving the said Notice the Judge shall cause to be prepared a List showing what particular Claims are to be heard by him at the said Court, which List shall be published in Two of the Newspapers usually published and circulated in the said County, and by such other Means (if any) as the said Judge shall direct, Fourteen Days at the least before the holding of the said Court. List to be prepared of Claims to be heard by Judge.

XXXII. That the Judge and Officers of such County Court shall have such and the like Jurisdiction, Power, and Authority to try and decide such Claims, and to give full Effect to the Decree of the Court therein, as are or may be by Law provided in respect of any Matter over which the said County Court has or may have Jurisdiction; and the Parties claiming and objecting shall have the like Rights and Privileges, both as to Appeal and otherwise, as they now or may have in respect of any Action brought in the said Court. Judges, &c. of County Court to have Powers and Jurisdiction to decide Claims as they have in other Actions.

XXXIII. That the Party claiming any Right of Common of Pasture, Common of Turbary, Common of Estovers, Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, shall be Plaintiff, and the Party objecting to such Claim shall be Defendant; that the Judge shall or may allow or disallow the Claim in all or part, and may amend or correct the Claim in all or in part, and make such Order therein as to him shall appear just, and may award to either Party such Costs, including the Expenses of Counsel and Attorney, as to him may seem reasonable, any Provision limiting the Power of the said Judge as to the Amount of Costs by any Act now in force to the contrary notwithstanding. Parties claiming and defending to be deemed Plaintiffs and Defendants.

XXXIV. That the Decision of the said Judge in and upon any such Claim and Objection, subject to the Power of Appeal as aforesaid, shall be final and conclusive. Decision of Judge to be final.

XXXV. That after the Decision upon any Claim the Judge of the County Court shall transmit the Claim, with his Decision endorsed thereon, to the Verderers, who shall at any Meeting to be held by them amend the Register by striking out or amending any Claim that has been disallowed or amended, inserting in the Margin thereof the Fact and Date of such Disallowance or Amendment by the said Judge; and in the Case of any Claim allowed by the said Judge, either wholly or in part, after such Objection made as aforesaid, shall make a like Memorandum of the Fact of such Allowance either wholly or in part as aforesaid; and a Duplicate of such Register as amended shall be transmitted to the Office of Land Revenue Records and Enrolments, and to the Clerk of the Peace for the said County. Judge to transmit Claims and his Decision thereupon to the Verderers.

XXXVI. Such Register, or any Copy or Extract thereof duly certified by the Clerk to the Verderers, by the Keeper of the Land Revenue Records and Enrolments, or by the Clerk of the Peace, shall be received as Evidence in all Courts of Law and Equity, without any Proof of the Handwriting of the Clerk of the Verderers, Keeper of Land Revenue Records and Enrolments, or Clerk of the Peace so certifying the same, and shall be final and conclusive as to the Rights therein specified. Register of Claims or a Copy thereof to be Evidence.

XXXVII. And for providing a Fund for the Payment of the Expenses incident to the Registration of the said Claims and Objections, and the Decisions upon such Claims as aforesaid, be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, from Time to Time to sell and dispose of such Part or Parts of the Open or Waste Lands of the said Forest as the said Commissioners and any Two Verderers for the Time being of the said Forest may deem most convenient and desirable to be sold, and thereby to raise any Sum of Money not exceeding in the whole the Sum of Two thousand Pounds; and the Purchase Money to arise from the said Sales shall be paid to the said Commissioners, or as they shall direct, and shall be by them applied in discharging the said Expenses as herein-after provided; and the Receipt of the said Commissioners for the Purchase Money shall be good and sufficient Discharges to all Persons purchasing, who shall not be bound to see to the Application thereof, or to inquire whether the Verderers of the said Forest did or did not assent to the Sale. Providing Fund for defraying Expenses.

XXXVIII. That

Judges and Officers of County Court to receive Remuneration out of Funds provided to defray Expenses.

XXXVIII. That it shall be lawful for the Commissioners of the Treasury for the Time being to order the said Commissioners of Woods, Forests, and Land Revenues to pay thereout to the said Judge of the County Court, and to the Officers of the said Court, and to the Clerk of the Verderers, such Sums as the said first-mentioned Commissioners may deem a reasonable and sufficient Remuneration for the Services rendered by the said Judge, Officers, and Clerk respectively, beyond all Expenses incurred by them respectively in carrying this Act into effect.

Certified Copies of Register to be provided when required.

XXXIX. That it shall be lawful for any Person to demand from the Clerk of the Verderers, the Keeper of the Land Revenue Records and Enrolments, and the Clerk of the Peace a certified Copy or Extract of the said Register, on Payment of any Sum not exceeding the Rate of Fourpence a Folio of Seventy-two Words.

Inspection of Registers.

XL. That any Person may inspect the Registers so deposited as aforesaid on Payment of One Shilling for each Inspection.

Penalty for forging Register or Certificate.

XLI. That any Person forging any Register or Certificate, or any Claim or Objection, or uttering any such Register, Certificate, or Claim or Objection, knowing the same to be forged, shall be guilty of a Misdemeanor, and shall be liable to be transported for Seven Years, or to be imprisoned with or without Hard Labour for any Term not exceeding Two Years.

Clerk to the Verderers.

XLII. That for the Purposes of this Act the Under Steward or Acting Under Steward for the Time being of the said Forest shall be Clerk to the Verderers, and in case of his Illness, Absence, Incapacity, or Refusal to act, or in case of the Vacancy of the Office of Under Steward, it shall be lawful for the said Verderers from Time to Time to appoint another Person, being an Attorney of One of the Superior Courts of Record, and practising as such, to be their Clerk for the Purposes of this Act, who shall remain in Office until he shall resign the same, or be removed therefrom by the said Verderers.

Extent of Inclosure on behalf of Her Majesty.

XLIII. That every Inclosure to be from Time to Time made and set out by or on behalf of Her Majesty from the Waste Lands of the said Forest, by virtue of any Commission hereafter to be issued for the Purpose either under the Authority of this Act or of the said recited Acts, shall be of the Extent of Three hundred Acres at the least, exclusive of the Site of any public Roads, Ways, or Paths which may intersect such Inclosure.

10 G. 4. c. 50.

XLIV. 'And whereas by the One hundredth Section of the Act of Parliament of the Tenth Year of 'King *George* the Fourth, Chapter Fifty, it was enacted, that from and after the passing of that Act all 'such unlawful Inclosures, Purprestures, Encroachments, and Trespasses which should have been wilfully 'made or caused or procured to be made by any Person or Persons in and upon any of the Royal Forests, 'or should be wilfully held, occupied, and made use of by any Person or Persons subsequently occupying 'or claiming the same, (save and except such as should have been demised or sold, or in respect of which 'any Treaty for a Demise or Sale should or might be pending, under certain Provisions for that Purpose 'therein contained,) should and might be inquired of by the Verderers of the respective Forests within 'which such unlawful Inclosures, Purprestures, Encroachments, or Trespasses should have been made, in 'the Courts of Attachment of the said Forests respectively, and the Person or Persons guilty of making, 'continuing, and renewing any such unlawful Inclosure, Purprestures, Encroachment, or Trespass, save as 'aforesaid, should and might be prosecuted for the same in the said Court or Courts, and upon Proof being 'made thereof on the Oath of One credible Witness the Verderers of the said respective Forests, or any 'Two of them present at the said Court or Courts, should have Power and they were thereby authorized 'to fine any Person or Persons so offending for every such Offence any Sum not exceeding Twenty 'Pounds, to be recovered and applied in manner therein-after provided, and to order and direct every such 'unlawful Inclosure, Purprestures, Encroachment, and Trespass, save as aforesaid, to be abated by the 'Regarders, Under Foresters, Under Keepers, or other Officers of the said Forest respectively, who were 'thereby authorized and empowered to abate the same accordingly; but in the said Statute was contained 'a Provision, that in case it should be insisted upon by any Person or Persons who should be proceeded 'against in any of the said Attachment Courts as therein-before directed, that the Place wherein the 'Inclosure, Purpresture, Encroachment, or Trespass should have been or should be alleged to have been 'made was not within the Boundaries of any of the said Forests, or within the Lands belonging to His 'Majesty within the same, the said Verderers should not proceed to Conviction, but should certify the 'Presentment of such Offence to His Majesty's Attorney General, to the end that such Proceeding might 'be had therein, by Information or otherwise, as by Law might have been had before the passing of the 'said Act: And whereas, owing to the Delay and Expense attending Proceedings by Information of 'Intrusion, it has been found that the last-recited Exception or Provision enables Persons guilty of 'unlawful Inclosures, Purprestures, Encroachments, and Trespasses of small Extent or Value in effect to 'oust or avoid the Jurisdiction conferred on the Court of Attachments of the said *New Forest* in such 'Matters as aforesaid, by means of false or merely colourable Pleas that the Place in which the alleged 'Inclosure, Purpresture, Encroachment, or Trespass was made is not within the Boundaries of the said 'Forest, or the Soil or Property of Her Majesty, to the Defeat or Obstruction of Justice:' For remedying thereof, be it enacted, That in every Case of alleged unlawful Inclosure, Purpresture, Encroachment, or Trespass within the said Forest, wherein the Person charged therewith shall insist that the Land wherein the same may be alleged to have been made is not within the Boundaries of the said Forest, or is not the Soil or Property of Her Majesty, it shall be lawful for Her Majesty's Attorney General for the Time being to commence or prosecute an Action to try the Title to such Land in the County Court of the District

Delay and Expense attending Proceedings by Information of Intrusion to suppress Encroachments.

Encroachments may be dealt with and adjudicated upon by the County Court.

District in which such Land or any Part thereof is situate; and the Judge and Officers of such County Court shall have such and the same Jurisdiction, Power, and Authority to try and decide such Action, and to give full Effect to the Decree of the Court therein, as in and by the Act of Parliament of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Sixty-one, is contained and conferred with respect to Actions relating to the Title to Land in which both Parties have agreed, in manner by the said Statute provided, that the County Court shall have Power to try the same.

No Action to be brought in County Court until Certificate first obtained that the Encroachment does not exceed the Value of 100*l.*

XLV. Provided always, That no such Action shall be commenced by Her Majesty's Attorney General unless and until a Certificate under the Hands of some Two of the Verderers of the said *New Forest*, or of some Two Justices of the Peace for the said County of *Southampton*, shall have been filed with the Clerk or other proper Officer of the County Court, certifying that it has been proved on Oath to the Satisfaction of any Two Justices of the Peace for the said County of *Southampton*, or of any Two Verderers of the said Forest, that the alleged unlawful Inclosure, Purpresture, Encroachment, or Trespass does not exceed the Value of One hundred Pounds: Provided also, that after any Judgment shall have been given in favour of the Crown in any such Action in the County Court as aforesaid it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or for the Verderers of the said *New Forest*, or any Two of them, either to proceed in the Matter of any such unlawful Inclosure, Purpresture, Encroachment, or Trespass as aforesaid in manner authorized and provided by the said Act of Parliament of the Tenth Year of King *George* the Fourth, Chapter Fifty, as if it had been admitted that the Land the Subject thereof was within the Boundaries of the said *New Forest* is the Property of Her Majesty, or to proceed to recover Possession of such Land on behalf of the Crown by means of the Officers and by force of the Jurisdiction of the County Court by which such Action shall have been decided.

Saving Rights of Her Majesty.

XLVI. Provided that nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs or Successors, otherwise than as is especially provided for by this Act.

CAP. LXXVII.

An Act to alter and extend the Powers of an Act of the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields *in the County of* Surrey. [7th *August* 1851.]

'WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields *in the County of* Surrey, it was enacted, that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being should and might, with the Consent and Approbation of the Lord High Treasurer or of the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom for the Time being, form a Royal Park in *Battersea Fields* in the Parish of *Saint Mary Battersea* in the County of *Surrey*, and for that Purpose lay out and apply any Monies which should from Time to Time come into their Hands as such Commissioners as aforesaid from the Sale of any of the Possessions of the Crown, not exceeding in the whole the Sum of Two hundred thousand Pounds, in the Purchase of the Lands and Hereditaments required for the Purposes of the said Act, and in laying out and planting the same, and forming the Embankment and other Works therein-after mentioned, and carrying the other Purposes of the said Act into execution, and such Lands and Hereditaments, when purchased, should be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed should for ever thereafter be a Royal Park by the Name of *Battersea Park*, and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, and all Laws, Provisions, and Regulations then in force or thereafter to be in force with respect to Royal Parks should be taken to extend and apply to such Park, except that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being might, in such Manner as by Law was provided with regard to the Hereditary Revenues of the Crown not being Royal Parks, lease such Parts of the said intended Park as with such Consent and Approbation as aforesaid they should deem it expedient to lease for the Purposes of Sites for Dwelling Houses or ornamental Buildings, and Offices and Gardens thereto annexed, and that all and every the Powers and Provisions with regard to Leases for the Purposes aforesaid to be made or granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being of the Hereditary Revenues of the Crown not being Royal Parks should extend to such Part or Parts of the said intended Park so to be leased as aforesaid; and it was enacted, that if the said Commissioners should not within the Space of Five Years, to be computed from the passing of the said Act, purchase or take the Lands, Tenements, and Hereditaments, or Parts thereof respectively, which they were empowered by the said Act to take and use or purchase as aforesaid, then and from thenceforth the Powers thereby granted to them for compulsory Purchase should cease: And whereas by the said Act, and another Act passed in the same Session of Parliament, intituled *An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of Her Majesty's Woods in lieu of Loans heretofore authorized to be made in Exchequer Bills*, the Commissioners for executing the Office of Lord High Treasurer for the Time being were empowered to authorize the Commissioners for the Issue of Loans for Public Works and Fisheries to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the

9&10 Vict. c. 38.

9&10 Vict. c. 83.

'the Time being any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred 'thousand Pounds, to be advanced by such Instalments and from Time to Time as they should think fit, 'and the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for 'the Time being were empowered to secure the Repayment of any Sum or Sums so to be advanced, with 'Interest for the same, by Mortgage of all or any Part or Parts of the Hereditaments to be purchased 'under the Authority of the said first-recited Act: And whereas by another Act passed in the Session of 'Parliament held in the Eleventh and Twelfth Years of Her Majesty's Reign, intituled *An Act to enlarge 'the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in* 'Battersea Fields, *to facilitate the raising of Monies authorized to be raised by the said Commissioners for 'Metropolitan Improvements, and to regulate and simplify the Mode of keeping the Accounts of the 'Commissioners of Her Majesty's Woods*, the said Commissioners were empowered, in certain Cases, 'with the Consent of the Commissioners for the Time being of Her Majesty's Treasury, to grant Certi- 'ficates of Charge on Portions of the Land Revenues of the Crown for any Monies agreed to be paid 'by them for the Purchase of Lands, Tenements, or Hereditaments, under the Powers or for the Pur- 'poses of the first-recited Act, and the Monies in such Certificates expressed or acknowledged to be due 'as such Purchase Monies as aforesaid were to be thereby charged upon the whole or such particular 'Portion as should be therein expressed of the Land Revenues of the Crown, other than Royal Palaces, 'and Parks, and the Possessions and Land Revenues of the Crown in the County of *Middlesex* and City 'of *London* respectively, and the Monies to be advanced by the Commissioners for the Issue of Loans 'for Public Works and Fisheries upon the Security mentioned in the first-recited Act, when received by 'the Commissioners of Her Majesty's Woods, were to be applied by them in paying off the Securities which 'might be granted by them upon the Land Revenues of the Crown under the Authority of the Act now 'in recital: And whereas the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings proceeded to execute the first-recited Act, and have purchased and contracted to 'purchase Lands required for the Site of the said intended Park, and under the Powers and according 'to the Provisions contained in the secondly and thirdly recited Acts they have borrowed divers Sums 'of Money amounting together to the Sum of One hundred and fifty thousand Pounds, and have agreed 'to borrow further Sums of Money by Instalments from Time to Time from the Commissioners for the 'Issue of Loans for Public Works and Fisheries, upon Agreements to secure the Repayment of the 'Monies so borrowed and agreed to be borrowed, with Interest for the same, by Mortgage of the Lands 'and Hereditaments purchased and to be purchased for the Purposes of the first-recited Act, and the said 'Commissioners have likewise, in some Instances, granted Certificates of Charge upon the Land Revenues 'of the Crown for the Purchase Monies of Lands and Hereditaments bought by them for the Purposes of 'the said first-recited Act, and the Monies now remaining due on such Certificates amount altogether 'to the Principal Sum of Two thousand eight hundred and ninety-one Pounds, or thereabouts, and no 'Part of the Monies arising from the Sale of any of the Possessions of the Crown have been applied by 'the said Commissioners for the Purposes of the said first-recited Act: And whereas some Portions of 'the Land and Hereditaments required to form the said intended Park yet remain to be purchased by the 'said Commissioners, and it is expedient that the Time limited for the compulsory Purchase thereof 'should be extended, and that the Powers of the Commissioners for carrying the first-recited Act into 'execution should be enlarged as herein-after mentioned: And whereas it is expedient, and Her Majesty 'has been graciously pleased to consent, that the said intended Park to be called *Battersea Park* shall not 'continue to form Parcel of the Possessions and Land Revenues of the Crown, as directed by the first- 'recited Act, but shall be ceded by Her Majesty and vested in the Commissioners for carrying the first- 'recited Act and this Act into execution, for the Purposes after mentioned or referred to:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 102.

So much of first-recited Act as enacts that Battersea Park shall be Parcel of the Land Revenues of the Crown repealed.

I. That so much and such Parts of the said first-recited Act of the Ninth and Tenth Years of Her Majesty's Reign as empower the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to lay out and apply any Monies which may from Time to Time come into their Hands as such Commissioners as aforesaid from the Sale of any of the Possessions of the Crown in the Purchase of the Lands and Hereditaments required for the Purposes of the said Act, and in laying out and planting the same, and forming the Embankment and other Works in the said Act mentioned, and carrying the other Purposes of the said Act into execution, and so much and such Parts thereof as direct that such Lands and Hereditaments, when purchased, shall be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed shall for ever thereafter be a Royal Park, and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, and so much and such Parts thereof as enact that all Laws, Provisions, and Regulations in force or hereafter to be in force with respect to Royal Parks shall be taken to extend and apply to such Park, except that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, may, in such Manner as by Law is provided with regard to the Hereditary Revenues of the Crown not being Royal Parks, lease such Parts of the said intended Park as with such Consent and Approbation as therein mentioned they shall deem it expedient to lease, for the Purpose of Sites for Dwelling Houses or ornamental Buildings, and Offices and Gardens thereto annexed, and that all and every the Powers and Provisions with regard to Leases for the Purposes aforesaid to be made or granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, of the Hereditary

Hereditary Revenues of the Crown not being Royal Parks, shall extend to such Part or Parts of the said intended Park so to be leased as aforesaid, and so much and such Parts of the said Act as requires Grants, Demises, and Mortgages, and Assignments thereof, to be inrolled in the Office of Land Revenue Records and Inrolments, and entered in the Office of Woods, within Three Calendar Months from the Date thereof, and so much and such Parts of the said Act as enact that Embankments of the Shore and of the Ground and Soil of the River *Thames*, and Piers, Stairs, Hards, or Landing Places to be constructed as therein mentioned, shall be and remain vested in Her Majesty, Her Heirs and Successors, for an Estate in Fee Simple, for the Purposes of the said Act, shall from and after the passing of this Act be and the same are hereby repealed.

So much of thirdly-recited Act as empowers Commissioners of Woods, to grant Certificates of Charge upon the Land Revenues repealed.

II. That so much and such Parts of the thirdly-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign as empower the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to give Certificates of Charge upon the Land Revenues of the Crown for unpaid Purchase Monies of any Lands, Tenements, or Hereditaments, or of any subsisting Leases, Terms, Shares, Estates, or Interests therein or Charges thereon which have been or shall be agreed to be purchased under the Powers or for the Purposes of the said first-recited Act, shall (subject nevertheless and without Prejudice to any such Certificates which shall have been already given by the said Commissioners) henceforth be and the same are hereby repealed.

Appointment and Incorporation of Commissioners.

III. That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall from and after the passing of this Act, or, in the event of the Offices of Commissioners of Her Majesty's Woods, Forests, and Land Revenues being separated from the Offices of Commissioners of Her Majesty's Works and Buildings, then the Commissioners for the Time being of Her Majesty's Works and Public Buildings shall, from and after such Separation of Offices as aforesaid, be Commissioners for carrying the first-recited Act and this Act into execution, and shall be and they are hereby constituted a Corporation by the Name and Style of "The *Battersea Park* Commissioners," and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take and hold Lands and Hereditaments to them and their Successors for ever, and sell and dispose of any such Lands and Hereditaments for the Purposes of the said first-recited Act and this Act; and all Duties, Powers, Rights, Properties, Privileges, Immunities, and Authorities whatsoever which by the first-recited Act are imposed upon, vested in, or given to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, except as the same are altered or varied by this Act, be imposed upon, vested in, and given to, and performed, exercised, and enjoyed by the Commissioners hereby appointed, and their Successors, in as full and ample Manner as if such Commissioners had been incorporated by the said first-recited Act, and had been thereby appointed Commissioners for carrying the same Act into execution.

Lands vested in Her Majesty to be vested in the Commissioners, and future acquired Lands to be conveyed to them.

IV. That all Lands, Tenements, and Hereditaments, and Rights and Interests in the same, which have been purchased under the Powers or for the Purposes of the first-recited Act, and which have been conveyed and assured to Her Majesty, Her Heirs and Successors, under the Authority of the same Act, and all Embankments of the Shore and of the Ground and Soil of the River *Thames*, and Piers, Stairs, Hards, and Landing Places, by the same Act directed to be and remain vested in Her Majesty, Her Heirs and Successors, shall from and after the passing of this Act be divested from Her Majesty, Her Heirs and Successors, and be vested in and held by the Commissioners hereby appointed, and their Successors; and all Lands, Tenements, and Hereditaments, and Rights and Interests, which have been contracted to be purchased for the Purposes of the said Act, and which have not yet been conveyed and assured to Her Majesty, Her Heirs and Successors, and all Lands, Tenements, and Hereditaments which shall hereafter be purchased or agreed to be purchased for the Purposes of the said Act and this Act, or for enabling the said Commissioners to execute and carry into effect any Contract already entered into by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be conveyed and assured to and shall be held by the Commissioners hereby appointed, and their Successors, for the Purposes of the said Act and this Act, subject nevertheless to any Mortgage or other Charge now affecting the said Hereditaments or any of them; and the said Park shall be laid out and formed as by the said first-recited Act is directed, and in all respects for the Benefit of the Public, as the said Commissioners hereby appointed shall, with the Consent of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, direct.

Goods and Chattels vested in Commissioners.

V. That the Right and Property of and in all ornamental and other Trees and Shrubs, Gates, Posts, and Rails, Fixtures, Materials, and Implements for enclosing, planting, and building, and for other Purposes, Materials of Buildings pulled down, Sheds, Utensils, and Goods and Chattels whatsoever, now belonging to Her Majesty, or to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in and upon the said Premises or any Part thereof, and all such like Articles and Things whatsoever which shall hereafter be acquired or provided under the Powers or for the Purposes of the first-recited Act or this Act, shall from and after the passing of this Act, or such future Acquisition thereof as aforesaid, be vested in and belong to the Commissioners hereby appointed, and their Successors, to be used, applied, and disposed of as they shall think fit.

Provisions of first-recited Act extended to this Act.

VI. That all the Provisions, Clauses, and Enactments in the said first-recited Act contained with reference to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with reference to making Orders and Regulations for opening and closing the Gates and Entrances of the said Park, and the Appointment of Park Keepers and other Officers to preserve

serve Order therein, and to any other Acts, Deeds, Matters, or Things to be done or executed under the Authority of the same Act, shall (except in so far as the same Provisions or Enactments, or any of them, are by this Act repealed or altered,) extend and apply to the Commissioners hereby appointed, and their Successors, and to all Acts, Deeds, Matters, and Things to be done or executed under the Authority of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the Commissioners hereby incorporated and appointed had been incorporated and appointed in and by the said first-recited Act, and the several Acts, Deeds, Matters, and Things hereby authorized or required to be done or executed had been authorized or required to be done or executed by the said first-recited Act; and further, that all and every the Powers and Provisions by the said firstly and secondly herein-before recited Acts relating to the borrowing Monies from the said Commissioners for the Issue of Loans for Public Works and Fisheries, and the giving Securities for the same, shall be vested in and applicable to the said Commissioners hereby appointed, and their Successors.

Engagements of Commissioners under recited Acts to be fulfilled and enforced by Commissioners under this Act.

VII. That all Sums of Money which shall at the Time of the passing of this Act be due and owing by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of the recited Acts or any of them, in so far as such Provisions are herein-before set forth or referred to, and all Interest due and to grow due thereon respectively, shall be paid and discharged by the Commissioners hereby appointed, and their Successors, as fully and effectually to all Intents and Purposes as if such Monies had become due and owing from the said last-mentioned Commissioners; and every Person and Body Corporate who shall at the Time of the passing of this Act owe or may become subject or liable to the Payment of any Sum of Money to Her Majesty, or to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or to any Person, for the Benefit of Her Majesty or the said Commissioners respectively, under the Provisions or for the Purposes of the said recited Acts or any of them, in so far as the same Provisions are herein-before set forth or referred to, shall be liable to the Payment of every such Sum of Money to the Commissioners hereby appointed and their Successors; and all Leases, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of any of the said recited Acts, in so far as the same Provisions are herein-before set forth or referred to, shall remain in full Force and Effect, and shall continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of and for the Benefit of the Commissioners hereby appointed, and their Successors, and shall be vested in the said last-mentioned Commissioners, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on by and in the Name of the said last-mentioned Commissioners, and their Successors; and all Leases, Deeds, Assignments, Securities, Contracts, or Agreements duly made or entered into by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall remain in full Force and Effect, and be observed and kept by the Commissioners hereby appointed, and their Successors, according to the Terms and Stipulations thereof respectively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against the said last-mentioned Commissioners.

Power to appoint Officers, and pay Salaries as Treasury shall approve.

VIII. That it shall be lawful for the Commissioners hereby appointed, and their Successors, from Time to Time to appoint and remove Collectors, Superintendents, Clerks, and other Officers for the Execution of the first-recited Act and this Act, and to pay and allow to the Persons from Time to Time appointed or employed by them such Salaries or other Remuneration for their Services as the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being shall approve of.

Extension of Time for compulsory Purchase of Lands, &c.

IX. That the Time by the said first-recited Act limited for the compulsory Purchase of the Lands, Tenements, and Hereditaments which the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues were thereby empowered to purchase shall be and the same is hereby renewed and extended for the Space of Two Years from the passing of this Act; and all and singular the Powers and Authorities by the said Act granted to or vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase, take, or use compulsorily any Lands, Tenements, and Hereditaments, or Parts thereof, or Rights or Interests therein, required for the Purposes of or included in the Schedule to the said Act, and the Royal Park thereby authorized to be made, shall and may be exercised by the Commissioners hereby appointed, and their Successors, for the Space of Two Years from the passing of this Act: Provided always, that if, in the Opinion of the Referees or Jury by whom the Compensation to be paid in respect of any Lands herein-after mentioned is to be determined under the recited Act of the Ninth and Tenth Years of *Victoria*, Chapter Thirty-eight, any Person interested in the Lands, Tenements, or Hereditaments remaining to be purchased for the Purposes of the said Act shall have sustained Injury or Damage by reason of the Purchase of such Lands, Tenements, or Hereditaments not having been completed within the Period limited by the said recited Act, such Referees or Jury shall award Recompence or Compensation for such last-mentioned Injury or Damage, in addition to any other Recompence or Satisfaction to be awarded under the said Act.

Power to Commissioners to demise and lease Lands, &c.

X. That it shall be lawful for the said last-mentioned Commissioners and their Successors, and they are hereby authorized and empowered, from Time to Time, when and as they shall think fit, by Indenture or Indentures or other Instrument in Writing under their Common Seal, to demise and lease such Part and Parts of the Lands, Tenements, and Hereditaments hereby vested in them, or which shall hereafter be vested in them or their Successors, as they shall think it expedient to let, either together or in Parcels, to any Person or Persons whomsoever, for such Number of Years or any shorter Term, and either before or after the said Park shall have been formed, and notwithstanding the same or any Part thereof may be subsequently

subsequently required for the Purposes of the said Park, and under such Conditions as they may think fit, and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named as the said Commissioners shall reasonably require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent (if any) thereby to be reserved, or on Nonperformance of the Covenants therein to be contained on the Part of the Tenant or Lessee to be observed and performed, and that the Lessee or Lessees named in each Indenture of Lease shall execute a Counterpart thereof; and on any such Lease the said Commissioners may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases, on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved on such Leases, and may apportion the same, and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they may think fit, and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises at apportioned Rents, or under different Covenants, or otherwise, in all respects as the said Commissioners shall think fit; and the Powers, Provisions, and Enactments in the said first-recited Act contained with respect to Leases and Agreements for Leases to be made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, of Hereditaments comprised in any Mortgage made or to be made in pursuance of the said first-recited Act, and the Surrender and new Grant of such Leases, and with respect to the Rights of Distress and Entry of Mortgagees, shall extend and be applied to Leases and Agreements for Leases, and Surrenders and new Grants of Leases, of any mortgaged Hereditaments, which may be made, accepted, or granted by the Commissioners hereby appointed, and their Successors, under the Authority of this Act, and to any Mortgages which may be made by them, and to the Rights of Mortgagees thereunder, or under Mortgages already made: Provided nevertheless, that if the said Commissioners shall accept and take any Fine for the granting of any such Lease as last aforesaid, every such Fine shall be paid and applied by them in satisfaction, as far as the same will extend, of the Mortgages or other Incumbrances subsisting on the Hereditaments comprised in any such Lease, according to their respective Priorities.

Commissioners empowered to sell Ground Rents.

XI. That as soon as conveniently may be after any Land or Ground shall have been let for Building Purposes, and either before or after the Houses, Erections, and Buildings to be erected and built thereon, or any of them, shall be finished and completed, and either before or after the Leases thereof shall have been actually granted, the said Commissioners and their Successors shall and they are hereby authorized and empowered to sell and dispose of or cause to be sold and disposed of the Ground Rents to be reserved by the Lease or Demise or Leases or Demises in pursuance or in consideration of which the same Houses respectively shall have been erected and built or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in possession (subject to such Lease or Demise, or Leases or Demises, Agreement or Agreements,) of the Pieces or Parcels of Ground thereby demised or agreed to be demised, and such Houses and other Buildings thereon, either altogether or in Parcels, by Public Auction or Private Contract, for such Price or Prices, or Sum or Sums of Money, as the said Commissioners shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built thereon, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the said Commissioners shall think fit, and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the said Commissioners for the Time being, for the Benefit of the Public, or of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the said Commissioners may think fit; and the said Commissioners shall and they are hereby empowered, at the Costs and Charges of the Purchaser or Purchasers of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively, by any Deed or Instrument in Writing under their Common Seal, to convey and assure the Piece or Parcel of Ground or Pieces or Parcels of Ground so purchased by such Purchaser or Purchasers respectively, together with the Houses, Erections, and Buildings then erected and built or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser or Purchasers, his, her, or their Heirs and Assigns respectively, or as he or they respectively shall in that Behalf order or direct, free from all Incumbrances, including any Mortgage or Agreement for Mortgage then charged thereon (except the Building Lease or Building Leases, or Agreement or Agreements for Building Lease or Building Leases, to be granted thereof by virtue of this Act); and the Monies to be received on any such Sale or Sales shall be in the first place applied in the same Manner as is herein-before declared with respect to any Monies to be paid as the Fine for any Lease to be granted as aforesaid, and all Conveyances and Leases which shall be made as aforesaid, pursuant to the Authority hereby in them reposed, shall be adjudged sufficient to vest such Estate in the Purchaser or Lessee, or otherwise, as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance or Lease.

Power to Commissioners to sell Grounds, &c. not required for the Park.

XII. That it shall be lawful for the said Commissioners to sell and dispose of in manner aforesaid, and absolutely to grant and convey, any Part or Parts of any of the Hereditaments which have been or may be acquired under the Powers of the said first-recited Act or of this Act, and which shall not be wanted or which they shall not deem it expedient to retain for the Purposes of the said first-recited Act, and which they shall not think proper to let on Building Leases as aforesaid, subject nevertheless to such

Stipulations and Conditions as they may think fit, and thereupon the same shall be conveyed and assured by the said Commissioners as they shall think fit.

Purchases, Sales, &c. not to be made without the Authority of the Treasury.

XIII. That no Purchase, Lease, Agreement for Lease, or Sale, to be made by the said Commissioners, shall be made, except with the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom; but it shall not be necessary for any Purchaser or Lessee to ascertain that such Consent has been given as aforesaid, nor shall the said Commissioners be bound to produce to any such Purchaser or Lessee any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally for any Class of Cases, or for any particular Purchase, Lease, or Agreement for Lease, as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

Provision for Discharge of Securities on the Land Revenues of the Crown.

XIV. That out of any Monies raised under the Powers or applicable to the Purposes of the first-recited Act, which at the Time of the passing of this Act shall be in the Bank of *England* or in any other Bank, placed to the Credit of any Account under the Control of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the said last-mentioned Commissioners shall and they are hereby required, in the first place, to pay off and discharge all such Sum and Sums of Money as shall be then due and owing upon the Security of any Certificate of Charge upon the Land Revenues of the Crown granted under the Powers of the thirdly-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign, and the Interest thereof; or if any such Sum or Sums of Money shall not be then due, and the Person entitled thereto shall not be willing to receive the same before it is due, then the said last-mentioned Commissioners shall and they are hereby required to reserve and retain such Sum and Sums of Money, and the Interest thereof, until due, and to pay the same to the Person or Persons entitled thereto at the Time fixed by any such Certificate of Charge for the Payment thereof; and the Residue or Surplus of all such Monies as aforesaid shall be paid or transferred to the Credit of the Commissioners hereby appointed, and their Successors, for the Purposes of the said first-recited Act and this Act; provided that if at the Time of the passing of this Act the Monies under the Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, which have been raised under or are applicable to the Purposes of the first-recited Act, shall not be sufficient to satisfy and discharge all such Certificates of Charge upon the Land Revenues of the Crown as aforesaid, and the Interest thereof, the Deficiency of such Monies shall be supplied and made good and be paid to the said last-mentioned Commissioners, by the Commissioners hereby appointed, and their Successors, out of the First Monies which the said Commissioners hereby appointed, and their Successors, shall receive by way of Loan from the Commissioners for the Issue of Loans for Public Works and Fisheries, or otherwise, under the Provisions of the recited Acts and this Act, or any of them.

Receipts of Commissioners to be sufficient Discharges.

XV. That the Receipts in Writing of any Two of the Commissioners hereby appointed, and their Successors, and, after the Separation of the Offices of Commissioners of Her Majesty's Woods, Forests, and Land Revenues from the Offices of Commissioners of Her Majesty's Works and Buildings, the Receipt in Writing of the First Commissioner for the Time being of Her Majesty's Works and Buildings, for any Monies payable to the Commissioners hereby appointed, and their Successors, under or by virtue of the recited Acts or this Act or any of them, shall be sufficient Discharges for the same to the Person or Body paying the same.

Application of Monies.

XVI. That all and every Sum and Sums of Money which shall be received by the Commissioners hereby appointed and their Successors by way of Loan, or from any Sales authorized to be made by them, or by way of Fine or Consideration for granting any Lease or rescinding any Contract, or by way of Penalty or Forfeiture, and also the Rents and Profits of all Lands and Hereditaments vested or to be vested in them under the Provisions of this Act in the meantime and until the same shall be sold, and all other Monies which shall come into their Hands by virtue of this Act, shall, after Payment of the Costs and Charges of this Act, and such Sale and Sales as aforesaid, be applied, in the first place, in Satisfaction and Discharge of the before-mentioned Securities upon the Land Revenues of the Crown, and the Interest thereof, and, subject thereto, in the Purchase of such of the Lands and Hereditaments comprised in the Schedule to the first-recited Act as yet remain to be purchased, and in making, forming, and maintaining the Park by the said Act authorized to be made and maintained, and in carrying the Purposes of the said recited Act and this Act or any of them into execution, and also in Payment and Satisfaction of all Principal Monies and Interest which under the Authority of the recited Acts and this Act shall have been charged upon the said Lands and Hereditaments or any of them, or raised or borrowed for the Purposes of the said Acts or any of them, and the Residue or Surplus of all such Monies as aforesaid shall be applied to the Creation of a Fund for Improvements in the Metropolis and its Neighbourhood, and shall from Time to Time be invested in the Purchase of Stock in some of the Public Stocks or Funds of *Great Britain*, or upon Government or Real Securities at Interest, in the Names of the said Commissioners and their Successors, and the Interest and Dividends of all and singular the Stocks, Funds, and Securities upon which such Monies or any Part thereof shall from Time to Time be invested shall in like Manner be invested from Time to Time in the Names of the said Commissioners and their Successors, for the Purpose of Accumulation, in the meantime and until the said Fund shall be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis or its Neighbourhood.

Commissioners to account.

XVII. That the said Commissioners and their Successors shall from Time to Time render and give an Account to the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer for the Time being of all Monies which shall be raised or received by them under or by virtue of the Provisions of the recited Acts and this Act as aforesaid, and of the Application of all such Monies;

and

and the said Lord High Treasurer or Commissioners for executing the said Office of Lord High Treasurer shall be and he and they is and are hereby authorized to examine or cause to be examined every such Account, and in case they shall approve thereof to signify their Approbation at the Foot of such Account, and to transmit and return the same, so approved, to the said Commissioners hereby appointed, and their Successors; and every Account, so approved and signed as aforesaid, shall be a full and sufficient Discharge to the said last-mentioned Commissioners for or on account of all such Sums of Money as shall be mentioned in such Account, and for the Expenditure and Application thereof; and the said Commissioners shall not be compelled or compellable to give or render any further or other Account of any such Money, or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

Powers of Treasury under 11 & 12 Vict. c. 102., to regulate the Accounts of the Commissioners of Woods, &c., to be applied to the Accounts of the Commissioners under this Act.

XVIII. That all the Powers and Authorities which under the said thirdly-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign are vested in the Commissioners of Her Majesty's Treasury for making from Time to Time Rules and Regulations, and General and Special Orders, with respect to the Receipt and Payment of Monies by or on behalf of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Persons to be employed in conducting such Receipts and Payments, and the Manner, Form, and Place in which the Accounts of such Receipts and Payments shall be kept, and with respect to the Payment and Transfer of Monies from and into any general or special, particular or separate Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with respect to the Form in which Cheques or Orders for the Payment of Monies placed to any Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be drawn, and with respect to the Appointment of Persons to draw such Cheques or Orders in the Names of such Commissioners, and to countersign such Cheques, shall extend and be applicable and be exercised concerning the like Matters in relation to the Commissioners under this Act, in the same Manner as if the Provisions of the said Act of the Eleventh and Twelfth Years of Her Majesty, concerning such Powers and Authorities, were repeated and re-enacted in this Act, and the Commissioners hereby appointed, and their Successors, were in every Case substituted for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

CAP. LXXVIII.

An Act to continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of *London*. [7th *August* 1851.]

1 & 2 W. 4. c. 76.
1 & 2 Vict. c. 101.
8 & 9 Vict. c. 101.
6 & 7 Vict. c. 101.
9 & 10 Vict. c. 36.

'WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, for regulating the Vend and Delivery of Coals in the Cities of *London* and *Westminster*, and in certain Parts of the Counties of *Middlesex*, *Surrey*, *Kent*, *Essex*, *Hertfordshire*, *Buckinghamshire*, and *Berkshire*: And whereas an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, to continue the last-mentioned Act for Seven Years: And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and one, to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts: And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter One hundred and one, for establishing an Office for the Benefit of Coalwhippers of the Port of *London*, and for staying certain Actions in respect of Fitter's Certificates: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, to continue to the First Day of *January* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and to amend, the said Act for establishing an Office for the Benefit of Coalwhippers of the Port of *London*: And whereas the said last-mentioned Act will expire at the End of the present Session of Parliament, and it is expedient that the same should be renewed and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I.
Government of Coalwhippers.

Board of Trade may appoint Three Commissioners, &c.

I. That from and immediately after the End of this present Session of Parliament it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations to appoint Three fit and proper Persons as Commissioners for carrying this Act into execution, of whom One shall be a Shipowner of the Port of *London* engaged in the Coasting Coal Trade, and from Time to Time to remove any Person who shall have been so appointed by them, and also from Time to Time to fill up any Vacancy which shall occur in the Number of the Commissioners so appointed by them, either by reason of Removal, Resignation, Death, or otherwise.

Corporation of London and Chairman of Coal Factors Society may each appoint and remove, or re-appoint, One Commissioner.

II. That from and immediately after the End of this present Session of Parliament it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London* to appoint One other fit and proper Person to be a Commissioner for carrying this Act into execution, and also for the Committee of the Coal Factors Society of *London* to appoint One other fit and proper Person for that Purpose, and also for the said Mayor, Aldermen, and Commons, and for the said Committee respectively, from Time to Time to remove any Person so appointed by them, and also in the event of any Vacancy in the Office of the

the Commissioners so appointed by them respectively, either by Removal, Resignation, Death, or otherwise, to fill up such Vacancy.

Style of Commissioners.

III. That the said several Persons who shall be so from Time to Time respectively appointed by the said Lords of the said Committee of Privy Council, and by the Mayor, Aldermen, and Commons of the City of *London*, and by the said Committee of the Coal Factors Society of *London* as aforesaid, shall be and are hereby constituted Commissioners for carrying this Act into execution, and shall be styled "Commissioners for the Registration and Regulation of Coalwhippers in the Port of *London*."

Commissioners appointed under 9 & 10 Vict. c. 36. to remain in Office until removed.

IV. Provided always, That the Commissioners appointed by virtue of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, shall continue and be Commissioners for carrying this Act into execution until Commissioners shall have been appointed by the said Lords of the said Committee of Her Majesty's Privy Council, and by the said Mayor, Aldermen, and Commons of the City of *London*, and by the said Committee of the Coal Factors Society, pursuant to the Provisions of this Act.

Existing Contracts to remain in force.

V. That all Contracts, Covenants, Agreements, Engagements, and Securities which at the Time of the Commencement of this Act shall have been entered into or given to or by the said Commissioners, or any Registrar, Branch Registrar, Clerk, or other Officer or Servant appointed by the Commissioners under the Authority of the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, shall continue, and may be enforced, in the same Manner as if the same had been entered into or given under the Authority of this Act.

Meetings of Commissioners.

VI. That the Commissioners acting under or by virtue of this Act, or any Three of them, shall meet at such Time and Place as the Five Commissioners to be appointed under or by virtue of this Act, or the greater Number of them, shall direct, by Notice in Writing signed by the greater Number of the Commissioners; and such Meeting shall be called a Board of Commissioners; and all Boards of the Commissioners shall be held, from Time to Time, at such Time and Place and upon such Notice as may be resolved upon by Rules or Regulations of any Board for that Purpose: Provided always, that every Board of Commissioners shall consist of not less than Three Commissioners.

Quorum.

Chairman to be appointed every Year.

VII. That at the First Meeting of the Commissioners in every Year they shall elect, by a Majority of Votes of the Commissioners present, some One Commissioner to be the Chairman of the Commissioners for the Remainder of the Year; and in case at any Meeting of the Commissioners the Chairman shall not be present, the Commissioners then present shall elect a Chairman for that Meeting; and all Questions shall be determined by the Votes of the Majority of the Commissioners present at the Board, including the presiding Chairman; and in case of an Equality of Votes the presiding Chairman shall have a Second or Casting Vote.

To have a Casting Vote.

Powers of Commissioners vested in Board.

VIII. That all and every the Powers and Authorities and Duties by this Act vested in or imposed upon the Commissioners shall be exercised by the Board of Commissioners, and the Decision or Resolution of any Board shall be deemed to be the Decision and Resolution of the Commissioners.

Proceedings of Board to be entered in a Book.

IX. That all Orders and Proceedings of any Board of Commissioners shall be entered in a Book to be kept by the Registrar, Clerk, or other Officer to be appointed by virtue of this Act, and shall be signed by the Commissioner who shall preside as Chairman at such Board.

Commissioners to sue and be sued in the Name of the Registrar.

X. That the Commissioners may sue and be sued in all Actions, Suits, and other Proceedings in the Name of the Registrar for the Time being, and that no Action, Suit, or Process shall abate or be stayed by reason of the Death or Removal of any such Registrar; but the Registrar for the Time being shall be deemed to be the Party, Plaintiff or Defendant, as the Case may be: Provided always, that all Costs, Charges, and Expenses which may be incurred by the said Registrar in any such Action, Suit, or Proceeding shall be repaid to him by the Commissioners out of the Monies applicable by them to the Purposes of this Act.

II. *Coalwhippers Register.*

Commissioners to keep a Register, and appoint a Registrar.

XI. That it shall be lawful for the Commissioners and they are hereby required to provide and keep, at some convenient Place in the City of *London*, or on the Banks of that Part of the River *Thames* which for the Purposes of this Act is to be deemed within the Port of *London*, One or more Book or Books for registering of Coalwhippers in the Port of *London*, and also to appoint some fit and proper Person to be the Registrar thereof, with such Salary or Remuneration, not exceeding Three hundred Pounds *per Annum*, as they may think reasonable, and as the Lords of the Committee of Privy Council may approve, and to regulate the Duties of the Office of Registrar, and to supply any Vacancy in the said Office caused by Death, Resignation, or by such Removal as herein-after is mentioned, or otherwise.

Registrar to enter Names, &c. of Coalwhippers;

and to deliver Certificate, and to renew the same, and to keep the Register according to the Act.

XII. That the Registrar so appointed shall and he is hereby required, from Time to Time, upon the Application of any Person desirous of following or continuing to follow the Employment of a Coalwhipper, and upon Payment of such Fee (not exceeding Fourpence) as shall be prescribed in that Behalf under the Authority of this Act, to enter or cause to be entered in the said Registry the Christian and Surname, the Age, and Place of Abode, and any other Particulars required under the Authority of this Act of any Person who at the Time of the passing of this Act shall follow the Employment of a Coalwhipper, and who shall at the Time of such Application be desirous of continuing therein, and of any other able-bodied Male Person whatever who shall be desirous of entering on the said Employment; and immediately upon such Entry being made the said Registrar shall, without any further Fee or Reward, deliver or cause to be delivered to every Person so registered a Certificate of such Entry having been made, and of the Number, Date, and Particulars thereof; and the said Registrar shall from Time to Time, upon Payment of such Fee as shall be prescribed in such Cases as shall be mentioned in that Behalf respectively, under the Authority of this Act, renew or cause to be renewed such Certificate; and the said Registrar

shall

Coalwhippers Register.

shall at all Times and in all respects keep or cause to be kept the said Register, in accordance with the Provisions and Regulations to be established under the Authority of this Act: Provided always, that where any Person shall have been duly registered as a Coalwhipper under the Provisions of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, and shall be in possession of a valid Certificate of his Registration, such Person shall not be required to be again registered under the Provisions of this Act, but his Registration shall be as effectual as if made under such Provisions, and the same, and the Certificate thereof, shall be subject to the same Regulations and Provisions as if the Registration had been made and the Certificate granted under this Act.

Where a Person has been duly registered he need not be again registered.

Register to be Evidence.

XIII. That in all Courts, and before any Justices of the Peace, and upon all Occasions whatever, the Entries made or contained in such Register shall be received as Evidence, and be deemed sufficient Proof of all Matters and Things therein registered or contained, without any further Proof than the Production of such Register; and any Person shall be at liberty to inspect any such Register during the Hours of Attendance at the Office, without Payment of any Fee or Reward; and that the Entries in such Register, and the Certificates to be delivered under this Act, and the Contracts made for the Discharge of Coals by Coalwhippers registered and sent from the Coalwhippers Office under this Act, and the Receipts given for Wages under the Provisions of this Act, shall not be liable to any Stamp Duty; and that if any Person applying to be registered under this Act, or procuring or attempting to procure any such Certificate, shall make any false Representation in regard to his Name, Age, or Place of Abode, or if he shall not truly answer all Questions which shall be demanded of him in relation to such Application or Certificate, every Person so offending shall forfeit for every such Offence any Sum not exceeding Twenty Shillings; and that if any Person shall forge, counterfeit, or falsify, or act or assist in forging, counterfeiting, or falsifying, any Entry or Certificate of Registry or any other Document to be made or given in pursuance of this Act, the Person so offending, and being thereof lawfully convicted, shall be deemed guilty of a Misdemeanor, and shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without Hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Certificate, and for any Peace Officer to seize and take away any such Certificate, in order that the same may be produced in Evidence against the Offender, or be disposed of as the said Registrar shall think proper.

Entry, &c., not subject to Stamp Duty.

Penalty on Persons making Misrepresentations.

No Person to follow Employment of a Coalwhipper unless he be registered, and have a Certificate.

XIV. That it shall not be lawful for any Person, except such Persons and in such Cases as in this Act provided, to follow or exercise the Employment of a Coalwhipper, or to labour in the Discharge by the Process of whipping of the Cargo of any Vessels laden with Coals in the Port of *London*, unless such Person shall be registered as a Coalwhipper, and shall have a Certificate under this Act, and then remaining in force; and if any Person not so registered, or not having such Certificate, except as aforesaid, shall follow or exercise the said Employment, or shall labour as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Two Pounds: Provided always, nevertheless, that it shall be lawful for any Person or Persons, being actually Part of the Crew of any Vessel in the Port of *London*, to labour in the Discharge of Coals by whipping or otherwise from the same or any other Vessel, and also for the actual Servants or Labourers of the *bonâ fide* Owner of any Vessel laden with Coals, or Owner or Purchaser of the Cargo thereof, to discharge by the Process of whipping the Cargo or any Part thereof, such Servants or Labourers having been *bonâ fide* engaged in the Service of such Owner or Purchaser for a Period not less than Six consecutive working Days immediately preceding the Day on which they shall be employed to discharge such Cargo or Part thereof, and also for the actual Servants or Labourers of the several Dock Companies having Docks near to the River *Thames*, such Servants or Labourers having been *bonâ fide* engaged in the Service of such respective Companies for a Period not less than Six consecutive working Days immediately previous to the Day on which they shall be employed to discharge such Cargo or Part thereof, to labour on the Discharge of Coals by the Process of whipping from any Vessels in the Docks of such Companies respectively, and such Crews, Servants, and Labourers may so labour, with or without the Aid of any Person being a registered Coalwhipper.

Exception in the Favour of the Crews of Ships, and of the actual Servants or Labourers of the Owner of the Vessel or Purchaser of the Coals and of Dock Companies.

III. Coalwhippers Office.

Corporation of London may hire Lands and Buildings for Offices and Stations, and remove the same at Request of the Commissioners.

XV. And for the Purpose of providing a Head Office and convenient Branch Offices and Stations for the Resort of Coalwhippers in the Port of *London*, and the Deposit of the Implements and Tackle required in that Business, be it enacted, That it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London*, at the Request of the Commissioners, to be signified by a Resolution of their Board signed by the Chairman, at any Time or Times and from Time to Time to treat and agree for the hiring or renting of, and to hire or rent, any Buildings, Ground, and Hereditaments as the Commissioners shall think necessary for the Purposes of this Act, and also to adapt and fit up the same for Offices and Stations for the Resort of Coalwhippers, and for the Deposit of the Tackle and Implements required in that Employment, and for the Transaction of the Business of the Commissioners under this Act, and also from Time to Time to repair and maintain the Buildings and Premises so required and held by virtue of this Act, and also at any Time or Times, at the Request of the Commissioners, to be signified by a Resolution of their Board, signed by their Chairman, to remove any of the said Offices or Stations to any other Situation or Place which the Commissioners shall deem more convenient: Provided always, that in case the said Mayor, Aldermen, and Commons shall, after such Request of the Commissioners, signified as aforesaid, neglect or refuse to comply with such Request, it shall be lawful for the Commissioners from Time to Time to rent or hire any Buildings, Ground, and Hereditaments, and to adapt and fit up the same for the Purposes aforesaid, and also from Time to Time to repair and maintain the same, and to remove any of the said Offices or Stations to any other Situation or Place.

XVI. That

Coalwhippers Office.

Commissioners to provide Tackle for Vessels discharging Cargoes,

Penalty on other Persons letting out Tackle or other Implements.

Nothing to prevent Owners, &c. from using their own Tackle.

XVI. That it shall be lawful for the Commissioners to provide and keep from Time to Time such Stages, Planks, Gins, Baskets, Shovels, and other Tackle and Implements as are commonly used in the Discharge of Cargoes of Coals, and of such Description and in such Quantities as they shall think sufficient, and to supply to such Ships as may require the same such Tackle and Implements, upon Payment of such Sum for the Use thereof as may be fixed by the Commissioners, not exceeding in any Case the Sum of Seven Shillings and Sixpence *per* Cargo when the Vessel is of Two hundred and fifty Tons Burden or upwards, and not exceeding Five Shillings *per* Cargo when the Vessel is of less Burden than Two hundred and fifty Tons; and if any Person whomsoever shall let out to hire or permit to be used for the Discharge of the Coals from any Vessel by registered Coalwhippers engaged from the Coalwhippers Office under this Act any Tackle or Implements to or by any Person (except on behalf of the Coalwhippers Office), every Person so letting out to hire or permitting to be used any such Tackle or Implements shall for each and every Occasion of letting out to hire or permitting to be used the same forfeit the Sum of Five Pounds: Provided nevertheless, that nothing herein contained shall prevent the Master of any Vessel laden with Coals in the Port of *London* from using such of the aforesaid Tackle and Implements as may be required and as may belong to the Owner of such Vessel, notwithstanding the Cargo of such Vessel shall be discharged by Coalwhippers engaged from the Coalwhippers Office, or shall prevent any such Master from hiring, or any Person whomsoever from letting out to hire, any such Tackle or Implements as aforesaid, in any Case in which such Vessel shall be lawfully unladen according to the Provisions of this Act by Persons not being registered Coalwhippers.

Commissioners to appoint Officers, and award such Salaries as Board of Trade shall approve of.

XVII. That it shall be lawful for the Commissioners to appoint such and so many Branch Registrars, Clerks, and other Officers and Servants as they may think necessary for carrying this Act into execution, with such Salaries and Allowances as they may think reasonable, and as the said Lords of the said Committee of Her Majesty's Privy Council shall approve, and to supply Vacancies among them caused by such Removal as herein-after is mentioned, or by Death, Resignation, or otherwise: Provided always, that it shall be lawful for the said Lords of the said Committee of Her Majesty's Privy Council from Time to Time to remove the Registrar, Branch Registrars, Clerks, and other Officers and Servants appointed by the Commissioners by virtue of this Act, and any Person so removed shall not be afterwards appointed to any Office or Situation under this Act without the Consent of the Lords of the said Committee: Provided always, that the present Registrar, Branch Registrars, Clerks, and other Officers shall continue in Office until they shall respectively die or resign or be removed as aforesaid.

IV. *Coalwhipping.*

Where Cargo to be discharged by Coalwhippers, Shipmaster to apply to the Coalwhippers Office.

XVIII. 'And whereas, in order to secure the Objects of this Act, it is expedient to make certain Provisions respecting the Discharge of the Cargoes of Vessels laden with Coals in the Port of *London*:' Be it therefore enacted, That the Master or Mate of every Vessel laden with Coals, the whole or Part of the Cargo whereof it shall be intended to discharge in the Port of *London* by Coalwhippers, or some other Person, on behalf of the Master, shall make Application in Writing to the Head Office or the nearest Branch Office of Coalwhippers, stating the certificated Quantity of Coals, and if only Part of the Cargo is wanted, the Quantity of Coals required to be discharged, and the Time at which he desires that the Discharge of such Coals shall commence, and the Time within which it shall be completed, and the Rate *per* Ton which he agrees to pay for the Discharge thereof.

Duties of Clerks, &c. as to the Employment of Coalwhippers in unloading Vessels.

XIX. That the Clerk or other Officer appointed under this Act, upon every such Application for Coalwhippers as aforesaid, shall forthwith give Notice of the Application to the Gangs of Coalwhippers in attendance at the Office where such Application shall have been made, and, in case several Gangs shall offer to unload the Cargo mentioned in the Application at the Price named, shall permit the Gangs in attendance to tender to unload the Cargo at any lower Price, and shall select for the Performance of the Work the Gang who shall offer the lowest Terms; and in case of no such lower Tender, or of Equality of Tenders, the Gang who, according to the Byelaws of the Commissioners, shall stand next in rotation for Employment, and shall be willing to accept the same, shall be so selected; and if no Gang shall be willing to accept the Terms proposed in such Application, the said Clerk or other Officer shall permit the Gangs in attendance to tender to unload the Cargo mentioned in the Application at any higher Price, and shall select for the Performance of the Work (subject to the Consent of the Master or other Person making the Application) the Gang who shall offer the lowest Terms, and in case of Equality of Tenders the Gang who shall stand next in such Rotation for Employment as aforesaid; and the said Clerk or other Officer shall forthwith, by Notification in Writing, acquaint the Master or other Person as aforesaid making the Application with the Price (if any) at which the selected Gang has agreed to perform the Work, or (as the Case may be) with the Fact that no Gang is willing to perform the Work: Provided always, that such Notification in Writing shall be given to the Master or other Person making the Application within a Quarter of an Hour after the Receipt of the Application by the Clerk or other Officer of the Coalwhippers Office, if such Master or other Person shall still be in attendance at the Office, but if he shall have previously quitted the Office, then as soon afterwards as he shall apply for the Information: Provided also, that such Notification in Writing shall in all Proceedings in any Court, or before any Justice of the Peace, against any Party, for employing Persons not being registered Coalwhippers, contrary to the Provisions of this Act, be received as Evidence, and be deemed sufficient Proof of the Price at which the Gang therein referred to have offered to perform the Work therein mentioned, or (as the Case may be) of the Fact that no Gang has offered to perform the Work therein mentioned.

Clerk to send a Gang with Tackle to Vessel to be unladen.

XX. That the said Clerk or other Officer shall send and he is hereby required to send, within One Hour of the Time appointed in such Application for the Discharge of such Coals, the Gang or Part of a Gang of Coalwhippers who shall have been so selected as aforesaid, with the necessary Tackle and Implements,

ments, if required, to the Vessel to be unladen, for the discharging of the Cargo or Part thereof; and if such Clerk or other Officer shall neglect or refuse, on such Application, to send such Gang or Part of a Gang, with such Tackle and Implements, and within such Time as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds. *Coalwhipping.*

Penalty on Master not permitting Vessels to be discharged.

XXI. That the Master or other Person having the Charge of the Vessel in respect of which the Application for the Discharge of Coals shall have been so made as aforesaid shall permit the same to be discharged by the Coalwhippers sent from the Coalwhippers Office, according to the Provisions herein contained; and if any Master or other Person shall prevent, obstruct, or interrupt, or attempt to prevent, the Discharge of such Coals being proceeded in and completed by the Coalwhippers sent from the Coalwhippers Office in consequence of such Application, or shall wilfully obstruct or prevent any Person in the Execution of this Act, then and in every such Case the Person so offending shall forfeit any Sum not exceeding Ten Pounds.

Penalty on Shipmaster employing non-registered Coalwhippers.

XXII. That if the Master of any such Vessel as aforesaid, or any other Person, shall employ, or permit or suffer to be employed, any Person, not being a Coalwhipper registered and sent from the Coalwhippers Office under this Act, (except such Persons or in such Cases as are mentioned in the Provisoes herein-after contained,) to labour in the Discharge of the Coals from such Vessel, or of any Part thereof, by the Process of whipping, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds: Provided nevertheless, that it shall be lawful for the Master or other Person having the Charge of any such Vessel as aforesaid to employ in the Discharge of Coals therefrom, by the Process of whipping, any Persons, being actually Part of the Crew thereof, or of any other Vessel in the Port of *London*, and also for the *bonâ fide* Owner of any Vessel laden with Coals, or Owner or Purchaser of the Cargo thereof, to employ his actual Servants or Labourers, having been *bonâ fide* engaged in his Service for a Period not less than Six consecutive working Days immediately preceding the Day on which they shall be employed to discharge such Cargo, to labour in the Discharge of such Cargo by whipping, and also for the several Dock Companies herein-before mentioned to employ such their Servants and Labourers as aforesaid to labour in the Discharge of Coals by the Process of whipping from any Vessel which shall be in the respective Docks of the said Companies respectively, and to make Application for and obtain in the Manner herein-before mentioned the Services of a sufficient Number of Coalwhippers, although less than a complete Gang, to assist the Persons so employed: Provided always, that it shall be lawful for the Master or other Person having the Charge of any such Vessel as aforesaid to employ Persons, not being registered Coalwhippers, to discharge such Coals by whipping, in the following Cases; (that is to say,) in case he shall not within the Time within which the Clerk or other Officer is herein-before required to send a Gang of Coalwhippers for the Discharge of such Coals be supplied with such Gang, and such requisite Implements and Tackle, as are mentioned in his Application; or in case he shall receive from such Clerk or other Officer such Notification as aforesaid that no Gang of Coalwhippers have declared themselves willing to discharge such Coals at the Price named in his Application; and the several Persons, not being registered Coalwhippers, who shall be employed in the before-mentioned Cases, shall not be liable to the Penalties herein-before imposed upon non-registered Persons for discharging Coals from Vessels by whipping: Provided nevertheless, that if such Clerk or other Officer shall state in such Notification that a Gang of Coalwhippers are willing to discharge such Coals at some stated Price *per* Ton higher than that named in such Application, and such Master or other Person shall not agree to such higher Price, it shall not be lawful for such Master or other Person to pay for the Discharge of such Coals a greater Price than that which is so stated in such Application, or allow any other Advantage, for the Discharge of such Coals, than the Terms mentioned in that Behalf in such Application; and if he shall pay any greater Price, or shall allow any other Advantage, for the Discharge of the said Coals, he shall be liable to forfeit for every such Offence any Sum not exceeding Ten Pounds.

Shipmaster may employ Crews of Colliers to discharge the Coals by the Process of whipping.

Shipmaster may employ non-registered Coalwhippers in certain Cases.

Proviso.

After Discharge of Cargo, Shipmaster to pay Wages to Person authorized from Coal-whippers Office to receive the same.

XXIII. That immediately after the Discharge of the Cargo or the Part thereof undertaken to be discharged by the Coalwhippers sent from the Coalwhippers Office shall have been finished, the Master of the Vessel in which they were employed, or such other Person as aforesaid, shall pay to some Person authorized by the Commissioners the full Hire and Wages due in respect of the Labour of such Coalwhippers, and the Charge for Baulk Days by reason of Detention, and for the Hire of Tackle (if any), in current Money of the United Kingdom; and in default thereof the Master or such other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and so much of the said Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, as relates to the Payment of the Wages of Persons employed in the Discharge or Delivery of Coals from Vessels laden therewith in the Port of *London*, shall be and the same is hereby repealed: Provided always, that such Master or other Person as aforesaid shall not be compellable to pay such Hire or Wages except on board the Vessel.

So much of 1 & 2 Vict. c. 101. as relates to the Payment of Wages repealed.

Recovery of Wages, &c.

XXIV. That all Money due for Labour performed, and for the Hire of Tackle, under the Provisions of the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, or of this Act, and for Baulk Days by reason of Detention, shall be recoverable in like Manner and in all respects as Seamen's Wages, except by any Suit or Proceeding in the Admiralty Court.

Person authorized by Commissioners shall pay the Coalwhippers the Wages due to

XXV. That the Person so authorized as aforesaid by the Commissioners shall receive the Money to be paid as Hire or Wages for the Labour of the Coalwhippers so discharging the Cargo or Part thereof of such Vessel as aforesaid, and for Baulk Days, and for the Hire of Tackle (if any), and shall forthwith pay the same at the nearest Head Office or Branch Office to the Clerk or other Person appointed by the Commis-

them, after making the requisite Deductions.

Commissioners to receive the same; and if any such authorized Person as aforesaid shall neglect or refuse to pay the Money received by him as aforesaid at the Time and Place aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and the Clerk or other Person so appointed as aforesaid by the Commissioners, after deducting therefrom the Sum or Proportion prescribed under the Authority of this Act, not exceeding One Farthing in each Shilling, shall forthwith pay and divide the Residue of the Monies so received for Wages and Baulk Days to and among the Coalwhippers so employed, without any other Deduction or Abatement, except as herein-after mentioned, and without imposing any Terms or Conditions whatever; and if any such Clerk or other Person as aforesaid shall make any other Deduction than as aforesaid, or shall impose any Terms or Conditions on making such Payment, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty.

Application of Fractions.

XXVI. 'And whereas in dividing the Monies aforesaid Fractions undivisible in the usual Coin of 'the Realm will occasionally occur:' Be it therefore enacted, That it shall be lawful for the Commissioners to deduct and retain such undivisible Fractions, and to distribute the same for the Benefit of the registered Coalwhippers as the Commissioners shall see fit, and that an Account shall be kept of the same, to be called the "Fraction Fund."

V. *Regulations.*

Commissioners to make Byelaws for the Government of the Coalwhippers and Management of the Offices.

XXVII. And for better carrying into execution the Purposes of this Act, be it enacted, That it shall be lawful for the Commissioners to make, when and as they shall deem necessary, Byelaws and Regulations for keeping the Register by this Act established, and prescribing the Testimonials, Proofs, and Particulars to be required of Persons before or upon Registration therein, and settling the Terms of Entry therein, and of the Certificates to be delivered, and fixing the Fees, not exceeding in any Case the Sum of Fourpence for any such Registration or renewed Certificate, to be paid for Registration and renewed Certificates under this Act, and for fixing the Amount, not exceeding the Sum herein-before limited, of the Deduction to be made out of such Hire or Wages for the Purposes of this Act, and for the settling of Demands, the paying in and withdrawing of Monies, the Payment of Orders, and the Disposal of Funds, and the keeping, auditing, and Publication of Accounts under this Act, and for determining the Time of Attendance of the Coalwhippers at the Coalwhippers Office or its Branches, their Division into Gangs, and the Rotation of their Employment, and for securing the due Performance on the Part of the Coalwhippers of their Contracts to discharge Coals, with reference to the Time, Price, and other Terms specified in each such Application as aforesaid, for the Completion of the Discharge of the Cargo or Parts of Cargoes, as well as in other respects, and for annulling such Contracts in case of their Misbehaviour or other sufficient Cause, and for promptly substituting other Coalwhippers in such Cases for the Fulfilment of such Contracts, and for the Guidance, Government, and Control in all respects of the Coalwhippers certificated, and for the Management of the Offices and Stations established and the Officers and Servants appointed under this Act, and for securing the due Performance of the Contracts entered into by Masters of Ships and other Persons employing Coalwhippers or hiring Tackle under this Act, and for carrying this Act into execution, and to impose the Suspension or Forfeiture of the Employment of Coalwhippers, or of any Office or Place created under this Act, or to fix any reasonable Penalties (not exceeding the Sum of Five Pounds for any Offence) for the Breach or Nonobservance of any such Byelaw or Regulation, and from Time to Time by any other Byelaw or Regulation to rescind, suspend, alter, or vary any Byelaw or Regulation by them made: Provided always, that the Commissioners shall submit all Byelaws and Regulations proposed to be made by them to the Lords of the said Committee of Her Majesty's Privy Council, for their Consideration and Supervision, and shall receive and consider any Amendments which they may suggest therein; and One Week after such Submission the Commissioners shall cause a Copy of such proposed Byelaws and Regulations to be publicly affixed in some conspicuous Place in the Coal Market, and (if the same shall be established) in the Head Coalwhippers Office in *London;* and if such proposed Byelaws and Regulations shall be sanctioned by the Lords of the said Committee without Alteration, or if the Amendments which they shall suggest therein shall be adopted, or if the said Committee shall fail to express an Opinion on the Byelaws and Regulations to them submitted within the Space of Four Weeks next after such Submission, the Commissioners shall make public such Byelaws and Regulations, by the Advertisement thereof once in the *London Gazette*, and by affixing Copies thereof in some conspicuous Place or Places in the Coal Market and Custom House in the City of *London*, and in the Head Coalwhippers Office (if any) established under this Act, and in the respective Custom Houses at *Gravesend, Newcastle, Sunderland, Stockton-on-Tees*, and *Leith*, and at such other Places and in such other Manner as to them shall seem fit: Provided also, that the Byelaws and Regulations made under the Powers contained in the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, and now in force, shall continue and be the Byelaws and Regulations under this Act, until the same shall have been rescinded, suspended, altered, or varied under the Provisions of this Act.

Proposed Byelaws to be submitted to the Board of Trade.

Publication of Byelaws as sanctioned by the Board of Trade.

Board of Trade to notify Sanction, Disapproval, or Amendment within Four Weeks.

XXVIII. That it shall be lawful for the Lords of the said Committee of Her Majesty's Privy Council to sanction or disapprove of such proposed Byelaws and Regulations, or to suggest any Amendments therein, so that such Sanction or Disapproval, or such suggested Amendments, be notified to the Commissioners within the Space of Four Weeks next after the Submission of such proposed Byelaws and Regulations to the said Committee.

Time when Byelaws to come in force.

XXIX. That such Byelaws and Regulations shall have full legal Effect at the Termination of Four Weeks from the Time when they were so made public by the Commissioners; and a Copy purporting to be made of any such Byelaw or Regulation, and authenticated by the Signature of the Chairman for the

Time

Time being of the Commissioners, shall, without any further Proof, be received as Evidence of the Byelaw or Regulation of which it purports to be a Copy, and of such Byelaw or Regulation having been duly made, submitted, issued, and published. *Regulations.*

Penalty on Commissioners being interested in any Contract.

XXX. That if any Person, being a Commissioner under this Act, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of the Commissioners, for or concerning any Work to be done under this Act, or Materials to be employed therein, every such Contract shall be void, and the Person who, being a Commissioner, shall be so interested or concerned, shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same.

VI. *Legal Proceedings.*

Recovery and Application of Fines and Penalties not exceeding 25*l.*

If Penalties not paid, the same may be levied by Distress.

If Distress not sufficient, Offender may be committed.

XXXI. That all Fines, Penalties, or Forfeitures by this Act, or by any Byelaw or Regulation made in pursuance thereof, imposed, not exceeding Twenty-five Pounds, shall be sued for within Three Months after the Offence or Offences committed; and all such Fines, Penalties, and Forfeitures shall be levied and recovered before any Justice; and such Justice is hereby empowered and required, upon Information or Complaint to him made, to grant a Summons or Warrant to bring before any Justice such Offender at the Time and Place as shall be in such Warrant specified; and if on the Conviction of the Offender, either on his Confession or on the Evidence of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), such Fine, Penalty, or Forfeiture shall not be forthwith paid, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice, and the Overplus of the Money (if any) raised by such Distress and Sale, after deducting the Fine, Penalty, or Forfeiture, and the Costs and Charges of making such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of Distress, or in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offence shall be committed, there to remain, without Bail or Mainprise, for any Time not exceeding Six Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid; and all such Fines, Penalties, and Forfeitures, when recovered, shall be paid as herein-after directed.

Justices may proceed by Summons in the Recovery of Penalties.

XXXII. That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable before a Justice it shall be lawful for any Justice to whom Complaint shall be made of any Offence against this Act, or any Byelaw or Regulation made in pursuance thereof, to summon the Party complained against before him; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode, or if the Party be the Master or other Person in charge of any Vessel, with some Person in such Vessel; and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Power to Justice to give Part of Penalties to Informers.

XXXIII. Provided always, nevertheless, That it shall be lawful for any Justice before whom any such Conviction shall take place, if he shall think fit, to order and direct any Part, not exceeding One Half, of such Fines, Penalties, and Forfeitures, to be paid or applied to or for the Use of the Informer or other Person aiding or assisting in the Apprehension of the Offender.

Power to Justice to order Expenses of Witnesses, &c. to be paid.

XXXIV. That it shall be lawful for any Justice before whom any Person shall be brought or convicted for any Offence for which a Penalty is imposed by this Act, or by any Byelaw or Regulation made in pursuance thereof, to direct all or any Part, according to the Discretion of such Justice, of the reasonable Expenses of any Constable, Police Officer, or other Witness, of the Matter which shall be charged, and of such Compensation (if any) for the Time and Trouble of such Witness, as such Justice shall think reasonable, to be paid either by the Offender or the Complainant; and the Sum so ordered to be paid shall and may be recovered, together with any Penalty of which the Person by whom the same shall be ordered to be paid shall have been convicted, or without, in the same Manner as any Penalty is directed to be recovered by this Act, and shall be paid to such Constable, Police Officer, or other Witness.

Persons convicted may appeal to the Quarter Sessions, upon giving Security.

XXXV. That it shall be lawful for any Person so convicted by any Justice as before mentioned of any Offence against this Act, or against any Byelaw or Regulation made in pursuance thereof, to appeal to the Justices assembled at the General or Quarter Sessions, on giving immediate Notice of such Appeal, and finding sufficient Security, to the Satisfaction of any Justice, for prosecuting the said Appeal with Effect, and abiding the Determination of the Court therein; and such Justices in such General or Quarter Sessions shall hear and determine the Matter of such Appeal, and may either confirm or quash and annul the said Conviction, and award such Costs to either Party as to them the said Justices shall seem just and reasonable; and the Decision of the said Justices therein shall be final, binding, and conclusive; and no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form only, or be removed by Certiorari or any other Writ or Process whatsoever into any of the Superior Courts or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Justices may summon Witnesses.

Penalty on Persons refusing to

XXXVI. That it shall be lawful for any Justice before whom any such Fines, Penalties, or Forfeitures shall be sued for to summon any Person who shall in or by the Complaint or Information made to him appear to be a necessary Witness as to the Matters thereby charged to appear before any Justice at a Time and Place to be specified in the Summons; and in case such Person so summoned shall not appear according

attend when summoned.

according to such Summons, then, upon due Proof of the Service of such Summons in manner aforesaid, such Person so summoned, and not appearing in compliance therewith, shall forfeit and pay the Sum of Twenty-five Pounds, to be levied and recovered in such Manner and by such Ways and Means as are herein-before directed as to other Penalties; and it shall be lawful for the said Justice to cause such Person to be apprehended, by Warrant under the Hand and Seal of such Justice, and to be brought before him, and thereupon, whether such Person shall appear upon Summons as aforesaid, or shall be apprehended as aforesaid, the Justice shall and may proceed to examine him upon Oath as to the Matter of such Complaint or Information; and in case such Person shall refuse to be sworn, or to answer or to give Evidence therein, then and in every such Case it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Person so refusing to be sworn or to answer or give Evidence as aforesaid to the Common Gaol or House of Correction of the City, County, or Place in or for which such Justice shall then act, there to remain for any Space of Time not exceeding Six Months.

Persons giving false Evidence liable to Punishment for Perjury.

XXXVII. That if any Person upon his Examination upon Oath before any Justice shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or if any Person shall take or make any false Oath or Affidavit with respect to any Matter or Thing relating to this Act, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are subject and liable to.

Penalties above 25*l.* may be recovered by Action in any Court having competent Jurisdiction.

XXXVIII. That all Fines, Penalties, or Forfeitures exceeding the Sum of Twenty-five Pounds by this Act imposed for any Offence committed against this Act shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any Court having competent Jurisdiction, by the Person who shall inform and sue for the same, within One Month after the Offence shall be committed; and One Moiety of all such Fines, Penalties, or Forfeitures shall be to and for the Use of Our Sovereign Lady the Queen, Her Heirs and Successors, and the other Moiety thereof (together with full Costs of Suit) shall be to and for the Use of the Person who shall inform and sue for the same.

Distress not to be unlawful for Want of Form, nor the Parties to be deemed Trespassers ab initio.

XXXIX. That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or the Proceedings relating thereto, nor shall the Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained in an Action on the Case.

Forms of Summons and Conviction.

XL. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That in all Proceedings before any Justice of the Peace against any Person for any Offence alleged to be committed against this Act the Summons and the Conviction may be drawn according to the Forms Number 1. and Number 2. contained in the Schedule to this Act; and that it shall not be necessary in any Case, in describing the Offence with which any Party is charged, to insert in the Summons or Conviction any Allegation negativing any Exception contained or referred to in the Section of the Act creating the Offence.

Plaintiff not to recover after Tender of Amends.

XLI. That no Plaintiff shall recover in any Action to be commenced against any Person for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant Twenty-one Days before such Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him, or to his Attorney, by or on behalf of the Defendant, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLII. Provided always, That no Action or Suit shall be commenced against any Person for anything done in pursuance of this Act after Three Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall arise; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover full Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

Pecuniary Forfeitures to go to the Fraction Fund.

XLIII. That all pecuniary Penalties and Forfeitures which shall be recovered for any Offence against this Act, or any Byelaw or Regulation established under the Authority hereof, shall, unless the Application thereof be herein or therein or otherwise directed, be paid to some Officer on behalf of the Coalwhippers Office, and shall be applied in aid of the Fraction Fund established by this Act; and that the Enactments contained in an Act passed in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for regulating the Police Courts in the Metropolis*, with respect to the Application of Penalties and Forfeitures, shall not extend to any Penalties or Forfeitures recovered under this Act.

2 & 3 Vict. c. 71.

XLIV. And

VII. *Coalwhippers Fund.*

Monies received under the Act to be paid into the Chamber of the City, and to constitute a Fund.

Appropriation of the Fund.

XLIV. And in reference to the Monies to be received under or by the Authority of this Act, be it enacted, That all Monies which shall arise from the Deduction out of the Wages of Coalwhippers by this Act authorized to be made, and from the Fees or Payment for their Registration, and for renewed Certificates to them delivered, and the Monies which shall remain (after Payment of all Expenses) from the Produce of the Sale of any Materials or Hereditaments sold under this Act, or from the Hire of Tackle, and the Rent of any Hereditaments let under this Act, shall be paid into the Chamber of the City of *London*, and shall be carried to the Account of the Commissioners, and shall be and constitute the Coalwhippers Fund; and the Monies in such Fund shall be appropriated and applied, by the Order of the Commissioners in Writing signed by any Three or more of them, in the Order, Course, and Manner herein-after mentioned; (that is to say,) firstly, in defraying the Expenses of or incident to the passing of this Act; secondly, in paying to the Commissioners appointed or to be appointed under this Act, for their Attendance, such Sum or Sums of Money as the said Lords of the said Committee of Her Majesty's Privy Council may from Time to Time direct, not exceeding in the whole in any One Year the Sum of One hundred and fifty Pounds; thirdly, in defraying the Salaries and Allowances of the Officers and Servants appointed under the Authority of this Act, the Rent, Repairs, Taxes, Interest, or Principal Money borrowed, and other current and incidental Expenses of the Registrar and the Officers and Stations to be established under the Provisions or Authority of this Act, or otherwise, to be incurred in carrying this Act into execution; fourthly, in the Discharge of any Principal Money which shall have been raised on the Credit of the Coal Duty of One Penny *per* Ton for the Purposes of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter One hundred and one, or in refunding to the Stock or Fund created by the said first herein-before mentioned Act the Amount of any Principal Monies and Interest which shall have been so raised, and shall have been paid off and discharged by the said Duty, and the Residue (if any) shall be held over as a Balance of Account, or, if the Commissioners shall think fit, shall be invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Commissioners for the Time being, and shall from Time to Time be applied as the Commissioners shall think fit in diminution of the Deduction herein-before authorized to be made from the Hire or Wages of the Coalwhippers: Provided always, that all Monies which shall have accumulated at the Time of the Commencement of this Act, and shall then be in the Chamber of the City of *London*, or otherwise, to the Credit of the Coalwhippers Fund, shall be applied in the same Manner as if the same had been received under the Authority of this Act.

Account to be kept, and Statement laid before Parliament yearly.

XLV. That there shall be provided and kept One or more Book or Books in which all the Monies which shall be received and paid by virtue of this Act shall be entered and set down, with the Dates and Occasions and Particulars of such Receipts and Payments; and the Commissioners shall in each and every Year lay before both Houses of Parliament, within Six Weeks after the Time of their meeting, an Account of the Sums received and paid under the several Heads of Receipt and Payment herein-before enumerated.

VIII. *Miscellaneous.*

Limits of the Port of London.

XLVI. That for the Purposes of this Act the Limits of the Port of *London* shall be considered to be so much of the Port of *London* not higher than *London Bridge* and not lower than *Gravesend* in the County of *Kent* as shall be fixed from Time to Time by the Commissioners, and that the Provisions of this Act shall not extend to Coals transhipped in the said Port; and the Term "whipping" shall be taken to mean the Process commonly known under that Name for the Discharge of Coals from the Ship's Hold in the Port of *London* by manual Labour, and no other; and that the Word "Gang" shall be construed to mean, not only a complete Gang consisting of Nine Coalwhippers, but also a Portion of a Gang, when the Services of a Portion of a Gang are required.

For staying certain Actions.

XLVII. That no Action, Bill, Plaint, or Information for any Fine, Penalty, or Forfeiture imposed by the aforesaid Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, or the aforesaid Act of the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, for not inserting in the Fitter's Certificate the Day of the Month and Year of the loading, or the usual Names of the several and respective Collieries out of which the Coals shall be wrought and gotten, or the Price paid for the same, shall be commenced, or if now or hereafter commenced shall be prosecuted or carried on, by any common Informer, or by any other Person except the Solicitor of the Corporation of *London*, or some Person interested in such Certificate, without the Consent in Writing of some Judge of One of the Superior Courts at *Westminster;* and that immediately from and after the passing of this Act it shall be lawful for any Person against whom any Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted for the Recovery of any such pecuniary Penalty incurred under the said Acts or either of them, except as aforesaid, without such Consent in Writing as aforesaid, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts, for an Order that such Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Form of such Court; and every such Court and Judge is hereby authorized and required, upon such Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued: Provided always, that if it shall appear to the Satisfaction of the said Court or Judge, by Affidavit or otherwise, that any Penalty sought to be recovered in any such Action, Bill, Plaint, or Information has been incurred by the Fraud of the Defendant in such Action, Bill, Plaint, or Information, then

Miscellaneous.

then and in every such Case it shall be lawful for such Court or Judge to refuse to make such Order as to such Penalty, and thereupon to make such other Order as the said Court or Judge shall deem expedient.

Construction of Terms.

XLVIII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Commissioners" shall mean the Commissioners for the Registration and Regulation of Coalwhippers in the Port of *London:*

The Word "Coals" shall include Cinders and Culm:

The Words "Mayor, Aldermen, and Commons" shall mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled:

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter in question, and shall include the Lord Mayor and any Alderman or the Recorder of the City of *London:*

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the City, Borough, Liberty, or Place in which the Order or Decision from which the Appeal shall be made shall have been made:

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual; and whenever the doing of anything is made punishable by this Act, or by any of the Byelaws made or to be made by the Commissioners, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Short Title of Act.

XLIX. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Coalwhippers (Port of *London*) Act, 1851."

Commencement of Act.

L. That this Act and the Provisions herein contained, shall take effect from and immediately after the End of this present Session of Parliament, and not before, and shall continue and be in force until the First Day of *January* One thousand eight hundred and fifty-six and to the End of the next Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

Number 1.

Form of Summons.

to wit. To *A.B.*

WHEREAS Complaint hath been this Day made before me, *E.F.* Esquire, One of the Police Magistrates of the Metropolis [*or* One of Her Majesty's Justices of the Peace, *as the Case may be*], sitting at the in by *C.D.*, that [*here specify the Offence, and the Time and Place when and where committed, as the Case may be; and, as an Example, the following is a Statement of an Offence against the Twenty-second Section:* "On the Day of in the "Year of our Lord One thousand eight hundred and at the Parish of "in the County of and within the said District, you the said *A.B.*, being the Master of a "certain Vessel laden with Coal in the Port of London, did employ a certain Person, to wit, One *G.H.*, "not being a Coalwhipper registered and sent from the Coalwhippers Office under 'The Coalwhippers "'(Port of London) Act, 1851,' to labour in the Discharge of the Coals from such Vessel by the Process "of whipping"], contrary to the said Act, whereby you the said *A.B.* have become liable to forfeit a Sum not exceeding Pounds: These are therefore, in Her Majesty's Name, to summon and require you personally to be and appear before me, or such other Magistrate as may be present, at on next at of the Clock in the noon, then and there to answer the Premises as the Law directs. And hereof fail not, as you will answer the Contempt. Given under my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and

E.F. (Seal).

Number 2.

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me, *E.F.* Esquire, One of the Police Magistrates of the Metropolis [*or* One of Her Majesty's Justices of the Peace for the *as the Case may be*] [*here specify the Offence, and the Time and Place when and where committed, as the Case may be, as mentioned in the Summons*], contrary to "The Coalwhippers (Port of London) Act, 1851." Given under my Hand and Seal, the Day and Year first above written.

E.F. (Seal)

CAP.

CAP. LXXIX.

An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels. [7th *August* 1851.]

'WHEREAS it is expedient to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

9 & 10 Vict. c. 100. and 11 & 12 Vict. c. 81. repealed from the Time this Act comes into operation, except, &c.

I. That an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Steam Navigation, and for requiring Sea-going Vessels to carry Boats*, and another Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act for the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels*, shall be repealed from the Time that this Act comes into operation as herein-after provided, except as to any Penalties incurred thereunder, and also except as to any Certificates of the Sufficiency of Steam Vessels issued thereunder by the Lords of the Committee of Privy Council for Trade, which Certificates, unless the same be cancelled or revoked under the Provisions of this Act, shall remain and be in force as if this Act had been passed and had come into operation before the issuing thereof, and they had been issued thereunder.

Existing Certificates to continue in force.

Naval Department of Board of Trade to assist in the Execution of this Act.

II. And be it enacted, That the Persons from Time to Time appointed to assist the Lords of the said Committee in the Execution of the Mercantile Marine Act, 1850, and who are herein-after referred to as the Naval Department of the Board of Trade, shall assist the Lords of the said Committee in the Execution of this Act.

Survey of Steam Vessels and Number of Passengers.

And with respect to the Provision to be made for ensuring the periodical Survey of Steam Vessels, be it enacted as follows:

Steam Vessels to be surveyed, and Owners to transmit Declarations to Board of Trade twice a Year.

III. The Owner of every Steam Vessel constructed or intended to carry Passengers (except Vessels which fall within the Definition of Foreign-going Ships contained in the Mercantile Marine Act, 1850, and are employed in the Conveyance of the Royal Public Mails or Despatches under Contract with and under the Superintendence of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral,) shall cause such Steam Vessel to be surveyed twice at least in every Year, at the Times herein-after directed, by a Shipwright Surveyor and by an Engineer Surveyor appointed for the Purposes of this Act by the Lords of the said Committee, such Shipwright Surveyor in the Case of an Iron Steam Vessel being a Person properly qualified to survey Iron Steam Vessels, and shall obtain a Declaration of the Sufficiency and good Condition of the Hull of such Steamer, and of the Boats and other Equipments thereof, required by this Act, and also, if the Lords of the said Committee so require, a Statement of the Number of Passengers (whether Deck Passengers or other Passengers) which such Vessel is constructed to carry, under the Hand of such Shipwright Surveyor, and a Declaration of the Sufficiency and good Condition of the Machinery of such Steamer under the Hand of such Engineer Surveyor, and in such Declarations it shall be distinguished whether such Vessel is in Construction and Equipments adapted for Sea Service as well as for River or Lake Service, or for River or Lake Service only; and when any such Vessel is adapted for Lake and River Service only, such Declaration shall state the local Limits within which such Vessel is in the Judgment of the Surveyor adapted for plying; and in the Case of Sea-going Vessels the Declaration of One of the Surveyors shall contain a Statement that he is satisfied that the Compasses have been properly examined and adjusted; and such Owner shall transmit such Declarations to the Lords of the said Committee within Fourteen Days after the Dates thereof respectively.

Times appointed for the Surveys.

IV. In all Cases where the same may be possible such Surveys shall be made in the Months of *April* and of *October* and such Declarations shall be transmitted on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* respectively, or if the last preceding Survey of any such Steam Vessel were not made in either of those Months, then such Survey shall be made and such Declaration transmitted in the course of the Thirty Days next before the Expiration of Six Months next after the Date of the Certificate granted as herein-after mentioned upon the last preceding Survey; but if the Owner of any such Steam Vessel as aforesaid be unable to have the same surveyed in the Month of *April* or *October*, as the Case may be, or in the course of such Thirty Days as aforesaid, either by reason of such Vessel being absent from the United Kingdom during the whole of those Periods respectively, or by reason of such Vessel or the Machinery thereof being under Construction or Repair, or of such Vessel being laid up in Dock, or for any other Reason satisfactory to the Lords of the said Committee, then the Owner of such Steam Vessel shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such Declarations to the Lords of the said Committee, within Fourteen Days after the Date thereof, together with a Statement of the Reasons which have prevented the Survey of such Vessel at the Time herein-before prescribed; and the Owner of every such Steam Vessel in respect of which such Declarations shall not have been transmitted at the Times and in the Manner herein-before directed shall, except in any Case in which the Survey of such Vessel shall have been prevented as herein-before is provided, forfeit and pay the Sum of Ten Shillings for every Day that the sending of such Declarations is delayed, and such Sum shall be paid upon the Issue of the Certificate herein-after mentioned, together with the Fee herein-after mentioned, unless the Lords of the said Committee think fit in any Case to remit such Forfeiture or any Part thereof.

V. Upon

Survey of Steam Vessels and Number of Passengers.

Board of Trade to grant Certificates, and transmit Lists, to be put up at Custom Houses.

V. Upon the Receipt of such Declarations the Lords of the said Committee shall register the same, and, if they are satisfied that the Provisions of this Act have been complied with, shall cause to be transmitted to the Master or Owner of the Steam Vessel to which such Declarations refer a Certificate, signed by One of the Secretaries to the said Committee, or by some One or more of the Members of the Naval Department of the Board of Trade, or the Secretary to such Department, that the Provisions of the Law with respect to the Transmission of Declarations in respect of such Vessel have been complied with; and such Certificate shall be called a "Sea-going Certificate" where, according to the Declaration of the Surveyor, such Vessel is adapted for Sea Service as well as River or Lake Service; and such Certificate shall be called a "River Certificate" where, according to such Declaration, such Vessel is adapted for River or Lake Service only, and shall set out the local Limits within which such Vessel is to ply; and where any such Vessel is constructed to carry Passengers, and the Lords of the said Committee think fit so to do, in order to prevent the over-crowding of such Vessel with Passengers, they shall insert in such Certificate the Number of Passengers, whether Deck Passengers or other Passengers, which such Vessel is constructed to carry; and the Lords of the said Committee shall from Time to Time transmit Lists of the Vessels in respect of which such Certificates have been issued to the Officers of Customs in all Ports in the United Kingdom, and such Officers shall cause such Lists to be put up in a conspicuous Place in the Custom House at each Port.

Board of Trade may cancel Certificates, and require fresh Declarations.

VI. The Lords of the said Committee may revoke and cancel such Certificates in any Case where they have Reason to believe that the Declarations of the Sufficiency and good Condition of the Hull and Machinery of any Vessel, or either of them, have been fraudulently or erroneously made, or that such Certificate has otherwise been issued upon false or erroneous Information, or where they have Reason to believe that since the making of such Declarations the Hull or Machinery of such Vessel has sustained any Injury, or is otherwise insufficient; and in every such Case the Lords of the said Committee may, if they think fit, require the Owner to have the Hull or Machinery of such Vessel again surveyed, and to transmit a further Declaration or Declarations of the Sufficiency and good Condition thereof before re-issuing any Certificate, or granting a fresh one in lieu thereof; and the Lords of the said Committee may at any Time revoke any Certificate, for the Purpose of inserting in any Certificate to be issued in lieu thereof the Number of Passengers which the Vessel to which such Certificate relates is constructed to carry.

How long Certificates to continue in force.

VII. No Certificate bearing Date on any Day between the First of *April* and the Fifteenth of *May* in any Year shall be held to be in force, for the Purposes of this Act, after the Fifteenth Day of *November* following, and no Certificate bearing Date on any Day between the First of *October* and the Fifteenth of *November* following shall be held to be in force for the Purposes of this Act after the Fifteenth Day of *May* following, and no Certificate bearing Date on any Day not falling within the Periods before defined shall be held to be in force after the Expiration of Six Months from the Date thereof, and no Certificate shall be in force after Notice to the Owner or Master of the Vessel to which the same relates by the Lords of the said Committee that they have revoked the same: Provided always, that if any Steam Vessel shall have been absent from the United Kingdom for the whole of the Month of *April* or the whole of the Month of *October* in any Year, or the whole of the Thirty Days next before the Expiration of Six Months from the Date of the Certificate last granted in respect of such Vessel, the Certificate previously granted to such Vessel (if not expressly cancelled or revoked) shall continue in force till the Return of such Vessel to the United Kingdom, and for Twenty-one Days afterwards.

Proviso.

Fees to be paid for Certificates.

VIII. The Owner of every Steam Vessel requiring a Certificate under this Act shall pay for every Certificate granted by the Lords of the said Committee such Sum as the Lords of the said Committee appoint, not exceeding the Sums following; that is to say,

Where the Tonnage of such Vessel does not exceed One hundred Tons, a Sum not exceeding Two Pounds:

Where such Tonnage exceeds One hundred Tons and does not exceed Three hundred Tons, a Sum not exceeding Three Pounds:

Where such Tonnage exceeds Three hundred Tons, a Sum not exceeding Four Pounds:

Application of Fees and Forfeitures.

And such Fees, as well as such Forfeitures as herein-before mentioned, shall be paid to the Lords of the said Committee, or as they may direct, and shall be applied towards defraying the Expenses incurred in execution of this Act; and the Lords of the said Committee may regulate the Manner in which such Fees and Forfeitures are to be received, and in which they are to be kept, and in which they are to be accounted for.

Forgery of Declaration or Certificate to be a Misdemeanor, or subject Person summarily convicted to Fine or Imprisonment.

IX. Every Person who knowingly and wilfully makes or assists in making a false or fraudulent Declaration or Certificate with respect to any Vessel requiring a Certificate under this Act, or who knowingly and wilfully forges, counterfeits, or fraudulently alters, or assists in forging, counterfeiting, or fraudulently altering, any Declaration or Certificate required by this Act, or any Words or Figures in any such Declaration or Certificate, or the Signature thereto, shall be deemed guilty of a Misdemeanor, or shall be liable, on summary Conviction, to a Penalty not exceeding Fifty Pounds, or to Imprisonment, with or without Hard Labour, not exceeding One Month.

Copy of Certificate to be placed in conspicuous Part of Vessel.

X. The Owner or Master of every Steam Vessel shall forthwith on Receipt of any such Certificate as aforesaid by him or his Agent from the Lords of the said Committee cause the same or a true Copy thereof, in distinct and legible Characters, to be put up in some conspicuous Part of the Vessel, so as to be visible to all Persons on board the same, and shall cause it to be continued so put up so long as such Certificate remains in force and such Vessel is in use, and in default such Owner, or if he can prove the

Default

Default to have been caused by the Master, such Master shall for every Offence be liable to a Forfeiture or Penalty not exceeding Ten Pounds.

Survey of Steam Vessels and Number of Passengers.

XI. It shall not be lawful for any Steam Vessel (other than any such Mail Packet as aforesaid) to proceed to Sea or upon any Voyage or Excursion with any Passengers on board the Owner of which has not transmitted to the Lords of the said Committee the Declarations herein-before required, and the Owner or Master of which has not received from them a Certificate that the Provisions of the Law in that respect have been complied with as herein-before provided for, such Certificate being a Certificate applicable to the Voyage or Excursion on which such Vessel is proceeding; and no Officer of Her Majesty's Customs shall clear out any Steam Vessel (other than any such Mail Packet as aforesaid) for Sea or for any Voyage or Excursion, with Passengers on board, or grant to the Owner or Master thereof any Transire or other Customs Document necessary for the Conduct thereof, unless upon the Production of such Certificate as aforesaid (being a Certificate then in force); and if the Owner or Master of any Steam Vessel (other than any such Mail Packet as aforesaid) proceed to Sea or on any Voyage or Excursion, with any Passengers on board, without having such Certificate as aforesaid, or a true Copy thereof in distinct and legible Characters on board, and so put up as aforesaid in some conspicuous Part of the Vessel, (such Certificate being a Certificate then in force,) the Owner thereof shall for such Offence be liable to a Penalty not exceeding One hundred Pounds, and the Master of such Vessel shall also be liable to a further Penalty not exceeding Twenty Pounds.

Vessel not to proceed on her Voyage without Certificate.

No Officer of Customs to clear out, &c. Steam Vessels, but on Production of Certificate.

Penalty on Owners and Masters of Vessels proceeding without Certificate.

XII. If in any such Certificate the Number of Passengers which the Vessel to which such Certificate relates is constructed to carry is stated, it shall not be lawful to carry on board thereof any greater Number of Passengers, whether Deck Passengers or other Passengers, than the Numbers thereof respectively stated in such Certificate; and if the Owner or Master or other Person in charge of any such Vessel receive on board thereof, or if such Vessel shall at any Time have on board, any greater Number of Passengers, whether Deck Passengers or other Passengers, than the Numbers thereof respectively specified in such Certificate, the Owner or the Master or other Person having Charge thereof shall forfeit a Sum not exceeding Twenty Pounds, and shall also forfeit Five Shillings for every Passenger over and above the Number so specified in the Certificate as aforesaid.

Penalty on Owner, &c. for carrying more Passengers than specified in Certificate.

XIII. If any Person, after having been refused Admission into any Steam Vessel by the Owner or Person in charge thereof, or by any Person in the Employ of the Owner thereof, on account of such Steam Vessel being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, shall nevertheless persist in attempting to enter the same, or if any Person, having got on board any Steam Vessel, be requested, on the like Account, by the Owner or Person in charge thereof, or by any Person in the Employ of the Owner, to leave such Steam Vessel before the same has quitted the Place at which such Person got on board, and shall refuse so to do after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, then and in either of such Cases such Person shall for such Offence forfeit and pay to the Owner of such Vessel any Sum not exceeding Forty Shillings.

Penalty on Persons forcing their Way on board when Vessels are full.

XIV. If any Person travel or attempt to travel in any Steam Vessel that has been duly surveyed in conformity with the Provisions of this Act without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person having paid his Fare for a certain Distance knowingly and wilfully proceed in any such Vessel beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Vessel, every such Person shall for every such Offence forfeit and pay to the Owner of such Vessel a Sum not exceeding Five Shillings, in addition to the Fare payable by him.

Penalty on Persons refusing to pay their Fares or to quit the Vessel.

XV. Every Person who, having committed any of the Offences mentioned in the last Two preceding Sections or either of them, refuses on Application of the Master of the Vessel or other Person in the Employ of the Owner thereof, to give his Name and Address, or who on such Application gives a false Name or Address, shall forfeit and pay to the Owner of such Vessel a Sum not exceeding Twenty Pounds.

Penalty on Offenders refusing to give their Name and Address.

XVI. The Lords of the said Committee may from Time to Time appoint such Number of fit and proper Persons to be Shipwright Surveyors and Engineer Surveyors for the Purposes of this Act, at such Ports or Places as they think proper, and may from Time to Time remove such Surveyors or any of them, and they may from Time to Time fix, alter, or vary the Rates of Remuneration to be received by such Surveyors.

Board of Trade to appoint and remove Shipwright Surveyors, &c., and fix Remuneration.

XVII. The said Surveyors shall make such Returns from Time to Time to the Lords of the said Committee with respect to the Build, Dimensions, Draft, Burden, Rate of Sailing, Room for Fuel, and the Nature and Particulars of Machinery of the Vessels surveyed by them, as shall be required by the Lords of the said Committee; and every Owner, Master, and Engineer of any such Vessel shall, on Demand, give to such Surveyors all such Information and Assistance within his Power as may be required by them for the Purpose of such Returns; and every such Owner, Master, and Engineer who, on being applied to for that Purpose, wilfully refuses or neglects to give such Information or Assistance, shall be liable to a Penalty not exceeding Five Pounds.

Surveyors to make Returns of the Build, &c. of Vessels, and Owners, &c. to give Information for that Purpose.

XVIII. The said Surveyors shall execute their Duties under the Direction of the Lords of the said Committee; and in the Execution of such Duties it shall be lawful for them to go on board any Steam Vessel at all reasonable Times, and to inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Vessel from proceeding on any Voyage, and, if in consequence of any Accident to any such Vessel or for any other Reason they

Surveyors to act under Direction of the Board of Trade: to be allowed to go on board Steam Vessels to inspect, &c.

Survey of Steam Vessels and Number of Passengers.

they consider it necessary so to do, to require the Vessel to be taken into Dock for the Purpose of surveying the Hull thereof; and any Person who hinders any such Surveyor from going on board any such Steam Vessel, or otherwise impedes him in the Execution of his Duty under this Act, shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Surveyors demanding or receiving Fees unlawfully.

XIX. Every such Surveyor who demands or receives, directly or indirectly, from the Owner or Master of any Vessel surveyed by him under the Provisions of this Act, any Fee or Remuneration whatsoever for or in respect of such Survey, otherwise than as the Agent, and by the Direction of the Lords of the said Committee, shall be liable to a Penalty not exceeding Fifty Pounds at the Suit of any Person whomsoever.

Build of Iron Steamers.

Iron Steamers to be divided by Water-tight Partitions.

Officers of Customs not to grant Certificates, except so divided.

Penalty on Owner for Neglect.

XX. That the Owner of every Steam Vessel built of Iron, of One hundred Tons Burthen or upwards, the building of which shall have been commenced since the Twenty-eighth Day of *August* in the Year of our Lord One thousand eight hundred and forty-six, and the Owner of every Steam Vessel built of Iron of less Burthen than One hundred Tons, the building of which shall have commenced after the passing of this Act, except Vessels used solely as Steam Tugs, shall cause the same to be divided by transverse Water-tight Partitions, so that the Fore Part of the Vessel shall be separated from the Engine Room by One of such Partitions, and so that the After Part of such Vessel shall be separated from the Engine Room by another of such Partitions; and it shall not be lawful for the Officers of Her Majesty's Customs, or for any other Person, to grant a Certificate of *British* Registry to, or to clear out or grant a Transire to, or allow to proceed to Sea, any Iron Steamer of One hundred Tons Burthen or upwards, built since the said Twenty-eighth Day of *August* One thousand eight hundred and forty-six, or to any Iron Steamer of less Burthen than One hundred Tons built after the passing of this Act, except as aforesaid, unless the same be so divided as aforesaid; and if any Steamer herein-before required to be so divided proceeds to Sea without being so divided, the Owner shall be liable to a Penalty not exceeding One hundred Pounds.

Safety Valves.

Steam Vessels to carry Safety Valves out of Control of Engineer, &c.

And with regard to Safety Valves, be it enacted as follows:

XXI. After the Thirty-first Day of *March* One thousand eight hundred and fifty-two it shall not be lawful for any Steam Boat, of which Surveys are required by the Provisions of this Act, to go to Sea, or to steam upon the Rivers of the United Kingdom, without having a Safety Valve upon each Boiler, free from the Care of the Engineer, and out of his Control and Interference; and such Safety Valve shall be deemed to be a necessary Part of the Machinery, upon the Sufficiency of which the Engineer Surveyor is to report as herein provided.

Boats, &c. in Sea-going Vessels.

Sea-going Vessels to be provided with certain Boats, &c.

And with respect to the Boats and other Equipments to be provided for Sea-going Vessels, be it enacted as follows:

XXII. No decked Vessel, except Vessels used solely as Steam Tugs, shall proceed to Sea from any Port or Place in the United Kingdom whatsoever unless it shall be provided, according to its Tonnage, with Boats duly supplied with all Requisites for their Use, and not being fewer in Number nor less in their Cubic Contents than the Boats the Number and Cubic Contents of which are specified in the following Table; provided that the said Limits of Dimension be not considered applicable to Vessels engaged in the Whale Fishery:

TABLE.

Registered Tonnage.		Column 1. To be carried by Sailing Vessels and Steam Vessels.								Column 2. To be carried by Sailing Vessels and by Steam Vessels, unless they carry the Boats in No. 3.				Column 3. To be carried by Steam Vessels which do not carry the Boats in Col. 2.				Total Number of Boats.	
		Boats.				Boats.				Launches.				Boats.					
Sailing Vessels.	Steam Vessels.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Sailing Vessels.	Steam Vessels.
Tons	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		
800 and upwards	500 and upwards	1	18	5 6	2 3	2	24	5 6	2 6	1	26	8 0	3 8	2	22	5 6	2 6	4	4 or 5
600 to 800	360 to 500	1	16	5 6	2 3	2	24	5 6	2 6	1	25	7 0	3 6	2	22	5 6	2 6	4	4 or 5
400 to 600	240 to 360	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4
200 to 400	120 to 240	1	14	5 0	2 2	—	—	—	—	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3
100 to 200	60 to 120	1	14	5 0	2 2	—	—	—	—	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3
Under 100	Under 60	1	14	5 0	2 2	—	—	—	—	—	—	—	—	—	—	—	—	1	1

as the Case may be.

Note.—In the Case of Steam Vessels, Two Paddlebox Boats may be substituted for any Two of the Boats in Column 3.

And

And no such Vessel carrying more than Ten Passengers shall proceed to Sea unless, in addition to the Boats herein-before required, it also be provided with a Life Boat furnished with all Requisites for Use, or unless One of its Boats herein-before required be rendered buoyant after the Manner of Life Boats; and no such Vessel shall proceed to Sea with Passengers as aforesaid unless it also be provided with Two Life Buoys, to be kept ready for immediate Use: Provided, that the Enactments with respect to Boats and Life Buoys herein contained shall not apply in any Case in which a Certificate has been duly obtained under the Ninth Section of the Passengers Act, 1849.

12 & 13 Vict. c. 33. s. 9. not to be affected.

XXIII. No Steam Vessel, except Vessels used solely as Steam Tugs, shall proceed to Sea unless it shall be provided with a Hose adapted for the Purpose of extinguishing Fire in any Part of the Vessel, and capable of being connected with the Engines of the Vessel, nor, if carrying Passengers, without being provided with the following Means of making Signals of Distress, that is to say, Twelve Blue Lights, or Twelve Port-fires, and One Cannon, with Ammunition for at least Twelve Charges, or, in the Discretion of the Master or Owner of such Vessel, with such other Means of making Signals as shall have been previously approved by the Lords of the said Committee.

No Steamer to proceed to Sea without being provided with a Hose, and Signals.

XXIV. If any such Steam or other Vessel as aforesaid proceed to Sea without being provided with such Boats and other Equipments as herein-before required for such Vessel, or if any of such Boats or other Equipments be lost or rendered useless in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master, or if in case of any of such Boats or Life Buoys being accidentally lost or injured in the course of the Voyage the Master or other Person having charge of the Vessel wilfully neglect to replace or repair the same on the first convenient Opportunity, then and in every Case where the Owner shall appear to be in fault he shall be liable to a Penalty not exceeding One hundred Pounds, and in every Case where the Master or other Person having charge of the Vessel shall appear to be in fault he shall be liable to a Penalty not exceeding Fifty Pounds.

Penalties on *Masters, &c. neglecting to provide Boats, Equipments, &c.*

XXV. It shall not be lawful for any Officer of Customs to clear out, or to grant a Transire to, or allow to proceed to Sea, any such Steam or other Vessel as aforesaid, unless the same is provided with such Boats and other Equipments as herein-before required for such Vessel; and in any Case in which any Vessel is delayed by reason of Non-compliance with any of the Provisions herein-before contained the Tide-waiter left on board shall be maintained at the Expense of the Master or Owner of such Vessel until such Provisions are complied with.

Officers of Customs not to clear out Vessels not complying with the above Provisions.

And with respect to the Lights to be carried, and other Provision to be made for guarding against Accidents from Collision, be it enacted as follows:

Lights, and Provisions against Accidents from Collision.

XXVI. The Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall from Time to Time make Regulations requiring the Exhibition of such Lights, by such Classes of Vessels, whether Steam or Sailing Vessels, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same, and they shall cause such Regulations to be published in the *London Gazette*, and to be otherwise publicly made known, and such Regulations shall come into operation on a Day to be named in such Gazette, and they shall cause such Regulations to be printed, and shall furnish a Copy thereof to any Owner or Master of a Vessel who applies for the same, and Production of the Gazette containing such Regulations shall be sufficient Evidence of the Purport and due making thereof; and all Owners and Masters or Persons having charge of Vessels shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such Lights, and no others, at such Times, within such Places, in such Manner, and under such Circumstances as are enjoined by such Regulations; and in case of Default the Master or other Person having charge of any Vessel, or the Owner of such Vessel, if it appear that he was in fault, shall for each and every Occasion upon which such Regulations are infringed forfeit and pay a Sum not exceeding Twenty Pounds: Provided always, that all Regulations made by the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, under the Authority of the said recited Acts or either of them, and in force at the passing of this Act, together with the Penalties applicable thereto, shall continue and be in force as if the same had been made under this Act, until the same be revoked.

Admiralty to make Regulations as to Lights.

Penalty on Owners and Masters failing to obey them.

Existing Regulations to continue in force till revoked.

XXVII. Whenever any Vessel proceeding in One Direction meets a Vessel proceeding in another Direction, and the Master or other Person having charge of either such Vessel perceives that if both Vessels continue their respective Courses they will pass so near as to involve any Risk of a Collision, he shall put the Helm of his Vessel to Port, so as to pass on the Port Side of the other Vessel, due Regard being had to the Tide and to the Position of each Vessel with respect to the Dangers of the Channel, and, as regards Sailing Vessels, to the keeping of each Vessel under Command; and the Master of any Steam Vessel navigating any River or narrow Channel shall keep as far as is practicable to that Side of the Fairway or Midchannel thereof which lies on the Starboard Side of such Vessel; and if the Master or other Person having charge of any Steam Vessel neglect to observe these Regulations or either of them, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Rules to be observed by Vessels passing each other.

XXVIII. If in any Case of a Collision between Two or more Vessels it appear that such Collision was occasioned by the Nonobservance either of the foregoing Rules with respect to the passing of Steamers or of the Rules to be made as aforesaid by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral with respect to the Exhibition of Lights, the Owner of the Vessel by which any such Rule has been infringed shall not be entitled to recover any Recompence whatsoever for any Damage sustained by such Vessel in such Collision, unless it appears to the Court before which the Case is tried that the Circumstances of the Case were such as to justify a Departure from the Rule; and in

Owners not entitled to Compensation in certain Cases of Collision, but Master to be liable to Penalty.

Lights, and Provisions against Accidents from Collision.

case any Damage to Person or Property be sustained in consequence of the Nonobservance of any of the said Rules, the same shall in all Courts of Justice be deemed, in the Absence of Proof to the contrary, to have been occasioned by the wilful Default of the Master or other Person having the Charge of such Vessel, and such Master or other Person shall, unless it appears to the Court before which the Case is tried that the Circumstances of the Case were such as to justify a Departure from the Rule, be subject in all Proceedings, whether civil or criminal, to the legal Consequences of such Default.

Accidents to be reported to Board of Trade.

XXIX. Whenever any Steam Vessel (other than a Ship of War) has sustained or caused any Accident occasioning Loss of Life or any serious Injury to any Person, or has received any material Damage affecting her Seaworthiness or Efficiency either in her Hull or in any Part of her Machinery, the Owner, Master, or other Person having the Charge of such Vessel shall, within Twenty-four Hours after the happening of such Accident or Damage, or as soon thereafter as possible, transmit through the Post Office to the Lords of the said Committee, by Letter signed by such Master or other Person, a Report of such Accident or Damage, and the probable Occasion thereof, stating the Name of the Vessel, the Port to which she belongs, and the Place where she is; and if such Master or other Person neglect so to do he shall for such Offence be liable to a Penalty not exceeding Fifty Pounds.

Notice to be given of apprehended Loss of Steam Vessels.

XXX. If the Owner of any Steam Vessel have Reason, owing to the Nonappearance of such Vessel, or to any other Circumstance, to apprehend that such Vessel has been wholly lost, he shall as soon as conveniently may be send Notice thereof in like Manner to the Lords of the said Committee, and if he neglect so to do within a reasonable Time he shall for such Offence be liable to a Penalty not exceeding Fifty Pounds.

Inspection of Steam Vessels.

And with regard to the Provision to be made for the Inspection of Steam Vessels, be it enacted as follows:

Board of Trade may send Inspectors on board Vessels whenever necessary.

XXXI. The Lords of the said Committee may from Time to Time, whenever it seems expedient to them so to do, appoint any of the Surveyors to be appointed by them as aforesaid, or any other fit Person, as an Inspector, to go on board any Ship or Vessel, to report to them whether the Provisions of this Act, or the Regulations made under or by virtue of this Act, have been complied with, and also whether the Hull and Machinery of such Vessel, if the same be a Steam Vessel, are sufficient and in good Condition, or to report to them upon the Nature and Causes of any Accident or Damage which such Vessel has sustained or caused, or is said to have sustained or caused.

Powers of Inspectors.

XXXII. It shall be lawful for any such Inspector as aforesaid, and also for any Person being a Member of the said Naval Department of the Board of Trade, to go on board any Steam Vessel at all reasonable Times, and to inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments, or Articles on board thereof to which the Provisions of this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Vessel from proceeding on any Voyage; and in all Cases of Accident or Damage such Inspector or other Person may make such Inquiries, and require Answers or Returns thereto, as to the Nature, Circumstances, and Causes of such Accident or Damage, as he thinks fit, and may, by Summons under his Hand, require the Attendance of all Persons whom he thinks fit to call before him upon any Question or Matter connected therewith or relating thereto, and may administer Oaths, and examine such Persons upon Oath, and may require and enforce the Production upon Oath of all Log Books, Accounts, Agreements, or other Papers or Writings in anywise relating to any such Matter as aforesaid, or in lieu of requiring and administering an Oath may require any Person to make and subscribe a Declaration of the Truth of the Matters respecting which he has been examined or interrogated: Provided always, that no Person shall be required, in obedience to any Summons from such Inspector or other Person, to travel more than Ten Miles from his actual Abode at the Time of receiving such Summons, unless such reasonable Allowance for Expenses in respect of his Attendance to give Evidence and of his Journeys to and from the Place where he may be required to attend for that Purpose be made and tendered to him as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster;* and in case of any Dispute as to the Amount of such Expenses the same shall be referred by such Inspector, or other Person, to One of the Masters of Her Majesty's Court of Queen's Bench, and such Master shall, on a Request made to him for that Purpose under the Hand of such Inspector or other Person, ascertain and certify the proper Amount of such Expenses.

Proviso for Expenses of Witnesses.

Penalty for obstructing Inspectors.

XXXIII. If any Person wilfully impede such Inspector or other Person in the Execution of any Part of his Duty, whether on board any Ship or Vessel or elsewhere, every Person so offending, and all Persons aiding and assisting therein, may be seized and detained by such Inspector or other Person, or by any Persons called by him to his Assistance, until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction; and every such Offender, and also every Person who refuses to attend as a Witness before any such Inspector or other Person, when required so to do, in the Manner hereby directed, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which such Inspector or other Person is hereby empowered to require as aforesaid, shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Legal Proceedings.

And with respect to legal Proceedings for enforcing the Provisions of this Act, be it enacted as follows:

Misdemeanors or Offences to be prosecuted

XXXIV. All Misdemeanors or Offences created by this Act may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment or other appropriate legal Proceeding in any Court having appropriate Jurisdiction in any of Her Majesty's Dominions, and shall be punishable with Fine or Imprisonment, or both, as such Court thinks fit; and all Penalties and other Sums of Money hereby

hereby made payable or recoverable may be recovered, with Costs, and all Offences hereby made punishable may, unless previously punished as Misdemeanors, be prosecuted and punished, and the Costs of such Prosecution recovered, by some appropriate summary Proceeding, before Two or more Justices, or before a Judge exercising Maritime Jurisdiction, or other Officer or Officers having appropriate Jurisdiction in any Part of Her Majesty's Dominions; and all such summary Proceedings, if instituted in *England* or *Wales*, shall, so far as is consistent with the Provisions of this Act, be carried on in the Manner directed by an Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

by Information or Indictment.

11 & 12 Vict. c. 43.

Sheriffs in Scotland who exercise Jurisdiction under 11 G. 4. & 1 W. 4. c. 69. to have same Powers, &c. as Justices have under this Act.

XXXV. Every Sheriff in *Scotland* shall, within his own County, and in all Places in which Sheriffs are authorized to exercise Jurisdiction in virtue of the Act of the Session of the Eleventh Year of King *George* the Fourth and First Year of King *William* the Fourth, Chapter Sixty-nine, have such Powers and be entitled to exercise such Jurisdiction under this Act as any Justices have or are entitled to exercise under the Provisions of this Act; and any Proceedings instituted under this Act before any such Sheriff may be conducted in the same Way as any summary Proceedings before any Sheriff Court in *Scotland* may for the Time being be lawfully conducted; and every Deliverance, Sentence, and Conviction of any Sheriff under this Act shall be final, and not subject to any Review whatsoever.

Jurisdiction to be where the Offence is committed, &c.

XXXVI. For the Purpose of giving Jurisdiction under this Act, every Offence shall be deemed to have been committed, and every Cause of Complaint to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

Service to be good if made personally, or at Abode, or on board Ship, &c.

XXXVII. Service of any Summons or other Matter in any legal Proceeding under this Act shall be deemed good Service if made personally on the Person to be served, or if made at his last known Place of Abode or Business, or if made on board any Vessel to which he belongs, and accompanied with a Statement of the Purport thereof to the Person in command or appearing to be in command or charge of such Vessel.

Proof of Issue and Transmission of Certificates.

XXXVIII. All Certificates purporting to be issued in pursuance of this Act by the Lords of the said Committee, and to be signed as herein-before required, shall be taken to have been so issued and signed, unless the contrary is proved; and every Document purporting to be an Office Copy of any such Certificate as aforesaid, and to be signed in the Manner herein-before required for the Signature of such Certificate, shall be received in Evidence, and shall be deemed to be a true Copy of the Original of which it purports to be a Copy, and in proving the Transmission of any such Certificate from the Lords of the said Committee to the Master or Owner of any Steam Vessel it shall be sufficient to prove that the same was duly received by some Officer of Customs or other public Servant, and was by him delivered to or left at the Place of Abode or Business of such Master or Owner, or delivered to any Person in charge or appearing to be in charge of the Vessel to which the same relates.

Burden of Proof that a Ship is exempted.

XXXIX. If in any legal Proceeding under this Act any Question arises whether any Vessel is or is not within the Provisions of this Act, such Vessel shall be taken to be within such Provisions, unless Proof to the contrary is adduced.

Application of Penalties.

XL. Any Justice or other Court imposing any Penalty under this Act of which no specific Application is herein provided may, if he or they think fit, direct that a Part, not exceeding One Moiety thereof, shall be applied to compensate any Person for any Wrong or Damage which he may have sustained by reason of the Default in respect of which such Penalty is imposed; and, subject to such Directions or specific Application as aforesaid, all such Penalties shall be applied as the Lords of the said Committee direct, in aid of the Expenses to be incurred in execution of this Act.

Indictments to be preferred by Direction of the Board of Trade or of Commissioners of Customs.

XLI. No Indictment shall be preferred for any Offence against this Act, unless under the Direction of the Lords of the said Committee or of the Commissioners of Her Majesty's Customs, and no Suit or Proceeding shall be commenced for the Recovery of any Penalty or Forfeiture for any such Offence, except where such Penalty or Forfeiture is made payable to the Owner of a Vessel, and, except in any other Cases in which Directions to the contrary are herein-before contained, unless in the Name of some public Officer under the Direction of the Lords of the said Committee or of the said Commissioners respectively; and in any Indictment preferred or Suit or Proceeding instituted under this Act the Averment that the Lords of the said Committee or the Commissioners of Her Majesty's Customs have directed the same to be preferred or instituted shall be sufficient Proof of the Fact, unless the contrary is shown.

Penalties to be sued for within Six Months.

XLII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act, and made summarily recoverable thereunder, unless the Complaint respecting such Offence be made before such Justice within Six Months next after the Commission of such Offence.

No Proceeding to be void for Informality, &c.

XLIII. No Conviction, Order, or other Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or otherwise into any Superior Court.

Distress not unlawful for Want of Form.

XLIV. No Distress levied in any Proceeding under this Act shall be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Parties aggrieved by such Defect or Irregularity may recover Satisfaction for the special Damage in an Action.

Parties aggrieved may appeal to Quarter Sessions on giving Security.

XLV. If any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no

Legal Proceedings.

no such Appeal shall be entertained unless within One Month next after the making of such Determination or Adjudication Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

XLVI. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they think reasonable.

Miscellaneous.

Not to affect 12 & 13 Vict. c. 33.

XLVII. Nothing in this Act contained shall be taken to repeal or alter any of the Provisions of the "Passengers Act, 1849."

Not to extend to Ships of War or Foreign Vessels.

XLVIII. Nothing in this Act contained shall apply to any Ship belonging to Her Majesty, nor to any Vessel not being a *British* Vessel or a Vessel owned wholly or in part by *British* Subjects, nor to any Steam Ferry Boat working in Chains commonly called a Steam Floating Bridge.

Nothing to affect Privileges of Corporation of London.

XLIX. Nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

Copy of this Act, &c. to be kept on board.

Penalty for Neglect.

L. The Master of every Steam Vessel to which this Act applies shall provide himself with a Copy thereof, and also of all Regulations made by virtue of this Act by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, with respect to the Exhibition of Lights, and shall at all Times keep the same on board his Vessel, and in case he refuse or neglect to do so shall be subject to a Penalty not exceeding Five Pounds.

Commencement of Act. Short Title.

LI. This Act shall come into operation on the Thirty-first of *December* after the passing thereof, and may be cited as "The Steam Navigation Act, 1851."

CAP. LXXX.

An Act for confirming a certain Provisional Order of the General Board of Health for applying the Public Health Act, 1848, to the Borough of *Great Yarmouth* in the County of *Norfolk*.

[7th *August* 1851.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of the Act, a certain Provisional Order 'mentioned in the Schedule to this Act annexed, and it is expedient that the said Order should be 'confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Confirming Provisional Order of the General Board of Health.

I. That the Provisional Order of the General Board of Health referred to in the Schedule to this Act annexed, applying the Public Health Act, 1848, to the Borough of *Great Yarmouth* in the County of *Norfolk*, shall be and the same is hereby confirmed, so far as it is authorized by the Public Health Act, and shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same Order had been expressly enacted in this Act.

Limitation of Act to that Part of Great Yarmouth in the County of Norfolk.

II. 'And whereas a Portion of the Borough of *Great Yarmouth*, named in the Schedule of this Act, is 'situate within the County of *Suffolk*, and Doubts may arise in respect of the Extent of the District 'constituted by the Provisional Order for the said Borough referred to in the said Schedule:' Be it hereby and it is hereby declared, That the said District is confined to so much of the said Borough as is situate within the County of *Norfolk*, and that none of the Powers, Authorities, and Duties to be exercised and fulfilled under or by virtue of the Public Health Act, 1848, or the said Order, shall be exercised and fulfilled under or by virtue of the said Order and this Act beyond the Boundaries of that Part of the said Borough which is contained in the County of *Norfolk*.

Act incorporated with Public Health Act.

III. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were One Act.

Short Title of this Act.

IV. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act for *Great Yarmouth*, 1851."

SCHEDULE to which this Act refers.

PROVISIONAL ORDER of the GENERAL BOARD OF HEALTH submitted for the Confirmation of Parliament.

GREAT YARMOUTH.

CAP. LXXXI.

An Act to authorize the Removal from *India* of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in *India*. [7th *August* 1851.]

'WHEREAS it is expedient to make Provision for the several Purposes herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to remove from India to the United Kingdom Persons of European Birth found guilty of Crimes and Offences, and acquitted on the Ground of Insanity.

I. That if any Person shall have been or shall hereafter be indicted for or charged with any Crime or Offence in any Court in *India*, and shall have been or shall hereafter be acquitted of or not be tried for such Crime or Offence on the Ground of his being found to be of unsound Mind, and shall by reason of the Premises be lawfully in Custody in *India*, it shall be lawful for the Person or Persons administering the Government of the Presidency in which such Person shall be so in Custody to order such Person to be removed from *India* to any Part of the United Kingdom, there to abide the Order of Her Majesty concerning his or her safe Custody, and to give such Directions for enabling such Order to be carried into effect as may be deemed fit and proper.

Order of Government of India to be a sufficient Warrant and Authority for the Purpose of Removal.

II. That the Orders and Directions of the said Government of any of the said Presidencies for the Removal of any Person under the Provisions of this Act shall be a sufficient Warrant and Authority to all Commanders of Vessels, and others, to whom the Care and Custody of any such Person shall be committed, for the Removal of such Person from *India* to the United Kingdom in conformity with such Directions, and for his Detention in Custody there until an Order shall be made by Her Majesty as herein-after is mentioned; and that upon the Arrival of any such Person in the United Kingdom it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure in such Place and in such Manner as to Her Majesty shall seem fit, in like Manner as if such Person had been indicted for an Offence and found insane, and were thereby subject to the Provisions of the Act passed in the Thirty-ninth and Fortieth Year of His late Majesty King *George* the Third, intituled *An Act for the safe Custody of Insane Persons charged with Offences.*

Expenses to be defrayed by East India Company, and charged upon the Revenues of India.

III. That all Expenses attending the Removal from *India* and the safe Custody and Maintenance in *Great Britain* or *Ireland* of all such Persons as aforesaid shall be borne and defrayed by the *East India* Company, who are hereby authorized to charge the Amount of such Expenses upon the Revenues of the Government of *India*.

The Amount of all Expenses incurred by the East India Company to be a Debt due from the Lunatic, and be secured by a Judgment in England and Ireland, and by Decree of Registration in Scotland.

IV. That the Amount of all Expenses incurred by the *East India* Company in respect of the Removal and Custody of any such Person as aforesaid shall be a Debt from such Person to the *East India* Company; and that for securing the Payment thereof the *East India* Company shall be entitled to enter up against such Person as of the Date of the Order for Removal from *India* any Judgment in *England* or *Ireland* in an Amount sufficient to secure the Payment of all Expenses incurred and to be incurred in respect of the Matters aforesaid, and the Costs of ascertaining the same as after mentioned; and on Production at the Office in *Edinburgh* for the Registration of Writs in the Books of Council and Session of a Copy of any Order of the Court of Directors directing such Judgment to be entered up, certified by the Secretary of the said Company, such Order shall be registered in the said Books in like Manner as a Bond executed according to the Law of *Scotland* with a Clause of Registration, and Decree shall be interponed thereon which shall have the like Effect as if such Person had executed such Bond, but without Prejudice to the Provisions herein contained for ascertaining the Sum actually due; and that upon Application to be from Time to Time made to the Lord Chancellor of *Great Britain* in *England* or Chancellor in *Ireland*, being intrusted with the Care of Persons of unsound Mind, or the Court of Session in *Scotland*, the Amount of such Expenses reasonably and properly incurred shall be ascertained by a Reference to One of the Masters of the Court of Chancery, or by a Remit to the Accountant of the Court of Session, or otherwise, in such Manner as the Person or Persons to whom such Application shall be made shall direct; and the *East India* Company shall be entitled from Time to Time to recover Payment of the Amount so ascertained, and the Costs of ascertaining the same, by proceeding on the Judgment in *England* or *Ireland*, and Registered Order and Decree in *Scotland*, and enforcing the same against the Property but not against the Person of the Debtor, in the same Manner as if such Judgment had at the Date of the said Order of Removal been recovered against the Debtor when of sound Mind, and had been entered up at the Date of such Order, or as if such Bond had been granted by the Debtor when of sound Mind at the Date of such Order, and had been duly registered in the Books of Council and Session, and a Decree of the Court of Session interponed thereto.

Lunatics and Idiots may be removed from India by Orders of the Supreme Courts at the several Presidencies.

V. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by the Supreme Court of Judicature at any of the Presidencies of *India*, it shall be lawful for such Supreme Court to declare that such Person ought to be removed from *India* to any Part of the United Kingdom, and thereupon to make such further or other Order or Orders authorizing or directing his Removal, and touching his safe Custody and Maintenance, as to such Supreme Court shall seem fit and proper: Provided always, that in every such Case a Transcript of the Proceedings in the Matter of the Idiotcy or Lunacy of such Person shall, under the Provisions herein-after contained, be transmitted to that Part of the United Kingdom to which such Person shall be removed.

VI. That

Transcript of all Inquisitions and Orders to be transmitted and entered of Record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom.

VI. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by any of the Supreme Courts in *India* as aforesaid, it shall be lawful for the proper Officer of the said Supreme Court by the Order of such Court to transmit a Transcript, under the Hand and Seal of the Chief Justice or Senior Judge of such Supreme Court, of the Proceedings by which the Idiotcy, Lunacy, or Unsoundness of Mind shall have been found, and by which such Guardian, Keeper, or Curator shall have been appointed, to the Chancery in *England* and the Court of Session in *Scotland* and the Chancery of *Ireland* respectively, as the Case may require, and that such Transcript, when so received, shall be entered as of Record in the Court or Courts to which the same shall be transmitted; and that in the Case of any Supersedeas of any such Proceedings the same shall be certified and transmitted and recorded in like Manner; and that the Record of any such Proceedings or of any such Supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid, or the Court of Session in *Scotland*, or the Chancellor of *Ireland* intrusted as aforesaid, (as the Case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Proceedings or Supersedeas, or Proceedings or a Supersedeas to the like Effect, had taken place in *England*, *Scotland*, or *Ireland* respectively; and it shall be lawful for the Lord Chancellor or other Persons intrusted as aforesaid, the Court of Session in *Scotland*, and the Chancellor of *Ireland* intrusted as aforesaid respectively, from Time to Time to make and give all such Orders or Directions by appointing any Committee or Committees, Curator or Curators, or otherwise, as may appear necessary or proper for securing proper Care and Protection to the Person and Estate of such Idiot, Lunatic, or Person of unsound Mind.

Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal.

VII. That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or any other Person or Persons for the Time being intrusted as aforesaid, and the Powers and Authorities given by this Act to the Lord Chancellor of *Ireland* intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland*, or any other Person or Persons for the Time being intrusted as aforesaid.

CAP. LXXXII.

An Act to simplify the Forms of Appointments to certain Offices, and the Manner of passing Grants under the Great Seal. [7th *August* 1851.]

27 H. 8. c. 11.

'WHEREAS by an Act of the Twenty-seventh Year of King *Henry* the Eighth, Chapter Eleven, 'Provision is made that all Writings to be passed under the Great Seals therein mentioned should 'be passed through the Offices of the Signet and Privy Seal respectively, by such Warrants as therein 'described: And whereas it is expedient to simplify the Manner of Appointment to Offices held at the 'Pleasure of the Crown, and the Mode of granting such Charters and Letters Patent, as herein-after 'mentioned:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 27 H. 8. c. 11. as relates to Warrants for passing Grants, &c. repealed.

I. So much of the said Act of the Twenty-seventh Year of King *Henry* the Eighth as relates to the Warrants and other Writings for or preparatory to the passing of any Gift, Grant, or other Writing under the Great Seal of *England* therein mentioned, shall, after the Commencement of this Act, be repealed.

Authority for passing Grants under the Great Seal.

II. In every Case where, under the said Act of the Twenty-seventh Year of King *Henry* the Eighth, or according to the Law or Usage subsisting before the passing of this Act, any Gift, Grant, or Writing whatsoever to be passed under the Great Seal of the United Kingdom would have required a Queen's Bill, or Bills from the Offices of the Signet and the Privy Seal respectively, it shall be lawful for Her Majesty, after the Commencement of this Act, by Warrant under Her Royal Sign Manual, addressed to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, to command such Lord Chancellor, Lord Keeper or Lords Commissioners, (as the Case may be,) to cause Letters Patent to be passed under the Great Seal of the United Kingdom according to such Warrant; and every such Warrant shall be prepared by Her Majesty's Attorney and Solicitor General for the Time being, or One of them, and shall set forth the Tenor and Effect of the Letters Patent thereby authorized to be granted, and shall be countersigned by One of Her Majesty's Principal Secretaries of State, and shall be sealed with the Privy Seal, for which sealing such Royal Sign Manual, so countersigned as aforesaid, shall be sufficient Warrant to the Lord Keeper of the Privy Seal; and such Warrant under the Royal Sign Manual, so countersigned and sealed as aforesaid, shall be a sufficient Authority to the said Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal, for passing Letters Patent under such Great Seal, according to the Tenor of the same Warrant, any Law or Usage to the contrary in anywise notwithstanding; and no Queen's Bill, Signet Bill, Privy Seal Bill, or other Warrant or Authority whatsoever, save as herein provided, shall be necessary for or preparatory to the passing of such Letters Patent.

Signet and Privy Seal Bills, &c. dispensed with.

Offices of Clerks of Signet and Privy Seal abolished.

III. From and after the Commencement of this Act the several Offices of Clerks of the Signet and Clerks of the Privy Seal shall be abolished.

IV. It

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury to grant to the Persons holding Offices hereby abolished, and to all Persons who may sustain any Loss of Fees or Emolument by reason of the passing of this Act, such Compensation as, having regard to the Tenure and Nature of their respective Offices, such Commissioners deem just and proper to be awarded. Compensation to Persons holding abolished Offices, &c.

V. All Powers and Duties whatever now exercised or performed by the Clerks of Her Majesty's Signet or otherwise in the Office of Her Majesty's Signet, not superseded or otherwise provided for by this Act, shall after the Commencement of this Act be exercised and performed, in the Office and under the Direction of Her Majesty's Principal Secretary of State for the Home Department, by such Persons as such Secretary of State shall from Time to Time appoint. Duties of Signet Office (not superseded by this Act) how to be performed.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time after the passing of this Act, to determine and regulate the Establishment to be maintained after the Commencement of this Act for executing the Duties of the Privy Seal Office, and to fix the Salaries to be paid to the several Officers of such Establishment. Treasury to regulate Privy Seal Office, and fix Salaries.

VII. It shall be lawful for the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, from Time to Time after the passing of this Act, to frame and establish such further Rules and Regulations to be observed in the passing of Letters Patents under the Great Seal of the United Kingdom as shall seem to them expedient. Lord Chancellor and Secretary of State to make Rules for passing Letters Patent.

VIII. Provided also, That nothing in this Act contained shall extend to or affect any Letters Patent, Writ, Commission, or other Writing which may now be passed under the Great Seal by the Fiat or under the Authority or Directions of the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, or otherwise, without passing through the Offices of the Signet and the Privy Seal. Act not to affect Letters Patent, &c. not passed through Signet and Privy Seal Offices;

IX. Nor shall the Duties, Rights, Patronage, Privileges of Nomination, or other Privileges belonging to or exercised by the Lord Chancellor, Lord Keeper and Lords Commissioners of the Great Seal, in the Name or on the Behalf of Her Majesty, or otherwise, be by this Act in any way or respect prejudiced, affected, or varied, except so far as is herein specifically enacted. nor Rights, &c. of Lord Chancellor.

X. This Act shall, save where herein otherwise provided, commence from and after the Thirty-first Day of *December* One thousand eight hundred and fifty-one. Commencement of Act.

CAP. LXXXIII.

An Act to improve the Administration of Justice in the Court of Chancery and in the Judicial Committee of the Privy Council. [7th *August* 1851.]

'WHEREAS it is expedient that further Provision should be made for the Administration of Justice 'in the High Court of Chancery and in the Judicial Committee of the Privy Council:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall lawful for Her Majesty, from Time to Time, by Letters Patent under the Great Seal of the United Kingdom, to appoint Two Persons being or having been respectively Barristers-at-Law of Fifteen Years standing, to be Judges of the Court of Appeal in Chancery, and every Judge so appointed shall hold his Office during good Behaviour; provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament; and the Lord Chancellor, together with such Two Judges, for the Time being appointed as aforesaid, shall form the Court of Appeal in Chancery. Power to Her Majesty to appoint Two Persons to be Judges of the Court of Appeal in Chancery.

II. It shall be lawful for Her Majesty, in and by such Letters Patent as aforesaid, or by any other Letters Patent under the Great Seal of the United Kingdom, to direct that each of the Judges to be appointed in pursuance of this Act shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by such Judge at his Pleasure; and the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend the said Court of Appeal and the respective Judges thereof as Circumstances shall require, and the Lord Chancellor shall direct. Power to appoint Secretary, Usher, and Trainbearer for each Judge.

III. The said Judges shall be styled Lords Justices of the Court of Appeal in Chancery, and shall have Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer, and as between themselves shall have Rank and Precedence according to the Order and Time of their Appointment. Precedence of Judges of Court of Appeal.

IV. Every Judge so appointed shall previous to his executing any of the Duties of his Office take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer: Judges of Court of Appeal to take the following Oath.

'I do solemnly and sincerely promise and swear, That I will duly and 'faithfully, and to the best of my Skill and Power, execute the Office of Lord Justice of the Court of 'Appeal in Chancery. So help me GOD.'

V. From and after the First Day of *October* One thousand eight hundred and fifty-one all the Jurisdiction of the High Court of Chancery in *England* which is now possessed and exercised by the Lord Chancellor in the said Court of Chancery, and all Powers, Authorities, and Duties, as well ministerial as judicial, incident to such Jurisdiction, now exercised and performed by the Lord Chancellor, shall and may be had, exercised, and performed by the said Court of Appeal. Court of Appeal to have the Jurisdiction now exercised by the Lord Chancellor.

VI. Where under any Act of Parliament any Jurisdiction is vested in the Lord Chancellor, or any Power, Authority, or Duty is to be exercised or performed by the Lord Chancellor, and under the Directions Statutory Jurisdiction now exercised by the

Lord Chancellor as a Judge in Chancery may be exercised by the Court of Appeal.

tions of any Act or by the Usage in this Behalf such Power, Authority, or Duty is or ought to be exercised or performed by the Lord Chancellor acting judicially in the said Court of Chancery, all such Jurisdiction, Power, Authority, and Duty, and the ministerial Powers and Authorities incident thereto or consequent thereupon, which are now exercised and performed by the Lord Chancellor, shall from and after the said First Day of *October* One thousand eight hundred and fifty-one be had, exercised, and performed by the said Court of Appeal.

Jurisdiction of Vice Chancellor in Bankruptcy transferred to the Court of Appeal.

VII. From and after the First Day of *October* One thousand eight hundred and fifty-one all the Powers, Authorities, and Jurisdiction, original and appellate, given and granted to the Vice Chancellors of the said Court of Chancery or any of them, under the Bankrupt Law Consolidation Act made and passed in One thousand eight hundred and forty-nine, or otherwise had, possessed, or exercised by the said Vice Chancellors, or any of them, in Matters of Bankruptcy, shall be granted to, vested in, exercised, and possessed by the said Court of Appeal; and all the Provisions of the said Act in relation to such Appeals to such Vice Chancellor shall be construed accordingly: Provided always, that there shall not be any Appeal from the Decision of the said Court of Appeal to the Lord Chancellor, anything in the said Bankrupt Law Consolidation Act to the contrary notwithstanding.

Common Law Judges may sit on Request of Lord Chancellor.

VIII. It shall be lawful to the said Court of Appeal and the Master of the Rolls, and the Vice Chancellors, and for each of the said Jurisdictions, to sit, with the Assistance of any Judge of either of Her Majesty's Courts of Common Law at *Westminster*, upon the Request of the Lord Chancellor, if any such Common Law Judge shall find it convenient to attend upon such Request.

Decision of Majority to be deemed Decision of Court.

IX. The Decision of the Majority of the Judges of the Court of Appeal shall be taken and deemed to be the Decision of the said Court; and if the Judges of the Court be equally divided in opinion on any Cause or Matter brought before the Court by way of Appeal, the Decree or Order appealed from shall be taken and deemed to be affirmed by the Court of Appeal.

Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords.

X. All Decisions, Decrees, or Orders of the Court of Appeal, including Decisions in Matters of Bankruptcy, shall be subject to Appeal to the House of Lords in the Cases and under the Conditions in and under which the like Decisions, Decrees, or Orders of the Lord Chancellor would have been subject to such Appeal if this Act had not been passed; but the Appeal to the House of Lords in Matters of Bankruptcy shall be only on Matters of Law or Equity, or on the Rejection or Admission of Evidence, and on a special Case to be approved and certified by One of the Judges of the Court of Appeal hereby constituted, whose Determination on the Settlement of such Case shall be final and conclusive.

One Judge sitting with Lord Chancellor, or both Judges sitting apart, to form Court; or Lord Chancellor sitting alone.

XI. All the Jurisdiction, Powers, and Authorities of the said Court of Appeal may be exercised either by One only of the Judges for the Time being appointed under this Act and the Lord Chancellor sitting together as such Court of Appeal, or by both of the Judges so appointed sitting as such Court apart from the Lord Chancellor, either in his Absence from the said Court of Chancery, or during the same Time as he is sitting in such Court: Provided always, that the Lord Chancellor shall and may also while sitting alone or apart from such Two Judges have and exercise the like Jurisdiction, Powers, and Authorities, as well as all such other Jurisdiction, Powers, and Authorities as might have been exercised by the Lord Chancellor if this Act had not been passed.

Lord Chancellor to regulate Sittings and Business of Court of Appeal.

XII. The Lord Chancellor shall fix the Times at which the Two Judges of the said Court of Appeal appointed under this Act, or either of them, shall sit with the Lord Chancellor, and at which such Two Judges shall sit apart from him as such Court of Appeal, and also what Appeals and Matters now usually heard and determined by the Lord Chancellor, and hereby made subject to the Jurisdiction of the said Court of Appeal, shall be heard and determined by such Court when the Lord Chancellor is sitting with the said Judges to be appointed under this Act or One of them, and by such Judges when sitting apart from such Lord Chancellor, and by such Lord Chancellor when sitting alone, respectively, and generally may make such Regulations as to him may seem proper for dividing and regulating the Business of the said Court of Appeal, and for the Attendance of a Registrar of the said Court of Chancery at the Sittings of the said Court of Appeal.

Saving of the ministerial and certain other Powers of the Lord Chancellor.

XIII. Nothing herein contained shall affect any of the Powers, Duties, or Authorities attached to the Office of Lord Chancellor, or exercised by the Lord Chancellor as Keeper of the Great Seal, except the Powers, Authorities, and Duties which are exercised and performed by him acting as a Judge in the said Court of Chancery, either by virtue of his ordinary Jurisdiction or of any Statute, and the ministerial Powers and Authorities incident thereto respectively, or affect the Powers, Authorities, and Duties of the Lord Chancellor, under and by virtue of any Appointment under the Sign Manual of the Crown, as having the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, or in relation to Letters Patent, Grants, or Writings passed or to be passed under the Great Seal of the United Kingdom, or the Revocation of such Letters Patent, Grants, or Writings, or the Powers and Authorities of the Lord Chancellor in right or on behalf of Her Majesty as Visitor of any Charity or other Foundation, or the Powers of the Lord Chancellor of Appointment to or Removal from or otherwise in relation to Offices in the Court of Chancery, or other Offices, save as herein specially provided, or the Powers of the Lord Chancellor to direct and regulate the Sittings and Duties of the Vice Chancellors, or any Powers of the Lord Chancellor (whether to be exercised by the Lord Chancellor alone, or with the Concurrence or Advice or Consent of the Master of the Rolls, or of the Master of the Rolls and the Vice Chancellors, or otherwise,) to make Rules or Orders for regulating the Practice, Proceedings, and Business of the Court of Chancery, or the Business or Duties of any of the Offices or Officers of such Court; and in all Cases where the Concurrence, Advice, or Consent of the Master of the Rolls and of One of the Vice Chancellors, or either of them, shall be requisite for the making of such Rules or Orders, the Concurrence,

rence, Advice, or Consent of One of the Judges appointed by virtue of this Act may be substituted for that of the Master of the Rolls or of such Vice Chancellor.

One of the Judges of the Court of Appeal may sit for Master of the Rolls or Vice Chancellor during his temporary Absence.

XIV. In case the Master of the Rolls or any Vice Chancellor of the High Court of Chancery shall be prevented by Illness or otherwise from sitting at any Time when according to ordinary Course his Court would be open, the Lord Chancellor may, by Writing under his Hand, from Time to Time, so often as Occasion may require, authorize One of the Judges of the said Court of Appeal to sit for the hearing and determining of Causes and Matters in lieu of the Master of the Rolls or such Vice Chancellor, and the Judge sitting under such Authority as aforesaid may, for the Purpose of disposing of any Cause or Matter which has been partly heard by him, continue such his Sittings, notwithstanding the Master of the Rolls or Vice Chancellor in whose Stead he has partly heard such Cause or Matter may also be sitting for the hearing of other Causes or Matters; and all Decrees and Orders made by such Judge in pursuance of such Authority shall be of the same Effect and Validity, and subject to Revision and Appeal, in the same Manner in all respects as if made by the Master of the Rolls or Vice Chancellor, as the Case may be: Provided always, that such Judge shall not sit as a Judge of the said Court of Appeal upon any Appeal from any Decree or Order made by himself.

Judges, if Privy Councillors, to be of the Judicial Committee.

XV. Every Person holding or who has held the Office of a Judge of the Court of Appeal in Chancery shall, if a Member of Her Majesty's Privy Council, be a Member of the Judicial Committee of the Privy Council.

No Matter to be heard, &c. by Judicial Committee unless Three Members are present, exclusive of Lord President.

XVI. So much of the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Forty-one, as provides that no Matter shall be heard, nor shall any Order, Report, or Recommendation be made, by the Judicial Committee of the Privy Council, in pursuance of that Act, unless in the Presence of at least Four Members of the said Committee, shall be repealed; and no Matter shall be heard, nor shall any Order, Report, or Recommendation be made, by the said Judicial Committee, in pursuance of the said Act or any other Act, unless in the Presence of at least Three Members of the said Committee, exclusive of the Lord President of Her Majesty's Privy Council for the Time being.

Provision as to Lord Chancellor's Salary.

2 & 3 W. 4. c. 122.

XVII. From and after the Eleventh Day of *October* One thousand eight hundred and fifty-one, the Salary of the Lord Chancellor shall be the net yearly Sum of Ten thousand Pounds; and there shall be deducted from the yearly Sum payable to the Lord Chancellor under the Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter One hundred and twenty-two, the Amount of any Salary or Sum which for the Time being may be payable to the Lord Chancellor as Speaker of the House of Lords, so that such yearly Sum only shall be paid by the Governor and Company of the Bank of *England*, to the Lord Chancellor, under and according to the Provisions of the said Act, as with the Salary or Sum certified (as herein-after mentioned) to be payable to the Lord Chancellor as such Speaker shall be sufficient to make up the net yearly Sum of Ten thousand Pounds; and the Clerk Assistant of the Parliaments shall on or before the Eleventh Day of *October* One thousand eight hundred and fifty-one, and from Time to Time, so often as the Salary or Sum payable to the Lord Chancellor as such Speaker is altered, certify in Writing under the Hand of such Clerk Assistant, to the said Governor and Company, the Amount of the Salary or Sum for the Time being payable to the Lord Chancellor as such Speaker.

Salary of the Master of the Rolls reduced to 6,000*l*.

7 W. 4. & 1 Vict. c. 46.

XVIII. From and after the Eleventh Day of *October* One thousand eight hundred and fifty-one, in lieu of the Salary payable to the Master of the Rolls under the Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Forty-six, there shall be paid, for the Salary of the Master of the Rolls for the Time being, out of the Fund, on the Days, and according to the Provisions mentioned and contained in the said Act, the annual Sum of Six thousand Pounds, free and clear from all Taxes and Deductions.

Salary of 6,000*l*. to be paid to each of the Judges of the Court of Appeal appointed under this Act out of the Interest and Dividends arising from Suitors Fund.

XIX. Out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed in the Name of the Accountant General of the Court of Chancery to the Two Accounts, intituled "Account of Monies placed out for the Benefit and "better Security of the Suitors of the High Court of Chancery," and "Account of Securities pur- "chased with surplus Interest arising from Securities carried to an Account of Monies placed out for the "Benefit and further Security of the Suitors of the High Court of Chancery," or either of them, there shall be paid (but subject and without Prejudice to the Payment of all Salaries or Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout), by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made from Time to Time for that Purpose, without any Draft from the Accountant General, the net yearly Salary of Six thousand Pounds to each of the Judges of the said Court of Appeal for the Time being appointed under this Act, the net yearly Salary of Four hundred Pounds to his Secretary, the net yearly Salary of Two hundred and fifty Pounds to his Usher, the net yearly Salary of One hundred Pounds to his Trainbearer; and also a Sum of Forty Pounds *per Annum* to each of the Persons appointed or to be appointed under the Act of the Session holden in the Fiftieth Year of the Reign of King *George* the Third, Chapter One hundred and sixty-four, and under the Act of the Session holden in the Fifth Year of the Reign of Her Majesty, Chapter Five, to keep Order in the Courts therein mentioned, and in addition to the Salary of Forty Pounds thereby provided; all such Payments to be made respectively on the Days and according to the Provisions as to proportionate Parts thereof respectively and otherwise mentioned and contained in the said last-mentioned Act in relation to the Salaries of the Vice Chancellors and Officers appointed under such Act.

Power to Her Majesty to grant an Annuity to each of such Judges on his Resignation.

XX. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to any Person appointed to and executing the Office of a Judge of the said Court of Appeal in pursuance of this Act, an Annuity not exceeding Three thousand seven hundred and fifty Pounds, to commence and take effect immediately after the Period when the Person to whom such Annuity is granted resigns his Office, and to continue from thenceforth during the natural Life of such Person; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom, after paying or reserving sufficient to pay all such Sums of Money as by any Acts of Parliament now in force have been directed to be paid thereout, but with Precedence to all other Payments which shall hereafter be charged thereupon; and such Annuity shall be paid on the Days and according to the Provisions mentioned and contained in the said Act of the Fifth Year of Her Majesty, in relation to the Annuities granted on Resignation of Office to the Vice Chancellors appointed under that Act: Provided always, that it shall be lawful for Her Majesty to limit the Duration of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person as he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Profits of such Office, shall together not exceed the said Sum of Three thousand seven hundred and fifty Pounds: Provided also, that no Annuity granted to any Person having executed the said Office of a Judge of the said Court of Appeal shall be valid unless such Person have held such Office for the Period of Fifteen Years, or have held such Office, and any of the Offices of Master of the Rolls, Vice Chancellor, or Judge of One of Her Majesty's Superior Courts of Common Law at *Westminster*, for Periods amounting together to Fifteen Years, or be affected with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Lord Chancellor empowered, if he think it necessary, to appoint an additional Registrar.

XXI. It shall be lawful for the Lord Chancellor (in case it shall hereafter appear to be necessary) by Writing under his Hand to appoint One additional Registrar of the Court of Chancery, and from Time to Time to fill up any Vacancy in the said Office; and the Person to be appointed such additional Registrar shall be the senior of the Clerks to the Registrars of the said Court for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and such additional Registrar shall rank next after the junior of the Registrars for the Time being appointed under the Act of the Fifth Year of the Reign of Her present Majesty, Chapter Five, and shall personally do and perform all the Duties and have and enjoy all the Rights and Privileges belonging to the Office of Registrar, and shall be subject to the several Provisions and Penalties contained in the said Act relating to the Registrars of the said Court, and be entitled, in case of permanent Infirmity or after Continuance in Office for Forty Years, to the like Annuity as if he had been appointed Registrar in and by the said Act: Provided always, that the Acceptance of the Office of additional Registrar by such senior Clerk for the Time being shall be without Prejudice to all his Rights of Succession to the Office of Registrar under the said Act.

Salary of such Registrar to be paid out of Suitors Fund.

XXII. Out of the Fund placed to the Credit of the Accountant General of the said Court, intituled "The Suitors Fee Fund Account," or the other Funds charged with and made liable for the Payment of the Salaries of the present Registrars, there shall be paid to such additional Registrar from the Date of his Appointment the Salary or net yearly Sum of One thousand two hundred and fifty Pounds, and also, so long as he shall be liable for the Expenses of writing and copying the Decrees and Orders, and the Minutes of the Decrees and Orders of the said Court, the yearly Sum of One hundred Pounds, on the Days and in the Manner provided by the said Act of the Fifth Year of the Reign of Her present Majesty, Chapter Five, with respect to the Payment of the Salaries of the present Registrars.

Additional Salary to the Eleventh Clerk to the Registrars.

XXIII. In the event of the Appointment of such additional Registrar there shall be paid to the Eleventh Clerk to the Registrars for the Time being, from the Date of such Appointment, out of the said Fund, intituled "The Suitors Fee Fund," or such other Funds as aforesaid, the same Salary or yearly Sum, and on the same Days and in the same Manner as by the said Act of the Fifth Year of the Reign of Her present Majesty, Chapter Five, is appointed and directed to be paid to the Seventh, Eighth, Ninth, and Tenth Clerks to the Registrars.

Interpretation of Term "Lord Chancellor."

XXIV. In the Construction of this Act, unless such Meaning be repugnant to or inconsistent with the Context, the Expression "Lord Chancellor" shall mean and include the Lord High Chancellor of *Great Britain*, and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for the Time being.

CAP. LXXXIV.

An Act to alter and amend an Act empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand*. [7th *August* 1851.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth 'Years of the Reign of Her present Majesty, Chapter Seventy, which said Act recites certain 'Letters Patent dated the Thirteenth Day of *November* in the Thirteenth Year of the Reign of Her 'present Majesty, incorporating the said Association, and also a certain Agreement dated the First Day 'of *December* One thousand eight hundred and forty-nine, between the said Association and the *New* '*Zealand* Company: And whereas by the said Letters Patent the said Association are empowered from 'Time to Time to make Byelaws, and alter and revoke the same, as in the said Letters Patent mentioned; 'And whereas it is expedient to alter and amend some of the Provisions of the said recited Act, and to 'provide for the better and more effective Regulation of the Proceedings of the said Association, and to 'confer additional Powers upon the said Association with respect to the Land in the said Settlement:'

Be

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Canterbury Association may impose Penalties for Breach of Byelaws.

I. That it shall be lawful for the said Association by their said Byelaws to impose such reasonable Penalties upon all Persons, being Members, Officers, or Servants of the said Association, offending against such Byelaws, as the said Association may think fit, not exceeding Five Pounds for any One Offence.

Byelaws to be exhibited.

II. That such Byelaws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the said Association, and a Copy thereof shall be hung up and continued on some conspicuous Part of the principal Office or Premises of the said Association, so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Copy shall from Time to Time be renewed as often as the Byelaws thereon, or any Part thereof, shall be obliterated or destroyed, and such Copy of the Byelaws shall be approved by One of Her Majesty's Principal Secretaries of State; and no Penalty imposed by any such Byelaw shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Byelaws to be so framed that Penalties may be mitigated.

III. That all the Byelaws made by the said Association shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered as herein-after provided to order a Part only of such Penalty to be paid, if such Justices shall think fit.

As to Recovery of Penalties.

IV. That any Penalty imposed by any such Byelaw may be recovered by summary Proceedings before Two Justices, in the Manner provided for the Recovery of Penalties or Forfeitures in and by "The Companies Clauses Consolidation Act, 1845," with the like Power of Appeal given by the said last-mentioned Act.

Evidence of Byelaws.

V. That the Production of a written or printed Copy of the Byelaws of the said Association, having the Common Seal of the said Association affixed thereto, shall be sufficient Evidence of such Byelaws in all Cases of Prosecution under the same, and in all Courts, and before all Judges, Justices, and others.

Proceedings to be entered in Books, to be signed by the Chairman, and to be Evidence.

VI. That the Committee of Management of the said Association in the said Letters Patent mentioned shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the said Committee of Management or any Sub-Committee, and of the Orders and Proceedings of all Meetings of the said Association, and of the said Committee of Management, and of Sub-Committees, to be duly entered in a Book or Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the said Committee of Management; and every such Entry shall be signed by the Chairman of such Meeting, and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or held, or of the Persons making or entering such Orders or Proceedings being Members of the said Association, or of the said Committee of Management, or of any Sub-Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Power for Association to constitute a Managing Committee in the Settlement of Canterbury, and to delegate Authority to them.

VII. That it shall be lawful for the said Association from Time to Time, by Writing under their Common Seal, to appoint Persons, being Members of the said Association, to be and act as Members of a Managing Committee of the said Association within the said Settlement, and such Managing Committee shall have, exercise, and enjoy within the said Settlement all such Functions, Rights, Powers, and Authorities as the said Association shall, by any Writing under their Common Seal from Time to Time, vest in and confer upon them, with Power to the said Association from Time to Time to revoke, alter, and vary the same: Provided always, that such Managing Committee shall not have, exercise, or enjoy any Functions, Rights, Powers, or Authority other than such as the said Association by virtue of the Powers vested in them may lawfully have, exercise, and enjoy within the said Settlement.

Power to reserve and appropriate Land for public Purposes.

VIII. That it shall be lawful for the said Association and they are hereby empowered, from Time to Time, by Deed under the Common Seal of the said Association, to reserve and appropriate for any of the Purposes to which the Funds of the said Association are by the said Letters Patent made applicable, any Part or Parts of the Land in the said Settlement, being at the Time unsold and unappropriated; and every such Deed shall declare the Purpose for which the Land therein mentioned is intended to be reserved and appropriated; and upon due Execution of every such Deed the Land therein mentioned shall vest in and be held by the said Association, in trust for the Purposes therein declared: Provided always, that for every Acre of Land so reserved and appropriated as aforesaid that Part of the Funds of the said Association which under the said Letters Patent and the said recited Act is or shall be applicable to the Purpose for which such Land is declared to be reserved and appropriated shall be charged with and subject to the Payment of a Sum of Money equal to the current Price of every such Acre considered as sold to an ordinary Purchaser, and the said Money shall be distributed and appropriated in the same Manner as Money arising from ordinary Sales of Land by the said Association: Provided also, that it shall not be lawful for the said Association to reserve and appropriate Land as aforesaid unless the said Part of the said Funds in the Hands of the said Association for the Time being applicable as aforesaid is sufficient to pay a Sum equal to the Price of such Land considered as sold to an ordinary Purchaser, after deducting the Amount which would be appropriated to such Part of the said Funds on such Distribution as aforesaid.

Limitation of Power to reserve and appropriate Land.

Power to grant Timber Licences.

IX. That it shall be lawful for the said Association and they are hereby exclusively empowered to grant Licences for cutting, felling, and carrying away Timber growing upon the said unsold and unappropriated Part of the said Land; and the Money arising from the granting of such Licences shall be

be applied by the said Association in the same Manner as the Money arising from Licences for Pasturage granted under the Powers of the said recited Act.

Powers of the Association to prepare for Occupation unappropriated Land of the Settlement, and to determine Disputes respecting Enjoyment of Licences.

X. 'And whereas it is expedient that the said Association should be empowered to prepare for 'Occupation the unsold and unappropriated Part of the Land in the said Settlement, and to regulate and 'control the Use by Licence of the said Part of the said Land in the Manner herein-after mentioned:' Be it enacted, That it shall be lawful for the said Association to survey, improve, and prepare for Cultivation and the Reception of Settlers, any Lands in the said Settlement which may for the Time being remain unsold and unappropriated, and for all or any such Purposes in or upon any such Land to enter, and make and construct Roads, Railroads, Canals, Drains, Bridges, Ferries, and other internal Communications, and Docks, Buildings, and Works necessary or expedient for the Occupation or Improvement of any such Lands, and from Time to Time to change, remove, or vary the same, and also to alter, divert, and deepen the Channels of Rivers and Streams, and to make Locks, Dams, and Weirs therein, and further, that it shall be lawful for the Association, along the Coast within the Limits of the said Settlement, and as well below as above Low-water Mark, to make, build, erect, construct, and lay down Piers, Moles, Breakwaters, Quays, Lighthouses, Beacons, Harbours, Buoys, and Moorings, and all such other Works and Buildings as they may from Time to Time deem expedient, with Power to change, remove, or vary the same or any Part thereof, and generally that the said Association shall have over the said unsold and unappropriated Lands of the said Settlement, and over the Waters and Watercourses thereof, all such Rights, Powers, and Authorities, for all and every the Purposes aforesaid, as Her Majesty, Her Heirs and Successors, can or may have, so long as the same shall respectively remain unappropriated and undisposed of by the said Association; and that it shall be lawful for the said Association to regulate and control the Use of the said Land enjoyed under Licences for Pasturage, or cutting, felling, and carrying away Timber, by them granted, under the Powers of the said recited Act or this Act respectively, and in case of Disputes between the Holders of such Licences, or between them and the said Association or other Persons, with respect to the Enjoyment of the Rights conferred by such Licences, to decide and determine such Disputes; and every such Decision and Determination of the said Association shall be final and conclusive, and binding upon the Parties affected thereby.

Further Grants of Land to be subject to prior Provisions respecting the Settlement.

XI. That if at any Time during the Continuance of the Powers of the said Association Her Majesty, Her Heirs or Successors, shall authorize the Governor for the Time being of the Colony of *New Zealand* to grant, under the public Seal of the said Colony, any other Waste Lands in the said Colony, or shall otherwise declare, such Declaration to be signified by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, that any other Lands therein situate shall be added to the Lands comprised in the said Settlement, all such Lands shall thereupon become Part and Parcel of the said Settlement, and the said Association shall thenceforth have over all such Lands the same disposing and all other Powers and Authorities as they shall have over the Lands then comprised in the said Settlement, and all such Lands shall be thereupon dealt with and disposed of by the said Association in the same Manner, and under the same Restrictions, and considered in all respects, as if the same had originally formed Part of the Settlement, and had been included in the Provisions of the said recited Act and of this Act.

Extent of Act.

XII. That this Act shall extend to and be in force in the said Colony of *New Zealand* and its Dependencies.

CAP. LXXXV.

An Act further to amend an Act of the Sixth Year of King *William* the Fourth, to consolidate and amend the Laws relating to the Constabulary Force in *Ireland*. [7th *August* 1851.]

6 W. 4. c. 13.

'WHEREAS an Act was passed in the Sixth Year of His late Majesty King *William* the Fourth, 'intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, and the 'said Act has been amended by several subsequent Acts, and it is expedient that the same should be 'further amended: And whereas by the Eighth Section of the said Act it is enacted, that it shall be 'lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under his 'or their Hand or Hands, to nominate and appoint Eighteen Persons to be Paymasters, Storekeepers, and 'Clerks: And whereas the said Lord Lieutenant was by the said recited Act empowered to remove the 'said Paymasters, Storekeepers, and Clerks, or any of them: And whereas it having been deemed 'expedient to discontinue the said Offices of Paymaster, Storekeeper, and Clerk, the same were 'accordingly discontinued from the First Day of *April* last:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Offices of Paymaster, Storekeeper, and Clerk, under the said Act, discontinued. ss. 6. & 38.

I. That the said Offices of Paymaster, Storekeeper, and Clerk under the said recited Act shall be discontinued, and shall be deemed to have been from the said First Day of *April* last discontinued accordingly; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant such Superannuation Allowances or Gratuities as they may think proper to the Paymasters, Storekeepers and Clerks so discontinued, not exceeding the Amounts respectively which would or might be authorized under the Provisions of the Act of the Fourth Year of King *William* the Fourth, Chapter Twenty-four; such Superannuation Allowances and Gratuities to be charged on the Constabulary Superannuation Fund: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time hereafter to appoint a Paymaster and Storekeeper for the Depôt of the Reserved Force of the said Constabulary

Constabulary Force, with such Salary as the said Commissioners of the Treasury may think fit, and to be paid in like Manner as any Officers of the said Reserved Force.

The Commissioners of the Treasury to make Rules as to the Performance of the Duties heretofore required from the Paymasters and Storekeepers.

II. 'And whereas under the Provisions of the said recited Act the Lord High Treasurer or Lords 'Commissioners of Her Majesty's Treasury, or any Three or more of them, were empowered to make 'Rules and Regulations in respect of the particular fiscal Duties to be discharged by such Paymasters as 'aforesaid:' Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to make Rules and Regulations with respect to the several Duties (save as herein-after provided) by the said recited Act, and the Acts amending the same, required to be performed by such Paymasters, Storekeepers, and Clerks as aforesaid, and with respect to the Performance of the said Duties, and with respect to the Persons belonging to the said Constabulary Force, who shall henceforth perform the said Duties heretofore performed by such Paymasters, Storekeepers, and Clerks.

6 W.4.c.13.s.51. 2 & 3 Vict. c. 75. s. 19. 11 & 12 Vict. c. 72.

III. 'And whereas under the said recited Acts the Paymasters appointed thereunder were required to 'make up their Accounts half-yearly as therein provided, and to transmit the same to the Receiver of the 'said Constabulary Force, and Copies thereof were directed to be transmitted to the respective Grand 'Juries, and laid before the Magistrates at the Special Road Sessions next preceding the Assizes; and 'divers other Provisions were made respecting the said Accounts: And whereas by an Act of the 'Eleventh and Twelfth Years of Her present Majesty's Reign, Chapter Seventy-two, Provision is made 'as to the Form of Certificates to be transmitted to the Secretaries of Grand Juries by the Inspector 'General or a Deputy Inspector General of the said Force as to the Sums chargeable on the respective 'Counties, Counties of Cities, or Counties of Towns in respect of the said Constabulary Force:' Be it enacted, That in place and stead of the Accounts so heretofore required to be transmitted to the respective Grand Juries, and laid before the Magistrates at such Special Road Sessions, the Receiver of the Constabulary Force shall from and after the passing of this Act transmit or cause to be transmitted an Account of all such Sums (and such Sums only) as are chargeable on each County, County of a City, or County of a Town, under the Provisions of the Acts relating to the said Constabulary Force, to the Secretary of the Grand Jury of such respective County, County of a City, or County of a Town to which the same shall relate, and the same shall be by him laid before the Magistrates at the Special Road Sessions next preceding the next Assizes, who shall inspect the same; and the Chairman of such Special Road Sessions shall transmit each such Account to the Inspector General of the said Constabulary Force, with such Remarks thereon as such Special Road Sessions shall think fit to be made; and each such Account so transmitted to the said Inspector General shall be dealt with by him in like Manner and subject to like Provision as the half-yearly Accounts heretofore laid before and transmitted from such Special Road Sessions to the said Inspector General under the Provisions of the said Acts; and such Certificate shall be prepared and transmitted by the said Inspector General or a Deputy Inspector General as by the said Act of the Eleventh and Twelfth Years of Her Majesty is provided.

The Receiver of Constabulary to submit to the Special Road Sessions Accounts of Sums chargeable on Counties.

2 & 3 Vict. c. 75. s. 30. repealed.

IV. 'And whereas by an Act of the Second and Third Years of Her present Majesty's Reign, intituled '*An Act for the better Regulation of the Constabulary Force in* Ireland, it is among other things provided, 'that the Expenses incurred in respect of the Conveyance of Prisoners as therein mentioned shall be 'defrayed by the Paymasters of the said Constabulary Force out of any Funds in his or their Hands 'applicable to the Maintenance of the said Force, and the same shall be allowed him or them in his or 'their Accounts as if the same had been a Disbursement in respect of the said Force, subject to such 'Provisions as therein contained as to the same being chargeable on and presented by the Grand Juries 'of the respective Counties:' Be it enacted, That the said Provision shall be and is hereby repealed; and in every Case where any Expenses shall have been actually incurred or shall be proper to be incurred by any County Inspector, Sub-Inspector, Head or other Constable, Gaoler, Bridewell Keeper, or other Person in conveying any Prisoner to or from any County Gaol or Bridewell or House of Correction, or other Place, or for Examination before any Justice or Coroner in *Ireland*, or to or from any Assizes or Sessions or other Place in *Ireland*, or from any County Gaol or Bridewell or other Place to a District Lunatic Asylum in *Ireland*, or in the Pursuit of any Person charged with the Commission of any Offence in any Part of *Ireland*, to whatever Place in the United Kingdom of *England*, *Ireland*, and *Scotland*, or elsewhere, he may have escaped, or to which there shall be reasonable and probable Grounds for supposing he has escaped, or in the Conveyance of any Witnesses for Examination before a Justice or Coroner, or to any Assizes or Quarter Sessions, or in the Conveyance of any stolen Property to any Assizes or Sessions by Order of any Justice or other lawful Authority, or in attending at any Assizes or Sessions out of his proper County to prosecute any Offence committed within the County where he shall so attend for such Purpose, it shall be lawful for the Justice or other Authority before whom any such Prisoner or Witness shall be taken, or under whose Authority any such Officer, Constable, or other Person shall have acted, or for any Justice of the County or Place wherein the Offence shall be charged to have been committed, to deliver to such Officer, Constable, or other Person a Certificate in Writing that he is entitled to his Expenses to such Extent as such Justice shall think reasonable and necessary, and also to his Expense of returning again; and all such Expenses as aforesaid shall be defrayed by the Sub-Inspector of Constabulary of the County and District in which the Offence shall be charged to have been committed, or from which (in the Case of a Lunatic) such Lunatic shall have been so conveyed, out of any Funds in his Hands applicable to the Maintenance of the said Constabulary Force; and the several Sub-Inspectors of the Constabulary Force in each County shall transmit once in each Month to the County Inspector Accounts duly vouched of the Expenses so incurred as aforesaid chargeable on such County, County of a City, or County of a Town; and such County Inspector shall certify to the best of his Knowledge and Belief as to the

Expenses incurred in conveying Prisoners; in pursuit of Offenders; in carrying Witnesses; in carrying stolen Property, and in attending Assizes, &c.; to be certified by Justice; and to be paid by Sub-Inspector of Constabulary.

the Accuracy of such Accounts, both as regards the Number of Officers or Men of such Constabulary Force employed in such Service, and the Time they were so employed, and also as regards any extra Pay to which any such Officers or Men are entitled under the Regulations of the said Force, and also as regards any other Charge made in such Account; and such Accounts, when so certified, shall be transmitted by such County Inspector to the Board of Superintendence of the County Gaol of the County, County of a City, or County of a Town for which he shall act; and such Board of Superintendence are hereby empowered and required, without any unreasonable Delay, to examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy they are hereby empowered and required either to pay the same out of any Funds under their Control, or to grant an Order or Orders, signed by any Two or more Members of such Board, directed to the County Treasurer or Finance Committee, as the Case may be, requiring him or them to pay to the respective Sub-Inspectors therein named the several Sums payable to them upon such Accounts; and each such Board of Superintendence shall and they are hereby required before each Assizes or Presenting Term to prepare an Estimate of all such Sums as they shall deem to be necessary to cover the said Expenses as aforesaid for such County, County of a City, or County of a Town for the ensuing Half Year, or for the ensuing Year in the Case of the County of *Dublin*, and shall cause the same to be laid before such respective Grand Jury at the Assizes or Presenting Term; and each such Grand Jury shall and they are hereby required to present the Sum specified in such Estimate to be raised from the County at large, County of a City, or County of a Town, as any other Sums presented at such Assizes or Presenting Term, which Sums, when so raised, shall be applicable to the Payment of the Orders made as aforesaid for the Payment of such Expenses; and if the Sums so raised as aforesaid shall prove insufficient, the said Treasurer or Finance Committee shall apply to such Payments any other available Funds in his or their Hands; and in the Case of any such Monies not being duly paid as aforesaid, and also in the Case of Monies advanced by the Receiver of the Constabulary Force, or other Person, by the Authority of the Chief or Under Secretary of the Lord Lieutenant, or the Inspector General of the said Constabulary Force, for the Pursuit or Apprehension of any Person charged with the Commission of any Offence as aforesaid, the Amount of the Monies so unpaid as aforesaid, and also the Amount of the Expenses incurred in such Pursuit or Apprehension, shall be included in the Certificate which the said Inspector General is required to make of the Expenses of the Constabulary Force chargeable on the respective Counties, Counties of Cities, or Counties of Towns, and the same shall be dealt with, presented, and paid as any other Sums included in such Certificate: Provided always, that a Statement of the Items of Account of Expenses so chargeable shall be transmitted to such Grand Jury, together with such Certificate: Provided also, that nothing in this Section contained shall commence or take effect until on and from the First Day of *April* in the Year One thousand eight hundred and fifty-two.

Accounts of such Expenses to be laid before Boards of Superintendence of Gaols, and paid under their Order; Monies to be presented by Grand Juries.

Sums advanced for the Pursuit of Offenders to be repaid by Presentment.

V. 'And whereas by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, 'intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and for-'feited Recognizances in* Ireland, *and for the Appropriation thereof*, certain Duties, Matters, and Things 'are directed and provided to be performed by such Paymasters as aforesaid:' Be it enacted, That all such Duties, Matters, and Things so directed and provided to be performed or done under the said Act by any such Paymaster as aforesaid shall be performed and done by such Officer or Officers of the Constabulary Force as the said Inspector General, with the Approval of the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall direct in that Behalf, and the said Provisions of the said Act shall apply to such Officer or Officers in like Manner as to such Paymaster as aforesaid.

6 & 7 Vict. c. 56.

Duties directed by recited Act to be performed by Paymaster to be performed by such Officer as may be directed by Inspector General.

VI. 'And whereas it is expedient to make further Provision for facilitating Grants or Demises of 'Lands or Houses for the Use of the Constabulary Force:' Be it enacted, That it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees and Feoffees in trust for charitable or other Purposes, Committees, Executors or Administrators, and all Trustees and Persons whomsoever, not only for or on behalf of themselves, their Heirs or Successors, but also for or on behalf of the Person or Persons entitled in reversion, remainder, or expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Feme Coverts, or other Person or Persons, and to and for all Feme Coverts, who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed, or interested in any Lands, Tenements, or Hereditaments, from Time to Time to grant or demise to the Receiver appointed or to be appointed under the said recited Act, or any Act amending the same, or to any Person or Persons to be nominated by him for the Purpose, but in trust for Her Majesty, Her Heirs and Successors, and for any Term of Years whatsoever, or other Term, any House or Houses not being the Mansion House of the respective Party, or belonging thereto, or any Portion of Ground not being the Garden, Yard, Lawn, or Park belonging to such Mansion House, and not exceeding One Acre, for the Purpose of the same being occupied, used, or built upon for the Use or Accommodation or for the Purposes of the said Constabulary Force, every such Grant or Demise to be made at such annual Rent as may be agreed on by or on behalf of the Inspector General of the said Force, and to be reserved to the Owner of the immediate Reversion in such House, Houses, or Land for the Time being expectant on such Term.

Incapacitated Persons enabled to make Grants or Leases of Lands for the Use of the Constabulary.

CAP. LXXXVI.

An Act to regulate the Affairs of certain Settlements established by the *New Zealand* Company in *New Zealand*. [7th *August* 1851.]

'WHEREAS certain Terms of Purchase and Pasturage of Land in the Settlements of *Wellington*, *New Plymouth*, *Nelson*, and *Otago*, in *New Zealand*, had been issued by the *New Zealand* Company before the Fourth Day of *July* One thousand eight hundred and fifty, and the said Terms, or Part of them, were in force on that Day as Contracts between the *New Zealand* Company and the Settlers of the said Settlements of *Wellington*, *New Plymouth*, and *Nelson*, and the Association of Lay Members of the Free Church of *Scotland*, commonly called the *Otago* Association, respectively: And whereas by an Act of the Tenth and Eleventh of *Victoria*, intituled *An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company*, it was enacted, that if the Directors of the *New Zealand* Company should give Notice to One of Her Majesty's Principal Secretaries of State, within Three Calendar Months next after the Fifth Day of *April* One thousand eight hundred and fifty, by any Instrument under the Seal of the Company, that they were ready to surrender the Charters of the said Company to Her Majesty, and all Claim and Title to the Lands granted or awarded to them in the said Colony, all the Powers and Privileges of the said Company, except such as should be necessary for enabling the Directors to receive the several Sums of Money therein-after mentioned, and to distribute the same among the Shareholders and other Persons entitled thereunto, and for enabling the Directors to adjust and close the Affairs of the Company, should cease and determine, and all the Lands, Tenements, and Hereditaments of the said Company in the said Colony should thereupon revert to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless, amongst other things, to any Contracts which should then be subsisting in regard to any of the said Lands: And whereas such Notice as aforesaid was duly delivered by the Directors of the said Company on the Fourth Day of *July* One thousand eight hundred and fifty; and thereupon, under the Provisions of the last-recited Act, all the Lands, Tenements, and Hereditaments of the said Company in the said Colony reverted to and became vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless as by the said Act is provided: And whereas it is expedient that Provision should be made for enabling Her Majesty to amend and alter the Provisions contained in such Terms of Purchase and Pasturage as aforesaid:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

10 & 11 Vict. c. 112.

Notice by the New Zealand Company.

I. That it shall be lawful for Her Majesty, anything in the said Act contained notwithstanding, by Instructions under Her Signet and Sign Manual, or through One of Her Principal Secretaries of State, from Time to Time to make, or to authorize the Governor of *New Zealand* or the Lieutenant Governor of any Province in which any of the said Settlements is or shall be situate, to make, Terms and Regulations for the Sale or other Disposal of the Demesne Lands of the Crown within the said Settlements of *Wellington*, *New Plymouth*, and *Nelson*, provided always, that the Price at which the said Lands within the said Settlements are now authorized to be sold under such Terms shall not be altered thereby, and for the Disposal of the Monies which may be derived from such Sale or other Disposal of the said Lands for the Benefit of the Inhabitants of the said Settlements respectively, and for the closing and Determination of the Affairs of the said Settlements, and to empower such Governor or Lieutenant Governor to fix and ascertain the Boundaries of the said Settlements of *Wellington*, *New Plymouth*, and *Nelson* respectively.

Power to Her Majesty to make Regulations for the Management of the Affairs of the Settlements of Wellington, New Plymouth, and Nelson, in New Zealand.

II. 'And whereas the *New Zealand* Company have issued from Time to Time certain published Terms or Conditions for the Disposal of Land in the Settlement of *Nelson* in *New Zealand*, by which it was, among other things, provided that the Land of the said Settlement should be sold for certain Prices, and that the Fund to be derived from such Sale should be appropriated in certain Proportions to the Purposes of Emigration and the Supply of Labour, of founding and maintaining the Settlement, of religious and educational Uses, and of Steam Navigation, and other public Objects: And whereas many Persons have purchased Land under the said Terms or Conditions in the Settlement of *Nelson*, and Funds may have accumulated from the Monies invested in such Purchases, which have not as yet been applied to the Purposes aforesaid: And whereas the *New Zealand* Company did by its Agents and Officers superintend and manage these Funds until the Fourth Day of *July* in the Year One thousand eight hundred and fifty: And whereas, in consequence of such Notice as is herein-before mentioned to have been given by the Directors of the said Company on the Day last aforesaid, the Lands of the said Company in *New Zealand* reverted to the Crown as aforesaid, upon the Condition (amongst others), as expressed in the said recited Act of the Tenth and Eleventh of *Victoria*, of satisfying any Liabilities to which the said Company might then be liable under their existing Engagements with reference to the Settlement at *Nelson*: And whereas, before the Day last aforesaid, a certain Sum of Twenty-five thousand Pounds had been invested by the said Company in the Names of *Henry Aglionby Aglionby* Esquire of the *Middle Temple*, *Alexander Currie* Esquire of *Saint John's Wood*, *James Robert Gowen* Esquire of No. 187, *Piccadilly*, *George Lyall* junior, Esquire, of *Winchester House*, and *Jeremiah Pilcher* Esquire, of *Morgan's Lane*, to be held by them in trust for the said Company in the Three *per Cent.* Consolidated Bank Annuities, in order to satisfy the Amount applicable by the said Company under the said Terms to the Purposes in question; but the total Amount so applicable had not been ascertained, and was then and still is in dispute between the said Company and the Purchasers of Land at *Nelson*: And whereas

Fund held on behalf of the New Zealand Company for the public Purposes of the Settlement of Nelson to be vested in the Commissioners of the Treasury.

'it is expedient that Provision should be made to enable Her Majesty to ascertain the Amount of the 'Sum so applicable, and to entrust the Administration of the Fund, when so ascertained, to certain Per- 'sons who have been nominated for that Purpose by or on behalf of the said Company and the said 'Purchasers of Land at *Nelson*:' Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby directed to ascertain the Sum (if any) which remained due and applicable by the *New Zealand* Company, and which the said Company were bound to apply to the Purposes above mentioned, on the Fourth Day of *July* in the Year One thousand eight hundred and fifty aforesaid; and that the said Sum of Twenty-five thousand Pounds, with the Interest which shall have accrued on the same, shall be vested in the Commissioners of the Treasury as a Fund for the public Purposes of the Settlement of *Nelson*; and that the said *Henry Aglionby Aglionby*, *Alexander Currie*, *James Robert Gowen*, *George Lyall*, and *Jeremiah Pilcher* shall and they are hereby authorized to transfer the said Sum and Interest into the Names of the Commissioners of the Treasury, or such Person or Persons as the said Commissioners shall nominate for that Purpose, and that the same shall be disposed of by the said Commissioners in the Manner herein-after provided; and that if the Amount which may be found by the Commissioners of the Treasury to be due and applicable to the said Purposes shall exceed the said Sum of Twenty-five thousand Pounds, with Interest as aforesaid, the Surplus necessary to complete such Amount shall remain a Liability attaching on Her Majesty with reference to the Settlement of *Nelson* in manner as in the said Act of the Tenth and Eleventh of *Victoria* is expressed; but that if the Amount so due and applicable shall be found to fall short of the said Sum of Twenty-five thousand Pounds, with Interest as aforesaid, then the Balance shall remain in the Hands of the Commissioners of the Treasury for the Purpose of discharging other Liabilities of the *New Zealand* Company which Her Majesty may have become bound to satisfy under the said last-mentioned Act.

Board of Trustees at Nelson appointed to administer the said Fund.

III. That a Board of Seven Trustees shall be and the same is hereby appointed for the Administration of the said Fund, including such Surplus (if any) as aforesaid, Three of whom shall form at any Time a Quorum for the Despatch of Business; and that it shall be lawful for the Commissioners of the Treasury, in such Manner as they shall appoint, to pay over or cause to be paid over the said Sum of Twenty-five thousand Pounds, with such Interest as aforesaid, or so much thereof as may be found due and applicable as aforesaid, and any additional Sums which may be found due and applicable as aforesaid, to the said Trustees; and that when such Sum or Sums shall have been so paid over as aforesaid all further Liability of Her Majesty or of the *New Zealand* Company in respect of such Fund and of the Amount applicable as aforesaid by the Company shall cease.

Powers of the Trustees to dispose of the Funds for public Purposes.

IV. That the said Trustees shall have Power to dispose of the said Fund for the Benefit of the Settlement of *Nelson* to the Purposes of Emigration and the Supply of Labour, of religious and educational Uses, of Steam Navigation, and of the Construction and Maintenance of public Works, in such Proportions, as to each of the said Purposes, as to them shall seem expedient.

Mode of conducting Business by the said Trustees.

V. That the First Meeting of the said Trustees shall be fixed at a Time and Place to be appointed by Proclamation by the Governor of *New Zealand*, or by the Lieutenant Governor of the Province in which *Nelson* is or shall be situate, being authorized thereto by the said Governor, and that such Trustees may from Time to Time pass Resolutions for appointing the Time and Place of holding further Meetings for the Despatch of Business, and for making Rules and Regulations for the Conduct of such Business, and for other necessary Purposes towards enabling them to dispose of and distribute the said Fund according to the Purposes of this Act: Provided always, that the Legislature of *New Zealand* shall have Power to alter such Regulations, by Laws to be made from Time to Time, subject to the Conditions by Law required in respect of the Acts and Ordinances of such Legislature.

Names of the First Trustees.

VI. That Doctor *David Monro*, *Samuel Stephens*, *William Oldfield Cautley*, *Francis Dillon Bell*, *Francis Jollie*, *Alfred Fell*, and *John Waring Saxton*, Esquires, being the Persons already nominated for this Purpose by or on behalf of the Land Purchasers of *Nelson* and the *New Zealand* Company, shall be and the same are hereby appointed the First Trustees for the Administration of the said Fund.

Duration of their Office.

VII. That the said Trustees shall remain in Office (subject to the Provisions herein-after contained as to the filling up of Vacancies) until the First Day of *January* One thousand eight hundred and fifty-five.

Provisions for filling up Vacancies, establishing an Audit, and continuing the Trust.

VIII. That it shall be lawful for the Legislature of *New Zealand*, by Laws to be made from Time to Time, subject as to such Conditions as aforesaid, to provide for the filling up of Vacancies which may have occurred or may occur by the Death or Resignation of either of the Trustees named in this Act, by Election to be made by the Owners, or Owners and Occupiers, of Land in the Settlement of *Nelson*, with such Qualification or Restriction as may in such Laws be specified, and to provide in like Manner for the annual Election of Two or more Auditors to audit the Accounts of the said Trustees, and for the due Publication from Time to Time of such Accounts, and for the Discharge of the Trustees from any personal Liability in respect of the said Funds; and in case the said Fund shall not have been wholly disposed of before the First Day of *January* in the Year One thousand eight hundred and fifty-five, to provide in like Manner for the Election of Seven new Trustees, to continue in Office for Three Years, subject to the like Power as herein-before contained as to the filling up of Vacancies, and so on from Time to Time until the said Fund shall be wholly expended for the Purposes above mentioned.

Legislature of the Province in which Nelson is situated to exercise Powers.

IX. That it shall be lawful for the Legislature of *New Zealand*, by Enactment, subject to such Conditions as aforesaid, to authorize the Legislature of the Province in which *Nelson* is or may be situate to exercise all or any of the Powers by this Act granted to the said Legislature of *New Zealand* in reference to the said Fund.

As to Cases falling within Section 51. of 9 & 10

X. That henceforth in all Cases falling within the Provisions of the Fifty-first Section of an Act of the Ninth and Tenth of *Victoria*, intituled *An Act to grant certain Powers to the* New Zealand *Company*, a

Grant

Grant or Conveyance by Her Majesty, Her Successors or Assigns, shall have the like Force and Effect in all respects as a Conveyance by the *New Zealand* Company has or would have had by virtue of the same Act in case no such Notice as aforesaid had been given and the said Company had continued in the full Exercise of their Functions; and the Powers by the same Act in reference to those Cases conferred on a Nominee or Nominees of the said Company, approved of as therein mentioned, shall henceforth be exercisable by such Person or Persons as the Governor or Lieutenant Governor for the Time being of *New Zealand* may from Time to Time appoint; and that all Acts done in pursuance of any such several Powers by the Party or Parties for the Time being entrusted with the Execution thereof shall be binding on Her Majesty, Her Successors and Assigns.

Vict.c.cccIxxxii. Grants of the Crown to be of like Force as Conveyances by the New Zealand Company.

XI. Provided always, That nothing herein contained shall be construed to affect or interfere with the Rights of the *New Zealand* Company in respect of the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and Interest, which by the said Act of the Tenth and Eleventh of *Victoria* are charged upon and to be paid to the said Company out of the Proceeds of all future Sales of the Demesne Lands of the Crown in *New Zealand*, after such Deductions as in the said Act specified, or any Rights which the said Company may now possess in regard to the Proceeds from the Disposal of Land in either of the said Settlements.

Saving of the Rights of the New Zealand Company under 10 & 11 Vict. c. 112.

XII. That the Words "Governor of *New Zealand*" and "Lieutenant Governor" in this Act shall be deemed respectively to mean the Persons for the Time administering the general Government of the Islands of *New Zealand* or the Government of any Province thereof.

Interpretation of Terms.

CAP. LXXXVII.

An Act to regulate certain Proceedings in relation to the Elections of Representative Peers for *Scotland*. [7th *August* 1851.]

'WHEREAS it is expedient to provide a Manner in which the Death of a Representative Peer for *Scotland* may be certified to Her Majesty, in order that Her Majesty may direct a Proclamation to be issued for the Election of another Peer of *Scotland* in the Room of such Peer deceased:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That a Certificate under the Hands of any Two Peers of *Scotland*, who shall be at the Time of their signing such Certificate either Representative Peers, or shall have voted at former Elections of a Representative Peer or Peers for *Scotland* without Protest having been made to the Reception of their Votes, according to the Provisions of an Act passed in the Parliament held in the Tenth and Eleventh Years of Her present Majesty, Chapter Fifty-two, or having been so protested against shall have established their Right to vote in respect of their Peerages, shall be held to be formal and sufficient Evidence of the Death of such Peer for the Purpose of issuing such Proclamation as aforesaid.

Certificate from Two Peers of Scotland held to be formal Notice of the Death of any Representative Peer.

II. 'And whereas by an Act passed in the Sixth Year of Her late Majesty Queen *Anne*, Chapter Twenty-three, it is enacted, that every Proclamation issued for such Elections shall be published as therein provided Five-and-twenty Days at the least before the Time thereby appointed for the Meeting of the Peers to proceed to such Election: And whereas on account of the increased Facilities of Communication which now exist such Delay is no longer necessary, and it is expedient that the same should be shortened:' Be it enacted, That from and after the passing of this Act, instead of Twenty-five Days, all such Proclamations shall be published Ten Days at least before the Time therein appointed for the Meeting of the Peers to proceed to such Elections, and that the Time to be appointed in any such Proclamation for such Meeting shall not be later than Twenty-five Days from the Date of such Proclamation.

Time of Publication of Proclamation for Election altered from 25 Days to 10 Days.

III. And be it enacted, That a Peer of *Scotland* may take the Oaths and subscribe the Declaration required by Law to entitle such Peer to vote by Proxy or signed List at such Elections in Her Majesty's High Court of Chancery in *Ireland*, or Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer in *Ireland*, in the same Manner and under the same Regulations as they may take and subscribe the same in the like Courts in *England*, or may take the said Oaths and subscribe the said Declaration before the Lieutenant of any County in *Great Britain* or *Ireland*, or any Member of Her Majesty's Most Honourable Privy Council in *Great Britain* or *Ireland*, or any Judge of a County Court in *England*, or any *British* Ambassador or Minister accredited to any Foreign Court, or the Secretary of any such Embassy or Legation, or the Governor, Lieutenant Governor, or Officer administering the Government of any of Her Majesty's Plantations, Colonies, or Possessions abroad, or any of Her Majesty's Judges residing therein; and every such Person before whom the said Oaths shall be taken and the said Declaration subscribed shall certify the same in a Certificate attached to the Declaration, which shall be produced, together with the Proxy or signed List of the Peer, at such Election: Provided always, that nothing herein contained shall be construed to prevent any Peer taking such Oaths and subscribing such Declaration in any Manner at present competent by Law.

Peers of Scotland may take the Oaths, &c. in Courts of Ireland, and before other Officers.

IV. 'And whereas by the before-mentioned Act passed in the Parliament held in the Tenth and Eleventh Years of Her present Majesty, Chapter Fifty-two, it is enacted, that at all future Meetings of the Peers of *Scotland* for such Elections the Lord Clerk Register, or the Clerks of Session officiating thereat in his Name, shall not call the Titles of any Peerages standing on the Roll in right of which no Vote shall have been received and counted since the Year One thousand eight hundred, with other Provisions connected therewith, and it is expedient that the Principle on which the said Enactment is founded

Titles of Peerages in right of which no Vote has been given for Fifty Years not to be called at Elections, if the House of

Lords shall so direct.

'founded should be continued and extended:' Be it enacted, That after every Meeting of the Peers of *Scotland* assembled under any Royal Proclamation for the Election of a Peer or Peers to represent the Peerage of *Scotland* in Parliament, the Lord Clerk Register, or the Clerks of Session officiating thereat in his Name, shall transmit to the Clerk of the Parliaments the Titles of any Peerages called at such Meeting in right of which no Vote shall have been received and counted for Fifty Years then last past or for any longer Period, and on receiving an Order from the House of Lords to abstain from calling such Title at future Meetings for such Elections it shall not be lawful for the said Lord Clerk Register or Clerks of Session to call such Title at any subsequent Meeting, or to administer the Oaths to any Person claiming to vote in right of such Peerage, or to receive and count the Vote of any such Person, or to permit any such Person to take part in the Proceedings of any such Election, until otherwise directed by Order of the House of Lords.

CAP. LXXXVIII.

An Act for amending the several Acts for the Regulation of Attornies and Solicitors.

[7th *August* 1851.]

1 & 2 G. 4. c. 48.

3 G. 4. c. 16.

8 & 9 Vict. c. 66.

'WHEREAS by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the several Acts for the Regulation of Attornies and Solicitors*, and which was afterwards amended by an Act passed in the Third Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the last Session of Parliament, for amending the several Acts for the Regulation of Attornies and Solicitors*, Provision was made for facilitating the Admission of Graduates of the Universities of *Oxford*, *Cambridge*, and *Dublin*, and the Pupils of practising Barristers and of certificated Special Pleaders, as Attornies and Solicitors of the Courts of Law and Equity, in manner and upon the Conditions in the said Acts mentioned: And whereas by an Act of the Sixth and Seventh Years of Her present Majesty's Reign, Chapter Seventy-three, the said recited Acts have been repealed, except so far as the Attornies and Solicitors of *Ireland* are affected thereby, but the same are still in force as regards *Ireland* and the Attornies and Solicitors of *Ireland*: And whereas since the passing of the said recited Acts the Queen's Colleges of *Belfast*, *Cork*, and *Galway* have been founded by Letters Patent of Her Majesty Queen *Victoria*, under the Great Seal of *Ireland*, under the Authority of an Act passed in a Session of Parliament held in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to enable Her Majesty to endow new Colleges for the Advancement of Learning in* Ireland: And whereas by the said Letters Patent a Faculty of Law has been established in each of the said Queen's Colleges: And whereas since the passing of the last-mentioned Act a Body Politic and Corporate has been constituted by the Royal Charter of Her Majesty Queen *Victoria*, under and by the Name of "The Queen's University in *Ireland*:" And whereas it is expedient that certain of the Provisions now in force of the said Two first-recited Acts should be extended to Students who have obtained or shall hereafter obtain the Degree of Bachelor of Arts or the Degree of Bachelor of Laws in the said Queen's University in *Ireland*, and to Students of the University of *Dublin*, or of the said Queen's Colleges who have attended and who shall attend the Lectures of the Professors of the Faculty of Law in the said University of *Dublin* or any of the said Queen's Colleges:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Provisions of recited Acts relating to the Admission and Enrolment as Attornies of Bachelors of Arts or Laws at Dublin extended to Degree of Bachelor of Arts and of Laws in Queen's University in Ireland.

I. That from and after the passing of this Act, all the Provisions, Regulations, Conditions, and Restrictions of the said Two first-recited Acts now in force (as regards that Part of the United Kingdom of *Great Britain* and *Ireland* and the Attornies or Solicitors of *Ireland*), for or relating to the Admission and Enrolment as Attornies and Solicitors of Persons who have taken or shall hereafter take the Degree of Bachelor of Arts or Bachelor of Laws in the University of *Dublin*, shall extend and be applicable to the Admission and Enrolment as Attornies and Solicitors of all Persons who have taken or shall hereafter take the Degree of Bachelor of Arts or the Degree of Bachelor of Laws in the said Queen's University in *Ireland*, as fully and effectually as if the said Body Politic and Corporate called "The Queen's University in *Ireland*" had been constituted and founded at the Time of the passing of the said Acts, and had been therein named together with the said University of *Dublin*, and as if the Degree of Bachelor of Arts and the Degree of Bachelor of Laws of the said Queen's University had been in the said Acts named together with the Degrees of Bachelor of Arts and Bachelor of Laws of the said University of *Dublin*.

Certain Provisions of former Acts as to Persons bound for Five Years, &c. extended to Students of Queen's Colleges attending Lectures and passing Examinations in Faculty of Law during Two Collegiate Years.

II. That every Person who, as a matriculated or as a non-matriculated Student of the University of *Dublin*, or of any of the said Queen's Colleges, shall have attended or shall attend any prescribed Lectures, and shall have passed or shall pass any prescribed Examinations of the Professors of the Faculty of Law in the said University of *Dublin* or in any of the said Queen's Colleges for a Period of Two Collegiate Years, and who shall have duly served as an Apprentice or Clerk, by Contract in Writing, duly stamped at or before the signing thereof, or within Six Months after, for the Term of Four Years, in like Manner as by the Provisions now in force of the said Two herein-before first-recited Acts is directed respecting the Service for the Term of Five Years, shall, at any Time after the Expiration of Five Years from the Commencement of such Attendance on Lectures, or of such Period of Service, which shall first happen, be qualified to be sworn and to be admitted as an Attorney or Solicitor respectively, according to the Nature of his Service, of the several and respective Superior Courts of Law or Equity in *Ireland*, as fully and effectually to all Intents and Purposes as any Person having been bound and having served Five Years is qualified to be sworn and to be admitted or enrolled an Attorney or Solicitor

under

under or by virtue of any Act or Acts now in force for the Regulation of Attornies or Solicitors in *Ireland*, anything in the said Acts or any of them to the contrary in anywise notwithstanding.

Privileges given by recited Act to Bachelors of Arts or of Laws in Universities of Oxford, Cambridge, Dublin, &c., as to Attornies Admission in England, extended to Bachelors of Arts or Laws in the Queen's University.

III. 'And whereas under the Provisions of the said recited Act of the Sixth and Seventh Years of Her 'present Majesty, certain Privileges were granted to any Person seeking to be admitted and enrolled as 'an Attorney or Solicitor in *England* or *Wales*, and who shall have taken or who shall take the Degree of 'Bachelor of Arts within Six Years after his Matriculation, or the Degree of Bachelor of Laws within 'Eight Years after his Matriculation, in the University of *Oxford*, or of *Cambridge*, or of *Dublin*, or of '*Durham*, or of *London*, and who shall in manner therein mentioned be bound by Contract in Writing 'to serve as a Clerk to a practising Attorney or Solicitor in *England* or *Wales*, and shall have continued 'in such Service, and have been employed as in the said Act respectively mentioned, and been examined 'and sworn as in the said Act directed:' Be it enacted, That the like Privileges, subject to the like Regulations, Conditions, and Restrictions, shall be extended to Persons who shall have taken the Degree of Bachelor of Arts or Bachelor of Laws in the said Queen's University, as if the said Queen's University, and the Degree of Bachelor of Arts and the Degree of Bachelor of Laws of the said Queen's University, had been in the said Act named together with the said Universities of *Oxford*, *Cambridge*, *Dublin*, and *Durham*, and *London*, and with the Degrees of Bachelor of Arts and Bachelor of Laws in the said Universities of *Oxford*, *Cambridge*, *Dublin*, *Durham*, or *London*.

Certificate of Vice Chancellor of Dublin University, &c., or of Dean of Faculty, to be sufficient Evidence.

IV. Provided always, That the Court or other sufficient Authority in *Ireland* to whom any such Student shall apply to be admitted as an Attorney or Solicitor shall receive the Certificate of the Vice Chancellor of the University of *Dublin*, or such other Certificate as shall be appointed by the Board of Senior Fellows of the said University, or of the Dean of the Faculty of Law for the Time being of any of the said Queen's Colleges, as sufficient Evidence of the Student named in such Certificate having duly attended the prescribed Lectures, and passed the prescribed Examinations of the Professors of the Faculty of Law in such College for the said Period of Two Collegiate Years, and of the Time of the Commencement of the Attendance of such Student upon such Lectures.

CAP. LXXXIX.

An Act to amend the Metropolitan Interment Act, 1850, and to authorize the Advance of Public Money to a limited Amount for the Purposes of the said Act. [7th *August* 1851.]

'WHEREAS it is expedient to amend "The Metropolitan Interments Act, 1850," and to authorize 'an Advance of Public Money for the Purposes of the said Act, as herein-after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may advance not exceeding 137,000*l.* out of the Consolidated Fund, for the Purposes of the Metropolitan Interments Act.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Application of the General Board of Health, to direct and cause to be issued and advanced to the said General Board of Health, out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Sum or Sums of Money, not exceeding in the whole the Sum of One hundred and thirty-seven thousand Pounds, as the said Commissioners of the Treasury may think fit; and the Money so advanced shall be applied to the Purposes to which Money borrowed by the said General Board of Health under the Metropolitan Interments Act, 1850, is by the said Act made applicable; and all the Provisions of the said Act applicable to Money so borrowed shall extend and be applicable to the Money advanced to the said Board under this Act.

The General Board of Health to give a Mortgage for the Sums advanced.

II. Upon the Advance to the said General Board of Health of any Sum under the Provisions of this Act, the said General Board of Health shall make and execute a Mortgage under their Seal, according to the Provisions of the said Metropolitan Interments Act, of the Fees and Payments to be received under such Act, and of the Rates to be made and collected under such Act; and such Mortgage shall be made to such Person or Persons as the said Commissioners of the Treasury shall appoint, in trust for Her Majesty, for securing the Repayment of the Sum so advanced, with Interest at the Rate of Four Pounds *per Centum per Annum* in such Manner as the said Commissioners of Her Majesty's Treasury may think fit, and cause to be therein provided; and the Sums repaid under such Mortgages, and the Interest thereon, shall be paid into an Account which shall be opened in the Books of the Governor and Company of the Bank of *England*, under the Title of "Metropolitan Interments Repayments," and the Money paid into such Account shall be carried to and form Part of the said Consolidated Fund.

Bodies of Persons dying where Interment is discontinued not to be buried within the District, except as herein mentioned.

III. 'And whereas the Discontinuance under the said Act of Interment in a Parish may occasion the 'overcrowding of the Burial Grounds of other Parishes in the Metropolitan Burial District:' The Body of any Parishioner or Inhabitant of any Parish in which Interment is ordered to be discontinued under the said Metropolitan Interments Act shall not, after the Time from which Interment is so ordered to be discontinued, be buried in any Burial Ground within the Metropolitan Burial District, except any Cemetery mentioned in Schedule (B.) to the said Act in which for the Time being Interment has not been ordered to be discontinued under the said Act, or any Burial Ground belonging to such Parish, and not situate therein, in which for the Time being Interment has not been so ordered to be discontinued; provided nevertheless, that nothing in this Enactment shall extend to prejudice or affect the Provisions contained in the Seventeenth and Eighteenth Sections of the said Act, or any other Provisions thereof, or shall apply to the Burials of Persons of the Jewish Persuasion, or of the People called Quakers; and

every

every Person having the Care or Control of any such Burial Ground, who knowingly authorizes or permits any Burial contrary to this Enactment, shall be guilty of a Misdemeanor.

Acts to be construed together.

IV. The said Metropolitan Interments Act and this Act shall be construed together as One Act.

CAP. XC.

An Act for the better Collection of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in *Ireland*. [7th *August* 1851.]

'WHEREAS it is expedient to make Provision for the better Collection and Application of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in *Ireland*:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Officers who shall enter and account for Fines, &c.

I. The proper Officers to make Entries and render Accounts of all such Penal Sums as aforesaid for the several Courts by which such Penal Sums shall be ordered to be paid shall be the several Officers or Persons herein-after mentioned; *viz.*

1. The Clerk of the Crown for the Crown Side of the Court of Queen's Bench and for the Crown Court at Assizes;
2. The Clerk of the Rules for the Courts of Common Pleas and Exchequer, and for the Civil Side of the Court of Queen's Bench, and for the Civil Court at Assizes;
3. The Clerk of the Peace for Quarter Sessions;
4. The Chief Clerk or such other Clerk as shall be deputed by the Justices for that Purpose for each Divisional Police Office of *Dublin* Metropolis;
5. The Clerk of Petty Sessions for each Petty Sessions;
6. And the Person at any other Court whose Duty it shall be to attend and make Entries of the Proceedings:

And the Provisions herein-after contained shall severally apply to such respective Officers and Persons, or their legally authorized Deputies (if any), as fully as if the more particular Designation of each of such Officers, Persons, or Deputies was repeated in each Provision.

Entry of Fines.

II. Whenever an Order shall be made by any Court or other authorized Person for the Imposition or Levy of any such Penal Sum as aforesaid, the said Officer of the Court shall proceed as follows:

All Fines, &c. to be entered in a Book.

1. He shall forthwith enter the Particulars of the said Order in a Book (Form A.) to be by him kept for that Purpose, and shall afterwards from Time to Time make such further Entries in the said Book as may be necessary for the Purpose of accounting for the said Sums:

In case of Fines upon Jurors, Officer to send Notice.

2. In every Case where a Fine shall be imposed upon any Person for Non-attendance as a Juror, he shall, within Fourteen Days after the End of the Term, Assizes, Quarter Sessions, or Sittings of the Court at which such Fine shall have been imposed, send a Notice by Post to such Person, addressed to his usual Place of Residence, informing him of the Imposition of such Fine, and that if not paid within Thirty Days from the Date of such Notice a Warrant will be issued for the Levy of the same:

Judge's Register to certify Fines to Clerk of Rules for Entry.

And in order to enable the Clerk of the Rules of the Superior Courts the better to discharge the Duty required of him under this Act, the Judge's Register or other Person who shall act as Clerk at Nisi Prius at the Nisi Prius Sittings of any of the said Superior Courts, or in the Civil Court at Assizes, shall, within Seven Days after the Termination of the said Nisi Prius Sittings or of the said Assizes, as the Case may be, certify under his Hand to the Clerk of the Rules of the Superior Courts in which the Proceedings in the Case shall have been had, the Particulars of any Penal Sum which shall have been imposed or ordered to be levied by the said Court in such Case, and said Certificate shall be a sufficient Authority to the said Clerk of the Rules to do all Acts for the Entry and Levy of the same which he could or ought to do in case such Penal Sum had been imposed or ordered to be levied by such Superior Court.

Issue of Warrants.

III. In all Cases where an Order shall have been made for the Imposition or Levy of any such Penal Sum as aforesaid, the Court, or the Justice, or the Officer competent so to act, as the Case may be, shall (unless where the same shall have been remitted by the Crown or other proper Authority) issue the proper Warrant for the Execution of such Order at the following Periods; *viz.*

Warrants for the Execution of Orders to be issued at certain Periods.

1. In case of any Fine imposed upon any Person for Non-attendance as a Juror, within One Week from the Expiration of Thirty Days after Notice of same shall have been sent to such Person by Post as herein-before directed:
2. In case of any Order for the Imposition or Levy of any such Penal Sum by the Justices of the Divisional Offices of Police of *Dublin* Metropolis, within One Week from the making of such Order:
3. In case of any like Order by a Justice at or out of Petty Sessions, at such Time as shall be directed by "The Petty Sessions Act, *Ireland*, 1851:"
4. In all other Cases, within Fourteen Days from the making of the Order:

Form, &c. of Warrant, and Power to imprison in default of Distress, to be as in Petty Sessions Act.

And it shall be lawful for the Court or Officer by whom any such Warrant shall be issued to use the like Form of Warrant as is authorized by the said Petty Sessions Act for any Warrant of Distress issued by a Justice at Petty Sessions, and also to direct by such Warrant that in default of Distress for the Sum therein directed to be levied, the Person against whose Goods such Warrant shall be issued shall be committed to Gaol for the like Period for which any Person might be imprisoned in any like Case

in

in default of Distress under the Provisions of the said Petty Sessions Act: Provided always, that after this Act shall come into operation no Warrant or Process shall be issued to any Sheriff to levy the Amount of any forfeited Recognizance, or of any other Fine or Penalty whatsoever, but only to the Constabulary or *Dublin* Metropolitan Police, as the Case may be; but in every Case where any Court shall impose any Fine upon any Person for Nonattendance as a Juror, or shall direct any Issues to be levied, the Process for levying the same shall be addressed to the Sheriff of the County, and such Sheriff shall account for the same, in like Manner as he shall be by Law bound to account for any other Sums coming into his Hands as Sheriff, before the proper Officer of the Court of Exchequer by whom Sheriffs Accounts shall be audited and declared, and shall from Time to Time, when directed so to do by the Chief or Under Secretary to the Lord Lieutenant, pay over the Amount of any such Jurors Fines so to be levied by him to the Credit of the same Fund, and to be applied to the same Purposes to which any Fines imposed at Petty Sessions, and awarded to the Crown shall be by Law payable and applicable.

Sheriffs not to levy Fines;

but Issues to be levied by Sheriffs.

IV. The Manner in which Warrants issued to the Constabulary or *Dublin* Metropolitan Police for the Levy of any Penal Sums under this Act shall be addressed shall be subject to the following Provisions:

Addressing Warrants.

Warrants to whom addressed:

1. All such Warrants for the Levy of any such Penal Sums as aforesaid (not being Issues), ordered to be levied by any of the Superior or other Courts within the Police District of *Dublin* Metropolis (other than the Divisional Police Offices), shall be addressed to the Commissioners of Metropolitan Police:

From Courts in Dublin to the Commissioners of Police:

2. All such Warrants issued from the said Divisional Police Offices shall be addressed to the Office Sergeant, or such other Member of the said Police Force as the said Commissioners shall appoint for that Purpose:

From Divisional Offices to Office Sergeant.

3. All such Warrants issued from any Court in *Ireland* not being within the Police District of *Dublin* Metropolis, shall be addressed to the Sub-Inspector of Constabulary who shall act for the Place in which such Court shall be situated:

From other Courts to Sub-Inspector of Constabulary.

4. All such Warrants issued by any Justice or Justices out of Quarter Sessions shall be addressed as required by the said Petty Sessions Act:

And the several Provisions of the said Petty Sessions Act as to the certifying, indorsing, executing, or returning any Warrant issued by a Justice at Petty Sessions, and as to the selling of any Distress or otherwise acting thereunder shall also apply to any like Warrant issued by any Court Officer, or Divisional Justice under the Provisions of this Act, and to the selling of any Distress or otherwise acting thereunder; and in the Application of the said Provisions of the said Petty Sessions Act to any such Warrants issued within the said Police District of *Dublin* Metropolis, whatever may be done by any Head or other Constable in executing any Warrant addressed to any Sub-Inspector shall and may be done in any like Case by any Member of the said Police Force (to be named by the said Commissioners or Divisional Justices) in executing any such Warrant, addressed either to the said Commissioners or to any other Member of the said Police Force; and whatever may be done by any Sub-Inspector in certifying any Warrant to the Inspector General of Constabulary may be done by the Office Serjeant or other Member of the said Police Force to whom such Warrant shall be addressed, in certifying the same to the said Commissioners; and whatever may be done by the said Inspector General, or by either of the Deputy Inspectors General of Constabulary, in indorsing any Warrant, certified by any Sub-Inspector, may be done by the said Inspector or Deputy Inspector General, in indorsing any Warrant, which shall be so certified to the said Commissioners, or which shall be addressed to the said Commissioners in the first instance; provided that such Warrant shall have been first indorsed by One of the said Commissioners, and then transmitted by them to the said Inspector General.

Warrants to be executed, certified, and backed as under Petty Sessions Act.

V. The Manner in which all such Penal Sums as aforesaid shall be collected shall be as follows:

Collection of Fines.

1. In every Case where any such Sums shall be levied under a Warrant, the Sub-Inspector or the said Commissioners or Office Sergeant, as the Case may be, to whom the said Warrant shall be addressed, transmitted, or indorsed for Execution, as herein-before provided, shall either pay over the Amount direct to the said Officer of the Court from which the said Warrant was issued, or shall transmit the same to the said Officer through the Person to whom the said Warrant was addressed in the first instance, according as he shall be directed by the Chief or Under Secretary to the Lord Lieutenant:

If levied under Warrants, to be paid over to Officer of Court.

2. In every Case where such Sums shall be paid to the Keeper of any Gaol or Bridewell, he shall indorse on the Warrant of Committal the Amount and Date of Payment, and shall within Fourteen Days, or within such other Period as the Chief or Under Secretary shall direct, pay over the Amount to the said Officer of the Court from which the Warrant was issued, and the Board of Superintendence shall at least once in every Month in the Case of each Gaol, and the Justices of the Petty Sessions District shall at least once in every Three Months in the Case of each Bridewell, and any other Person or Persons duly authorized by the said Chief or Under Secretary in that Behalf shall at any other Times, examine the Prison Books, and shall require to see the Receipt of the Officer of the Court from which the Warrant was issued, in each Case in which it shall appear that the Person committed was discharged before the Expiration of the Period for which he was committed, and shall also compare the Sum mentioned in such Receipt with the Amount in the Warrant of Committal, and shall certify in the said Books that such Receipt has been produced to him or them, and that such Sums correspond, or otherwise, as the Case may be:

If paid to Gaoler, to be paid over within certain Period to Officer of Court.

Board of Superintendence or Justices to compare Receipts and Warrants with the Gaol Books.

3. In

Officer to receive all Fines.

3. In every Case where any such Penal Sums shall be paid in Court or to the said Officer of the Court (before the Issue of a Warrant), or shall be so paid over or transmitted to the said Officer of the Court (after the Issue of a Warrant), he shall receive the same, and shall at the Time deliver or transmit a Receipt for the same in the Form (B. a. or b.) to the Person by whom the same shall be so paid or transmitted:

Officer to pay Parties.

4. The said Officer shall out of the Sums so received pay to the several Parties such Portion of the same as shall have been awarded to them by the Court, and which shall be claimed by them either in Court or at the public Office of the said Officer, taking from each of such Parties a Receipt for the same in the Form (B. c.):

Penalty on any Persons but the proper Officers or their legal Deputies for receiving Fines, &c.

And it shall not be lawful for any Person, other than the said Officers herein-before mentioned respectively, or their lawfully authorized Deputies, if any, save the Person to whom any Warrant shall be delivered for Execution, or the Keeper of any Gaol or Bridewell to which the Defendant shall be committed, as the Case may be, to receive any such Penal Sum as aforesaid, or any Part of the same; and if any other Officer or Person than the several Officers or Persons herein-before mentioned respectively shall take or receive any such Sum, or any Part of same, from the Person by whom the same shall be ordered to be paid, he shall, on Conviction thereof before any Two Justices of the County sitting in Petty Sessions, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Accounts of Fines.

VI. The Manner in which all such Penal Sums as aforesaid shall be accounted for shall be as follows:

Chief or Under Secretary may make general Regulations as to Accounts.

1. It shall be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, for the better Collection of all said Sums, and the regular accounting for the same by all Persons into whose Hands the same shall come; and such Persons shall keep and render Accounts of said Sums in such Forms, and shall pay over said Sums, and transmit for Examination said Warrant or Receipt, at such Times and in such Manner as shall be directed by such general Regulations, or as shall be at any Time specially required by the said Chief or Under Secretary; and it shall also be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for the Examination, checking, or countersigning of any of such Accounts by any of the Sub-Inspectors, Inspectors, or other Members of the Constabulary or Police Forces, as the Case may be;

Declaration that Accounts are correct.

2. And to every such Account shall be annexed a Declaration in Writing under the Hand of the said Officer, to be made before a Justice, affirming the Truth and Accuracy of such Account; and every such Officer who shall make any such Declaration, knowing the said Account to be false in any Particular, and being thereof convicted, shall, in addition to any Penalty to which he may be liable, under the Provisions of this Act herein-after contained, be also liable to the Penalties of wilful and corrupt Perjury:

Mode of enforcing Payment of Balances or Sums.

And if Default shall at any Time be made by any such Officer or Person in paying over any Balance on such Accounts, or any of such Penal Sums received by him, at such Times as the said Chief or Under Secretary shall direct, it shall be lawful for the said Chief or Under Secretary to certify such Default to any Two Justices of the County, who shall thereupon issue the proper Warrant for the Levy of such Balance or Sums as shall have been so certified to be due by such Officer or Person, by Distress and Sale of his Goods and Chattels.

Accounting by Officers not being Officers of Courts of Justice.

VII. In every Case in which a Fine shall not be imposed by any Court of Justice, but by some public Officer or Person legally authorized in that Behalf, such Officer or Person shall make such Entries and render such Accounts of same, and shall pay over such Fine or Balance of Fines, according to Law, in such Manner and at such Times as the said Chief or Under Secretary shall from Time to Time direct and require.

Penal Clause.

VIII. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices of the County sitting in Petty Sessions, or at One of the said Divisional Police Offices, shall be liable to forfeit for every such Offence or Neglect any Sum not exceeding Twenty Pounds; (that is to say,)

Penalties for Non-observance of Provisions of Act.

Officers of Courts.

1. Any such Officer or Person who shall at any Time make default in making true and correct Entries of all such Penal Sums as aforesaid, or in rendering due Accounts of all such Sums passing through his Hands, or in paying over the same, at such Times and in such Manner as shall be required under the Provisions of this Act:

Constabulary or Metropolitan Police.

2. Any Member of the Constabulary or Metropolitan Police Forces by whom any Warrant shall be executed, who shall neglect to pay over the Amount received or levied thereunder, or to account for such Levies, at such Times and in such Forms and with such Vouchers as shall be required under the Provisions of this Act:

Keepers of Gaols.

3. Any Keeper of any Gaol or Bridewell who shall neglect or refuse to pay over any Sum so as aforesaid received by him to the Officer of the Court from which the Warrant shall have been issued, or to transmit any such Receipts or Warrants, or to account for the same, at such Time and in such Manner as shall be required under the Provisions of this Act:

Other Persons.

4. Any such Officer or Person as aforesaid, or any other Person, having any Duty to perform under the Provisions of this Act, who shall wilfully neglect or refuse to perform the same:

And the said Justices sitting as aforesaid are hereby authorized to impose the said Penalties; and a Certificate by the said Chief or Under Secretary of such Neglect or Refusal shall be *primâ facie* Evidence of the same in any such Proceeding before such Justices.

Appeals.

IX. It shall be lawful for any Person against whom any Order shall be made for Payment of any such

Appeal against Imposition of

Penal Sum as aforesaid by any such Court or Officer as aforesaid, exceeding the Sum of Forty Shillings, and

and in Cases of Fines upon Jurors whatever the Amount may be, to appeal for the Reduction or Remission thereof by Petition to the Court of Assizes which shall be held next after such Order shall be made if the same shall be made at Assizes, or to One of the Superior Courts of Law in *Dublin* at the next Term if the same shall be made by a Superior Court, or to the Court of Quarter Sessions of the County which shall be held next after such Order shall be made if the same shall have been made at Quarter Sessions, or to the Recorder of *Dublin* at his next Sessions if the same shall have been made at any of the Divisional Police Offices of *Dublin* Metropolis, or to the next Quarter Sessions to be held in the same Division of the County where the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder of any Corporate or Borough Town where the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case it may be made to the next succeeding Sessions to be held for such Division or Town); and such Appeal, when made against any Order by the said Divisional Justices or by any other Justice upon Summary Conviction, shall be subject in all respects to the Provisions of the said Petty Sessions Act, but in every other Case it shall be made by Petition to the Court which shall have Power to entertain the Appeal, and shall be subject to the Provisions following:

Fine, &c. may be made to Court of Assize or Quarter Sessions, &c.;

but subject to following Provisions.

1. The Person so entitled to appeal shall not exercise such Right unless he shall enter into a Recognizance (Form C.), with Two Sureties, in double the Amount of the Sum ordered to be paid, before any Justice, conditioned for the due Prosecution of such Appeal, and unless he shall also lodge with the Officer of the Court a Certificate (Form D.) under the Hand of the Justice by whom such Recognizance shall have been taken, and which Certificate any such Justice is hereby required to give, that such Person has duly entered into such Recognizance:

Appellant to enter into Recognizance to appeal.

To lodge Certificate of Justice.

2. In every Case where such Certificate shall be so lodged with the said Officer he shall suspend the Issue of any Warrant to execute the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to prosecute the same, as the Case may be, or if such Warrant shall have been issued he shall direct the Person to whom it was addressed to suspend its Execution for the like Period; and in every Case where such Warrant shall have been issued the Person to whom it was addressed shall, either upon being so directed by the said Officer, or upon the said Certificate being produced to him, suspend its Execution for the like Period; and in every Case where the Person against whom any such Warrant shall be issued shall be in Custody, or shall have been committed to Gaol under the same, the Court by which the Order shall have been made, or the Officer by whom the Warrant shall have been signed, shall, upon Application being made to him in that Behalf, forthwith order his Discharge:

In such Case no Warrant to be issued;

or, if issued, not to be executed until Decision of Appeal.

Party, if in Custody or Gaol, to be discharged.

3. In every Case where an Appeal shall be so made the Judges of the said Superior Courts, Judge of Assize, or Assistant Barrister, or Recorder, as the Case may be, shall and are hereby severally authorized to hear the Matter of the said Petition, and to make such Order thereon for confirming the original Order, or for reducing or wholly remitting the Fine or other Penal Sum, as may seem fit under all the Circumstances of the Case; and the proper Officer of such Court of Appeal shall thereupon certify the said Order under his Hand to the Officer of the Court by which the original Order shall have been made, who shall forthwith issue a Warrant for the Execution of same, if no Warrant shall have been already issued, or shall indorse the same on the Warrant if a Warrant shall have been already issued, and direct the Person to whom it shall have been addressed to proceed in its Execution, or otherwise according to such Indorsement; and in every Case where such Appeal shall be dismissed, or shall not be duly prosecuted, the said proper Officer of the Court of Appeal shall so certify under his Hand to the Officer of the Court by which the original Order shall have been made, who shall thereupon proceed as if no such Appeal had been made:

Court of Appeal may entertain Appeal.

Order of Court of Appeal to be certified by its Officer.

Execution of Order of Court.

Execution when Appeal dismissed or not prosecuted.

4. In every Case where any Fine shall be imposed on any Person for Non-attendance as a Juror, and the Order imposing such Fine shall not be reversed upon any such Appeal, it shall be lawful for such Person in like Manner to make a further Appeal to One of the Superior Courts of Law in *Dublin*, during the Term next after such first-mentioned Appeal shall have been decided, and it shall be lawful for such Court to hear and determine such Appeal; and the several Provisions herein-before contained as to the Suspension and subsequent Execution of any Warrant for the Levy of such Fine shall also apply to such last-mentioned Appeal in like Manner as to such first-mentioned Appeal:

In Cases of Jurors Fines, Party may have further Appeal to Superior Courts.

Provided always, that nothing herein contained shall be deemed in any way to limit or restrain the Lord Lieutenant, or the Lords Commissioners of Her Majesty's Treasury, or the Commissioners of Inland Revenue, from reducing or remitting any Fine or Sum imposed or ordered to be levied which by Law he or they may be in any way authorized to reduce or remit.

Not to interfere with the Prerogative of the Crown, &c.

X. In every Case where any Person who shall enter into a Recognizance to keep the Peace, or to appear to answer to any Complaint as to an Indictable Offence, or to prosecute or give Evidence in any Case of an Indictable Offence, or to perform the Duties of Petty Sessions Clerk, shall in any Manner fail to perform the Condition of such Recognizance, it shall be lawful for the several Assistant Barristers, Recorders of Cities or Boroughs, and for the Chairman of Quarter Sessions of the County of *Dublin*, as the Case may be, upon Conviction of such Person of any Offence that shall be a Breach of the Condition of the said Recognizance, or upon the Production of a Certificate thereof, signed and attested by the proper Officer in that Behalf, that the Person so bound by Recognizance had failed to perform the Condition of the same, to order that such Recognizance shall be forfeited to such Amount as such Assistant Barrister, Recorder, or Chairman shall think fit, and to direct a Warrant to issue to

Estreat of Recognizances.

On Proof of Nonperformance of Condition Court may order Levy of Recognizance so forfeited.

Proof of Notice to be first given.

levy such Amount in like Manner as other Penal Sums are directed to be levied by this Act: Provided always, that Proof shall be first made on Oath before such Assistant Barrister, or Recorder, or Chairman, that Notice in Writing has been given to or left at the usual Place of Abode of the Party or each of the Parties, if there be more than One, against whom it shall be sought to put such Recognizance in force, Seven Days at the least before the Commencement of the Sessions at which such Application shall be made, and such Notice shall state in Substance the Cause or Matter on which it is intended to sustain the Application.

Forms of Procedure.

Forms in the Schedule valid. Extension of Form of Book.

XI. The Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law: Provided always, that it shall be lawful for the Chief or Under Secretary to the Lord Lieutenant from Time to Time to alter the said Form of Book (A.) so far as to introduce into it such further Particulars as may be necessary in order to adapt it to any State of Facts either new or not provided for therein.

Receipts not to be subject to Stamps.

XII. No Receipt, Voucher, Document, or Instrument required to be given, made, or provided in pursuance of the Provisions of this Act shall be subject to or chargeable with any Stamp Duty payable to the Crown.

Appropriation of Fines and Penalties;

but not to apply to Fines at Divisional Police Offices.

XIII. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Court to award any Sum not exceeding One Third of such Penalty to the Prosecutor or Informer, and the Remainder of such Penalty and all other Penalties shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to alter the Appropriation or Application of any Fine or Penalty imposed at any of the Divisional Police Offices of *Dublin* Metropolis or by the Justices in any Corporate Town, and payable to any Borough Fund, but the same shall continue to be appropriated and applied as is now by Law authorized, and shall be paid over to the same Purposes from Time to Time in such Manner and at such Times as the Chief or Under Secretary to the Lord Lieutenant shall direct.

Crown Fines, &c. to be lodged in Bank.

XIV. All Fines or Penalties payable to the Crown, not being Fines or Penalties imposed at any of the said Divisional Police Offices or by the Justices in any Corporate Town as aforesaid, and the Amount levied under any forfeited Recognizance, shall be from Time to Time lodged in the Bank of *Ireland* by the said several Officers into whose Hands the same shall come, in such Manner as shall be from Time to Time directed by the Chief or Under Secretary to the Lord Lieutenant, to the Credit of the same Fund and for the same Purposes to which all Fines and Penalties payable to the Crown are now by Law directed to be lodged.

Lord Lieutenant to charge Audit Expenses on the Fund.

XV. It shall be lawful for the Lord Lieutenant to charge the said Fund with the Payment of such Expenses as may be necessarily incurred in the Examination of the Accounts to be rendered under the Provisions of this Act, and in the Supply of Books for the Entry of Orders at Petty Sessions, and in otherwise carrying the Provisions of this Act and of the said Petty Sessions Act into effect.

Miscellaneous Provisions.

Clerks of Divisional Offices to give Security.

XVI. The several Chief Clerks of the said several Divisional Police Offices, or such other Clerks as may be deputed as aforesaid at the said Divisional Police Offices, shall give such Security for the proper accounting for all Fines or other Monies which may pass through their Hands, under the Provisions of this Act, as the said Chief or Under Secretary shall direct, in like Form and Manner as is required to be given by each Clerk of Petty Sessions under the Provisions of the said Petty Sessions Act.

Annual Account to be laid before Parliament.

XVII. An Abstract Account of all Fines and other Penal Sums accounted for under the Provisions of this Act shall be annually laid before both Houses of Parliament as soon as the Accounts for each Year shall have been examined and declared.

Interpretation of Terms.

XVIII. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City," "County of a Town," or "Riding of a County;" the Words "Lord Lieutenant" shall include any other "Chief Governor or Governors of *Ireland*;" the Word "Justice" shall mean Justice of the Peace, and include a Justice of the Divisional Police Office of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" or other legal Place of Imprisonment of the County; the Words "Keeper of the Gaol" shall include the Governor, Gaoler, or other Keeper of any such Gaol or Bridewell; the Word "Goods" shall include "Chattels;" and the Word "Oath" shall include "Affirmation;" and the Reference to Forms by Letters shall be deemed to be to the Forms in the Schedule to this Act.

Fines and Penalties Act, 6 & 7 Vict. c. 56. repealed.

XIX. From and after the Commencement of this Act a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, shall be and the same is hereby repealed, together with all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, except as to any Matter which shall have occurred before the passing of this Act, or any Accounts or Proceedings now pending to which the same or any of them are applicable.

Short Title.

XX. In citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Fines Act (*Ireland*), 1851."

Commencement of Act.

XXI. This Act shall commence and take effect upon the First Day of *November* One thousand eight hundred and fifty-one.

Act to extend to Ireland only.

XXII. This Act shall extend to *Ireland* only, except so far as relates to the backing and Execution of Warrants.

Schedule to be Part of Act.

XXIII. The Schedule to this Act annexed shall be deemed and understood to be Part of this Act.

SCHE-

SCHEDULE.

FORM (A.)—OFFICERS FINES ACCOUNT BOOK.

County of _____ Court of _____

Month of	PARTIES.	NATURE OF CASE.	SUMS AWARDED.				COLLECTION OF FINES, &c.										ACT UNDER WHICH FINE IMPOSED.	REMARKS.
							If Warrant issued.		Account by Officer of Sums paid in Court, or paid over to him by Constabulary, Gaolers, &c.									
									Receipts.			Payments.						
No. in Order Book (for the Month).	—— *Pltff.* v. —— *Deft.*		To whom.	Amount to each. £ s. d.			To whom addressed. If committed, to what Gaol. Date when issued.	For what Amount. £ s. d.	From whom.	Date.	Amount. £ s. d.	To whom.	Date.	Amount. £ s. d.				
			Crown - *Complainant Costs* -															

5 A 2

FORM (B.)—RECEIPTS.

(B a.) Receipt for Sums paid to Officer of Court by Parties.

_____ *Plaintiff.* }
_____ *Defendant.* }

Court of _____
County of _____

I have received from *C. D.* the Sum of under an Order of the above Court, made on the Day of

Sum, £ : :
Costs, £ : :

Signed _____
Officer of said Court of

This Day of 185 .

(B b.) Receipt for Sums paid to Officer of Court by Gaolers.

_____ *Plaintiff.* }
_____ *Defendant.* }

Court of _____
County of _____

I have received from Keeper of [Gaol] at the Sum of stated to be the Sum in a Warrant under which *C. D.* was committed on the Day of under the Order of the above Court to the said Gaol.

Sum, £ : :
Costs, £ : :

Signed _____
Officer of said Court.

This Day of 185 .

(B c.) Receipt for Sums paid to Parties by Officer of Court.

_____ *Plaintiff.* }
_____ *Defendant.* }

Court of _____
County of _____

I have received from the Officer of the above Court, the Sum of awarded to me on the Day of

Sum, £ : :
Costs, £ : :

Signed _____
Witness _____
of Constabulary.

This Day of 185 .

FORM (C.)—RECOGNIZANCE.

_____ *Plaintiff.* }
_____ *Defendant.* } Court of _____
County of _____

Whereas an Order was made on the Day of by the above Court, That (1)

(1) Order of Court against which Party appeals.

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation; viz.

To attend the (2)

(2) *the Court of Assizes*, or *Quarter Sessions*, or *other Court of Appeal.*

to be held at on the Day of at o'Clock in the Forenoon, and there to prosecute his Appeal against the said Order.

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following; viz., the said principal Party the Sum of and the said Sureties the Sum of each, in case the said principal Party fails to perform the above Obligation.

Signed { _____ Principal Party. _____ } Sureties. _____

Taken before me, this Day of at

Signed _____ Justice.

I certify, That the said has not performed the above Obligation.

Certificate of Forfeiture.

Signed _____

This Day of 185 .

I order, That the Sum of be levied off the Goods of the said principal Party, and the Sum of off the Goods of each of the said Sureties.

Order to estreat.

Signed _____

This Day of 185 .

FORM (D.)—CERTIFICATE OF RECOGNIZANCE TO APPEAL.

_____ *Plaintiff.* }
_____ *Defendant.* } Court of _____
County of _____

Whereas an Order was made by the Court of on the Day of against of
To the following Effect; viz. (1)

(1) Order of Court against which Party appeals.

I certify, That he has duly entered into a Recognizance in the Sum of with Two Sureties in the Sum of each, conditioned to prosecute his Appeal against the said Order.

Signed _____ Justice.

This Day of 185 .

CAP. XCI.

An Act to authorize the Application of Advances (out of Money now authorized to be advanced for the Improvement of Landed Property) to facilitate Emigration from certain distressed Districts of *Scotland*. [7th *August* 1851.]

'WHEREAS great Distress prevails in certain Parts of the Highlands and Islands of *Scotland*, which 'would be most effectually relieved by affording Facilities for the voluntary Emigration of a Portion 'of the Population of those Districts, and it is expedient to enable Owners of Land in the said Highlands 'and Islands to defray the whole or Part of the Expense of the Emigration of poor Persons desirous of 'emigrating from the Parishes or Combinations in which such Land is situate, and to charge their 'Estates for that Purpose in like Manner as they are now authorized to do under the Acts herein-after 'mentioned, for Purposes of Improvement: And whereas an Act was passed in the Session holden in the 'Ninth and Tenth Years of Her Majesty (Chapter One hundred and one), "to authorize the Advance '"of Money to a limited Amount to promote the Improvement of Land in *Great Britain* and *Ireland*, '"by Works of Drainage;" and the said Act was explained and amended by an Act passed in the 'Session holden in the Tenth and Eleventh Year of Her Majesty, Chapter Eleven; and an Act was 'passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred 'and nineteen, to simplify the Forms of Certificate under the said first-mentioned Act; and an Act was 'passed in the last Session of Parliament (Chapter Thirty-one), "to authorize further Advances of '"Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend '"the Acts relating to such Advances:" And whereas Funds remain applicable for Advances under the 'said Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 & 10 Vict. c. 101.

10 & 11 Vict. c. 11.

11 & 12 Vict. c. 119.

13 & 14 Vict. c. 31.

Landowners in the Highlands or Islands of Scotland may make Application for Loans for defraying Expenses of Emigration of the Poor.

I. Any Owner of Land in the Highlands or Islands of *Scotland*, who may be desirous of obtaining an Advance by way of Loan, under this Act, for defraying in whole or in part the Expenses of the Emigration of any poor Persons in the Parishes or Combinations in which such Land is situate, willing to emigrate to Parts beyond the Seas, may make Application to the Inclosure Commissioners for *England* and *Wales* for such Advance: Provided always, that such Application shall be with the Consent of the Board of Supervision for the Relief of the Poor in *Scotland*, who shall signify in Writing under the Hand of One of the Members of such Board, or of their Secretary, their Opinion that such Emigration would be expedient, and that Notice of such Application, with Lists and Particulars of the Persons the Expenses of whose Emigration it is so proposed to defray in whole or in part, shall be transmitted by such Owner to the Colonial Land and Emigration Commissioners.

After Inquiries by Inclosure Commissioners and Colonial Land and Emigration Commissioners, Treasury may direct the Issue of a Provisional Certificate.

II. The Inclosure Commissioners shall make such Inquiries in relation to any such Application as they may think necessary, and shall report their Opinion thereon to the Commissioners of Her Majesty's Treasury; and the Colonial Land and Emigration Commissioners, after making any Inquiries which they may think proper in relation to the proposed Emigration, shall report their Opinion to the said Commissioners of the Treasury as to the Propriety of such Emigration; and if it appear to the said Commissioners of the Treasury that an Advance should be made, they may direct the said Inclosure Commissioners to issue a Provisional Certificate for such Advance, and such Inclosure Commissioners shall thereupon issue a Provisional Certificate, which shall declare, that upon its being certified to them, by the Colonial Land and Emigration Commissioners, that the proposed Emigration has taken place, and that the Expense or Portion of the Expense thereof in respect of which the Advance is to be made has been actually defrayed by the Owner of the Land mentioned in such Provisional Certificate, the said Inclosure Commissioners will certify to the Commissioners of the Treasury their Opinion that such Advance should be made out of the Monies applicable under the said Acts, and such Advance may be made accordingly, and the Land mentioned in such Provisional Certificate shall be charged in respect thereof, in like Manner as the same may be charged in respect of Advances made for the Improvement thereof under the said Acts.

Restrictions on Amount of Loans not to be applicable to Loans under this Act.

III. So much of the said Acts as limits the Amount for which a Provisional Certificate may be issued upon any Application or Applications by the same Owner or in respect of the same Land, shall not extend or be applicable to or in the Case of any Provisional Certificate to be issued upon any Application under this Act, and no Provisional Certificate issued or Advance made under this Act shall be taken into account in computing the Amount for or in respect of which Provisional Certificates may be issued under the said Acts.

Emigration Commissioners may circulate Notices of Particulars.

IV. The Colonial Land and Emigration Commissioners may issue and cause to be circulated, as they may think proper, Notices of the Particulars which should be transmited to them in respect of Applications under this Act.

Provisions of recited Acts to extend to Applications and Advances under this Act.

V. All the Provisions of the said Acts in relation to and consequential upon Applications and Advances, and the Charges in respect of such Advances, under the said Acts or any of them, shall (so far as the Nature of the Case permits, and subject to the Provisions of this Act) extend and be applicable to and in the Case of Applications and Advances, and the Charges in respect of such Advances under this Act; and the said Acts and this Act shall be read together as One Act.

CAP. XCII.

An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise Summary Jurisdiction in *Ireland*. [7th *August* 1851.]

'WHEREAS it is expedient to consolidate and amend the Acts by which Justices of the Peace are empowered to adjudicate in a Summary Way as to certain Offences and other Matters in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Justices may decide all Cases under this Act on Evidence of Witnesses or Confession.

I. That it shall be lawful for any Justice or Justices sitting in Petty Sessions (or for any Two Justices sitting out of Petty Sessions, when the Offender shall be unable to procure Bail for his Appearance at Petty Sessions,) within his or their respective Jurisdictions to hear and determine, either on the Oath of One or more credible Witnesses, or on the Confession of the Person against whom the Complaint shall be made, all Complaints relating to any Offences, Claims, or other Matters under the Provisions of this Act, and to order such Fine, Imprisonment, Compensation, Expenses, and Sums, or to make such other Order relating to each Offence or other Matter as such Person shall be liable to under the said Provisions; and all Proceedings as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, shall be subject in all respects to the Provisions of "The Petty Sessions Act, *Ireland*, 1851," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act.

CRIMINAL JURISDICTION.

Malicious Injury to Persons.

II. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case;

Common Assaults.

1. Any Person who shall unlawfully assault or beat any other Person shall be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Two Months:

Assaults with Intent to prevent Sale of Corn, &c.

2. Any Person who shall assault or beat or use any other Violence to any other Person, with Intent to deter him from buying or selling any Corn or other Agricultural or Garden Produce in any Market or other Place, or to stop the Conveyance of the same, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Three Months:

Certificate of trifling or justifiable Assaults.

Provided always, that in case the Justices shall find any such Assault as aforesaid to have been of a trifling or justifiable Nature, they shall give to the Person against whom the Complaint shall have been made such Certificate as is authorized by the said Petty Sessions Act; and provided also, that in case they shall find any such Assault to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from adjudicating summarily thereupon, and shall deal with the Case in all respects as One to be prosecuted at the Assizes or Quarter Sessions; but nothing herein contained shall authorize any Justices to hear and determine in a Summary Way any Case of Assault in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or to any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Superior Court.

Provisions not to apply to felonious Assaults; nor Assaults where a Title to Lands, &c. is in question.

Wilful Injury to Property.

III. Any Person who shall commit any of the next following Offences (whether from Malice conceived against the Owner of such Property, or not,) shall be liable to the Punishment herein-after specified in each Case:

Journeyman, &c. for spoiling Goods or Work, (under the Value of 5*l.*)

1. Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer who shall unlawfully and wilfully damage, spoil, or destroy any Goods, Wares, Work, or Materials committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c.

2. Any Person who shall unlawfully and wilfully destroy, or damage with Intent to destroy, any Plant, Fruit, or Vegetable Production growing in any Garden, Orchard, Nursery Ground, Shrubbery, Pleasure Ground, Hot-house, Green-house, or Conservatory, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Twenty Pounds, or to be imprisoned for any Term not exceeding Six Months:

Destroying, &c. Vegetable Productions not growing in Gardens, &c.

First Offence.

Second Offence.

3. Any Person who shall unlawfully and wilfully destroy, or damage with Intent to destroy, any Plant, Fruit, or cultivated Vegetable Production growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month; and for any Second or subsequent like Offence shall, in addition to any like Compensation, be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying or damaging Trees, Shrubs, &c. (the Value being under 5*l.*)

4. Any Person who shall, between Sunrise and Sunset, unlawfully and wilfully cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Description of Underwood (the Injury done being under the Value of Five Pounds,) shall pay to the

Wilful Injury to Property.

the Party aggrieved such reasonable Amount of Compensation as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying, &c. any Fence, Wall, Stile, or Gate.

First Offence.

Second Offence.

5. Any Person who shall unlawfully and wilfully damage or destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months; and for any Second or subsequent Offence he shall, in addition to any Compensation ordered, be liable to a Fine not exceeding the Sum of Ten Pounds or to be imprisoned for a Term not exceeding Twelve Months:

Obstructing Export of agricultural Produce.

6. Any Person who shall unlawfully stop or seize upon any Cart or other Carriage, or Horse, loaded with Corn or other Provisions, in or on the Way to or from any Place of Sale or shipping, or shall wilfully injure the same or any Part thereof, or the Harness of the Horses drawing the same, or shall unlawfully take off, drive away, or injure any of such Horses in order to stop the same, or shall scatter or throw away such Corn or other Provisions, or shall carry away or damage the same, or any Part thereof, or shall distribute the same, or compel the Owner or his Servant, or the Carrier of the same, to distribute or otherwise depart from the Possession of the same or of any Part thereof, contrary to his Consent, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Breaking Windows or injuring other Property of a Workhouse (where Value under 40*s.*)

7. Any Person who shall unlawfully and wilfully break any Pane of Glass in the Windows of any Workhouse of a Poor Law Union, or damage or destroy any of the Furniture, Clothes, or other Property of the Guardians of the Poor of any Poor Law Union, (the Injury done being under the Value of Forty Shillings,) shall be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Damage to Property in any Case not previously provided for (where Value under 5*l.*)

8. Any Person who shall unlawfully and wilfully commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which Offence no Punishment is already otherwise provided by this Act, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Persons in the Act of offending may be apprehended without Warrant.

And any Person found committing any of the said Offences may be immediately arrested, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property in respect of which the Offence shall have been committed, or by the Servant of such Owner, or by any other Person authorized by such Owner, or by any other Person in care or charge of such Property, and shall with all convenient Speed be taken before some neighbouring Justice, to be dealt with according to Law: Provided always, that nothing herein contained shall extend to any Case where the Party offending acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass (not being wilful and malicious) committed in Hunting, Fishing, or the Pursuit of Game; but every such Trespass shall be punishable in the same Manner as before the passing of this Act.

Exception of unintentional Trespasses

Accounting for stolen Property.

IV. Whenever any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any of the Articles of Property herein-after mentioned has been taken or stolen, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Property; and any Person in whose Possession or on whose Premises any of the said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of the Constabulary or Metropolitan Police Forces when executing any Warrant, or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice to Gaol until the next Day of holding Petty Sessions for the District, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall be convicted at such Petty Sessions of any of the next following Offences he shall be liable to the Punishment herein-after specified in each Case:

Justice may issue Search Warrant for certain Articles, and require Person to account for Possession; and on Failure may commit to Gaol till next Petty Sessions.

Possession of shipwrecked Goods.

1. Any Person in whose Possession or on whose Premises any Goods, Merchandise, or other Articles belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore, shall be so found, and who shall not satisfy the Justices that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, shall be liable to a Fine not exceeding Fifty Pounds, or to be imprisoned for a Term not exceeding Twelve Months:

Possession of stolen Mutton, &c.

2. Any Person in whose Possession or on whose Premises the Carcase of any Sheep, Lamb, or Deer, or the Head, Skin, or other Part thereof, or any Venison, Mutton, Fat, Skin, or Fleece of such Deer, Sheep, or Lamb, shall be so found, and who shall not account for the same in manner aforesaid, shall be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Possession of stolen Wood.

3. Any Person in whose Possession or on whose Premises the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, (being of the Value of One Shilling at the least,) shall be so found, and who shall not account for the same in manner aforesaid, shall pay to the Party aggrieved the Value of the Article or Articles so found, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

4. Any

Accounting for stolen Property.

4. Any Person who shall offer or expose for Sale any Goods, Merchandise, or Articles which shall have been unlawfully taken, or reasonably suspected to have been taken, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, (whether found by virtue of a Search Warrant or not,) and who shall not account for the same in manner aforesaid, shall pay such Sum as the Justices shall fix as a reasonable Reward to the Person who shall have seized the same, and shall also be liable to a Fine not exceeding Thirty Pounds, or to be imprisoned for a Term not exceeding Six Months (and in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise or Constabulary Force, or other Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same or give Notice of such Seizure to some neighbouring Justice):

Offering shipwrecked Goods for Sale. (Officers of Customs, &c. may seize the Goods.)

Justices may order Restitution of the stolen Property.

And in every Case where any such Articles of Property shall be of a perishable Nature it shall be lawful for the Justice by whom such Person shall be bound to appear at Petty Sessions to direct that the same shall in the meantime be delivered over to such Person as he or they shall be clearly satisfied to be the rightful Owner thereof; and in every Case where any such Articles of Property shall not be so delivered over in the first instance, it shall be lawful for the Justices by whom the Case shall be heard at Petty Sessions to direct that the same shall be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, that the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if any Person shall not under the Provisions last aforesaid be liable to Conviction, then, for the Discovery of the Person who actually stole such Articles of Property, it shall be lawful for the Justices, at their Discretion, as the Evidence given and the Circumstances of the Case shall require, to summon before them any Person through whose Hands such Articles of Property or any Part thereof shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy the Justices that he came lawfully by the same, he shall be liable to the Punishment herein-before specified in each Case.

In case the Persons in possession are not convicted, Justices may summon other Persons.

Stealing Property.

V. Any Person who shall commit any of the next following Offences as to any of the Articles of Property in this Section mentioned, (or who shall receive any of the same knowing them to have been stolen or unlawfully come by,) shall for the First Offence be liable to the Punishment (and for any second or subsequent Offence to double the Amount of Punishment) herein-after specified in each Case:

Stealing, &c. Deer in any inclosed Ground.

1. Any Person who shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer in any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, shall be liable to a Fine not exceeding Fifteen Pounds, or to be imprisoned for a Term not exceeding Three Months:

Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny.

2. Any Person who shall steal any Dog, or any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, or in whose Possession or on whose Premises the same, or the Skin or Plumage thereof, shall be found, by virtue of a Search Warrant, such Person knowing that the said Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird, shall pay the Value of the Property stolen to the Party aggrieved, and shall also be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Stealing, &c. any live or dead Fence, Wooden Stile or Gate.

3. Any Person who shall steal, or damage with Intent to steal, any Part of any live or dead Fence, or any Wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall pay to the Party aggrieved the Value of the Property stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Stealing Trees, Shrubs, &c. (under the Value of 5*l.*) growing anywhere.

4. Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, or any growing Fruit or Vegetable Production, or any growing cultivated Root or Plant, shall (in case the Value of the Property stolen or the Amount of the Injury done shall not exceed Five Pounds) pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months:

Stealing Trees, Plants, Vegetables, &c. severed from the Soil, or Turf Fuel (not exceeding 40*s.* in Value).

5. Any Person who shall steal, or damage with Intent to steal, the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or Vegetable Production, severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel (in case the Value of such Article or Articles stolen or the Amount of the Injury done shall not exceed Forty Shillings), shall pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Workman making away with Goods (not exceeding 5*l.* in Value) committed to his Care.

6. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person who shall unlawfully dispose of, or retain in his Possession without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge, (the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds,) shall pay to the Party aggrieved such Compensation as the Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Stealing Poultry (not exceeding 5*s.* in Value).

7. Any Person who shall steal, or injure with Intent to steal, any Turkey, Goose, or other Poultry, (where the Value of such Poultry so stolen or injured shall not exceed Five Shillings,) shall be liable

Stealing Property.

liable to a Fine not exceeding Twenty Shillings, or to be imprisoned for a Period not exceeding Two Weeks:

A Justice may grant a Search Warrant for stolen Property.

And if any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any such stolen Property is in any House or other Place, such Justice may grant a Warrant to search such House or other Place for such Property; and any Person found committing any of the said last-mentioned Offences may be immediately arrested, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property with respect to which the Offence shall be committed, or by the Servant of such Owner, or any Person authorized by such Owner, and such Offender shall with all convenient Speed be taken before some neighbouring Justice, to be dealt with according to Law; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to arrest, without a Warrant, and with all convenient Speed to carry before a neighbouring Justice, the Person offering the same, together with such Property, to be dealt with according to Law; and in every such Case any such stolen Property shall, by Order of the Justices by whom the Case shall be heard and determined, be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if the Justices before whom any Person charged with any of such last-mentioned Offences shall be brought shall be of opinion that the Case is a fit Subject for Prosecution by Indictment for Larceny, such Justices shall, instead of summarily adjudicating thereupon, deal with the Case as One to be prosecuted by Indictment at the Assizes or Quarter Sessions.

Offenders may be apprehended without Warrant.

Person to whom stolen Property is offered may seize the Party.

Restitution of stolen Property, or Sale if Owner is not known.

If Offence fit for Indictment, Case to be dealt with as such.

Stealing by Juvenile Offenders.

VI. Any Person who shall commit any of the next following Offences (and whose Age at the Time of the Commission thereof shall not, in the Opinion of the Justices, exceed the Age of Fourteen Years,) shall be liable to the Punishment herein-after specified:

Persons under 14 Years of Age committing certain Offences may be summarily convicted;

1. Any such Person who shall commit, or attempt to commit, or who shall aid or abet the Commission of any Offence which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, shall, upon Conviction thereof before the Justices sitting in Petty Sessions and in open Court, be liable to a Fine not exceeding Three Pounds, or to be imprisoned for a Period not exceeding Three Months:

if a Male, may be whipped.

2. If a Male, such Person shall, if the Justices shall see fit, be liable to be once privately whipped, either instead of or in addition to such Imprisonment, and the Justices shall from Time to Time appoint some fit and proper Person to inflict said Punishment of Whipping, when ordered to be inflicted out of Prison:

Justices may dismiss Parties, with or without Sureties.

3. And if the Justices, upon the Hearing of any such Case, shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, they shall dismiss the Person charged, on his finding a Surety or Sureties for his future good Behaviour, or without such Sureties, if the said Justices shall so think fit:

No other Forfeiture; but Justices may order Restitution of Property, or Compensation.

And no Conviction of any such Juvenile Offender for any such Offence shall be attended with any Forfeiture, save as herein-before mentioned; but whenever any such Person shall be convicted of such Offence it shall be lawful for the Justices to order Restitution of the Property in respect to which such Offence shall have been committed to the rightful Owner; or if such Property shall not then be forthcoming, the Justices, whether they shall award Punishment or dismiss the Complaint, may, if they shall think fit, order Payment of the Value of such Property in Money to the rightful Owner by the Person convicted: Provided always, that if the Justices shall be of opinion, before any such Person shall have made his Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, (or if the Parent or next Friend of such Person shall, upon his being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act,) the Justices shall, instead of summarily adjudicating thereupon, deal with the Case as One to be prosecuted by Indictment at Assizes or Quarter Sessions.

If the Charge is thought fit for Indictment, &c. Case to be dealt with as such.

Frauds as to Provisions.

VII. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Offering adulterated Corn, &c. for Sale.

1. Any Person who shall sell or offer for Sale any Wheat, Rye, Meslin, Peas, Beans, Barley, Bere, Oats, Shillin, Cutlings, Meal, Flour, Malt, or other Corn which shall in the whole or in part be spoiled or adulterated by wetting or mixing therewith any Sand, Gravel, Dirt, or rotten or damaged Corn, Grain, Malt, Meal, or Flour, or grown or blighted Corn, or other kind of Stuff, or which shall not be in Quality of equal Goodness to that produced to the View of the intended Buyer or Buyers thereof, or shall use any other Fraud or Deceit therein, in order to make such Corn, Grain, Malt, Meal, or Flour appear heavier than it would have been without such Mixture, Fraud, or Deceit, shall forfeit all such Corn, Grain, Malt, Meal, or Flour, to be disposed of as the Justices shall direct, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month:

Offering unwholesome or fraudulently prepared Meat, &c. for Sale.

2. Any Person who shall exhibit for Sale any unwholesome or fraudulently prepared Meat, Fish, or other Provisions or Food of any kind for Man or Beast, or shall practise any Deceit or Fraud in respect to the Quality of any such Meat, Fish, or other Provisions, shall forfeit all such Meat, Fish, or other Provisions, to be disposed of as the Justices shall direct, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month:

Frauds as to Provisions.

And it shall be lawful for any Justice to seize or cause to be seized any of the Articles herein-before last mentioned as to which any such Offence shall have been committed; and the said Justice may, if he shall deem it expedient, either proceed at once to hear and determine the Case, or may adjourn the Hearing thereof to the next Petty Sessions of the District.

Trespass of Persons.

VIII. Any Person who shall commit any of the next following Offences shall be liable to a Fine not exceeding Ten Shillings, and in default of Payment thereof at such Time as the Justices shall fix shall be liable to be imprisoned for a Period not exceeding One Week:

Trespass on Fields, &c. and refusing to leave.

1. Any Person who shall wilfully trespass in any Field, Garden, Pleasure Ground, Wood, Plantation, or other Place, and shall neglect or refuse to leave any such Place after he shall have been warned to do so by the Owner, or by the Caretaker or Servant of the Owner, or by any Person authorized in that Behalf by the Owner:

Repetition of Trespass after Warning.

2. Any Person who shall again trespass in any such Place within Three Months from the Time when any such Warning shall have been so given to him:

Not to extend to certain Cases of Trespass; nor to prevent Right of Civil Action.

Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to go into or upon any such Place, nor to any Trespass (not being wilful or malicious) committed in Hunting, Fishing, or the Pursuit of Game, but nothing herein contained shall prevent any Person from maintaining any Civil Action or Suit for any such Trespass, instead of proceeding under this Act.

Injuries to public Roads.

IX. Any Person who shall commit any of the next following Offences on or relating to any public Road shall be liable to the Punishment herein-after specified in each Case:

Omitting to scour Ditches, or to have Drains under Passages in and out of Roads, after Notice.

1. Any Owner or Occupier of any Lands contiguous to any public Road who shall omit to scour any Ditch or Drain leading from such Road, so as to allow the Water to pass away, within Ten Days after Notice shall have been given to him so to do by the County Surveyor or by the Contractor for the Repair of such Road, or who shall suffer the Passage of the Water to be obstructed by making or leaving any Way or Passage from any Road into the adjoining Lands, or into his House, without a sufficient Pipe, Sewer, or Gullet underneath it, shall be liable to a Fine not exceeding Twenty Shillings:

Building Houses within 30 Feet.

2. Any Person who shall build or cause to be built any House or Part of a House within Thirty Feet of the Centre of any public Road, except in the Streets of Corporate or Market Towns, or where a House now stands, shall be liable to a Fine not exceeding Ten Pounds, and to a further Sum of Ten Shillings a Week from the Time of his Conviction until the same shall be pulled down or removed:

Deepening Ditches or altering Fences without Consent of County Surveyor, &c. (What shall be deemed the Centre of the Road.)

3. Any Person who shall scour, deepen, widen, or fill up any Ditch or Drain on the Side of any public Road, or who shall alter the Fences of any public Road; or who shall build any Wall, or make any Ditch, Drain, or Watercourse, or dig any Pit or Hollow, on any public Road, or within Thirty Feet of the Centre thereof (save upon or within any ancient Fence adjoining such Road); or who shall otherwise break up the Surface of any Road or Footpath, unless with the Consent of the County Surveyor, or by the Authority of any Presentment, shall be liable to a Fine not exceeding Twenty Shillings (and the Centre of the Road, for the Purposes of this Act, shall be deemed to be the Centre of the Part thereof made with Gravel or Stones):

Scraping Roads without Consent, or drawing Timber, &c. so as to injure Road, or riding on Footpaths.

4. Any Person who shall, without the Consent of such Surveyor or Contractor, scrape any public Road, or cut any Sods or Turf on the Side of any such Road, or take any Earth, Clay, Stone, or Gravel from any such Road, or who shall draw any Timber or Stones along any Part of a public Road, without being supported by Wheels from touching the same, or who shall ride or drive any Horse or other Animal, willingly and unnecessarily, on any Footpath, shall be liable to a Fine not exceeding Twenty Shillings:

Taking Materials to the Injury of any Road or Building.

5. Any County Surveyor or Road Contractor, or other Person, who shall dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea-shore, whereby a public Road, or Bulwark or Defence to any Bridge or like Building, or any Land within the Fences of any such Road, may be injured, shall be liable to a Fine not exceeding Five Shillings for every Cartload of such Gravel, Stones, Sand, or other Materials so dug, raised, or carried away:

Destroying any Pay Gate or Turnpike Gate, &c.; or rescuing any Person in Custody for such Offences.

6. Any Person who shall wilfully damage or destroy any Pay Gate or Turnpike Gate, or any Post, Rail, Wall, Chain, Bar, or other Fence of any kind whatsoever, which shall be used to prevent Passengers from passing by without paying the Toll payable by virtue of any Act of Parliament, or any Toll House for the Use of any such Pay Gate or Turnpike Gate, or who shall forcibly rescue or attempt to rescue any Person or Persons, being lawfully in Custody of any Constable or other Person for any such Offences, shall be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding Two Months:

Assaulting Engineers, Surveyors, or Contractors on public Roads.

7. Any Person who shall wilfully prevent or assault, or threaten to prevent or assault, any County Surveyor or Road Contractor in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Line intended for a new Road, or who shall wilfully destroy, pull up, deface, or injure any Surveyor's Instruments or Implements used in making or laying out any public Road, or any Milestone, Milepost, or Direction Post, or any Bridge, Battlement, Wall, Railing, Mound, or Fence belonging to any public Road, or who shall wilfully break, deface, pull down, or take away Stones out of any such Battlement, Wall, Mound, or Fence, or out of any Bridge, Pipe, Arch, or Gullet belonging to any public Road, shall

Injuries to public Roads.

be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Three Months:

Using new Road for certain Time after making.

8. It shall be lawful for any Two Justices of the County, upon Application of the County Surveyor, to forbid any Person or Persons from riding or driving any kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding Six Months after such new Road shall have been made, and the Expenditure thereon duly accounted for at Special Sessions; and any Person who shall wilfully disobey such Order (the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road) shall be liable to a Fine not exceeding Twenty Shillings:

County Surveyor or Contractor may require Owners of Land to remove Obstructions, &c., and to prune Hedges or Trees injuring Roads.

Owners not complying to be summoned before Justices at Petty Sessions; who may order Obstructions, &c. to be removed; and on Refusal of Owner, the Surveyor or Contractor may do it at Expense of Owner. Expenses may be levied by Distress, &c.; but Trees, &c. not to be cut or pruned at certain Seasons.

And if the County Surveyor or the Contractor for the repairing of any public Road in any County shall think that such Road is prejudiced by any of such Neglects or Offences as aforesaid, or by the Shade of any Hedges or Trees (except those planted for Ornament or Shelter of any Dwelling House, Courtyard, or Garden), or that any Obstruction is caused in any public Road by any Hedge or Tree, it shall be lawful for such Surveyor or Contractor, by Notice in Writing, to require the Person who shall be guilty of any such Neglect or Offence, or the Owner of the Land on which such Hedges or Trees are growing, as the Case may be, to fill up any Ditch or Drain which shall have been so scoured, deepened, or widened, or to scour any Drains which have been so filled on the Side of any public Road without the Consent of the said County Surveyor or the Authority of a Presentment, or to scour or deepen any Drain or Ditch leading from any Road which shall be omitted to be scoured or deepened after due Notice by such Surveyor or Contractor, or to remove any Way or Passage from any Road into any adjoining Land or to any House which may obstruct the free Passage of the Water, or to remake the same by building a Gutter, Sewer, or Arch therein, or to pull down any Wall or fill up any Ditch or Drain the building of which shall have been an Offence against the Provisions of this Act, or to cut or plash such Hedges, or to prune or lop such Trees, so as that such Road may not be prejudiced or obstructed by the same; and if such Person or Owner shall not comply with such Request within Ten Days after such Notice, it shall be lawful for such Surveyor or Contractor as aforesaid to summon such Person or Owner before the Justices assembled at any Petty Sessions of such County, to show Cause why he has not complied with such Request; and upon the Hearing of such Case it shall be lawful for such Justices, if they shall see fit, to order that such Person or Owner shall act as required by such Notice as aforesaid; and if the said Person or Owner shall not obey such Order within Ten Days after the making of the same, it shall be lawful for such Surveyor or Contractor, if so directed by the Justices, to do all or any of the said Acts so required by such Notice, for the Benefit and Improvement of such Road, or to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and at the Expense of such Person or Owner; and it shall be lawful for such Justices, upon Complaint of such Surveyor or Contractor as aforesaid, and upon Proof of the Expenses incurred, to issue their Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of such Person or Owner: Provided always, that no Person shall be compelled, nor any such Surveyor or Contractor as aforesaid permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Nuisances on public Roads.

X. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Turning Horse, &c. loose. Negligence in driving Cattle, &c.

1. Any Person who shall in any public Road or Street of a Town turn loose any Horse or Cattle, or set on or urge any Dog or other Animal to attack or worry any Person, Horse, or other Animal, or who by Negligence or Ill-usage in driving Cattle shall in any public Road or any Street of a Town cause any Mischief to be done by such Cattle, shall be liable to a Fine not exceeding Ten Shillings:

Flying Kites or making Slides.

Fireworks, &c.

2. Any Person who shall fly any Kite or play at any Game, or make or use any Slide upon Ice or Snow, on any public Road or in any Street of a Town, to the Danger of the Passengers; or who shall cast or throw any Fireworks or discharge any Fire-arms on any public Road, or within Sixty Feet of the Centre thereof, or in any Street or Passage of a Town, or who shall cast, throw, or discharge the same, or suffer the same to be cast, thrown, or discharged, from out of his House, Shop, Dwelling, Lodging, or Habitation, or from out of any Place thereto belonging, into any public Road, Street, or Passage, shall be liable to a Fine not exceeding Ten Shillings:

Leaving Ploughs, Harrows, &c. on the Road.

3. Any Person who shall leave or permit to be left on any public Road any Plough, Harrow, Cart, or other Carriage, without the Horse or other Animal being harnessed thereto, unless such Carriage shall have been accidentally broken down there, shall be liable to a Fine not exceeding Ten Shillings:

Slaughtering Beasts on a Road.

4. Any Person who shall slaughter any Beast, or leave any dead Beast, or skin or permit to be skinned any Beast, on any public Road or within Thirty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Laying Stones, Timber, &c.

5. Any Person who shall lay any Stones, Timber, Dirt, Dung, Turf, Straw, Rubbish, or Scourings of any Ditches or Drains, or other Object, on any public Road or within Thirty Feet of the Centre thereof, or in any Street of a Town, so as to cause Danger or Mischief to any Passengers, and shall allow the same to remain there longer than shall be absolutely necessary, shall be liable to a Fine not exceeding Ten Shillings; and for every Cartload of Dung, Rubbish, Scourings, Clay, Stones, Bricks, Sand, or Lime, or other like Materials, which shall have been so laid on any public Road or Street, and which shall be allowed to remain there for more than Twenty-four Hours after the Owner thereof shall have been required by any Justice or by the County Surveyor,

Fine for every Day that Materials are left on Road after Notice to remove the same.

by

Nuisances on public Roads.

by Notice in Writing, to remove the same, such Owner shall, in addition to the above Fine for so leaving the same there in the first instance, be also liable to a further Fine not exceeding Two Shillings and Sixpence for every Day that the same shall be allowed to remain there after the Expiration of the said Period of Twenty-four Hours:

Scalding Casks, beating Flax, or winnowing Corn, &c.

6. Any Person who shall hoop, scald, or fire any Cask, or bind any Car or Cart Wheels, or beat any Flax, or thresh or winnow any Corn, on any public Road or Street of a Town, or within Thirty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Keeping Dogs either unlogged or unmuzzled.

Justices may order dangerous Dogs to be killed.

7. Any Person who shall keep or suffer to be at large within Fifty Yards of any public Road any Dog, without having such Dog muzzled, or without having a Block of Wood fastened to the Neck of such Dog, of sufficient Weight to prevent such Dog from being dangerous, shall be liable to a Fine not exceeding Ten Shillings; and it shall be lawful for the Justices of the Petty Sessions District to issue a Warrant to any Sub-Inspector, Head, or other Constable, directing him to seize or kill any dangerous Dog which shall be so kept near any public Road contrary to the Provisions of this Act, and such Sub-Inspector, Head or other Constable, may accordingly seize or kill any such Dog:

Drying Flax or burning Weeds, &c.

8. Any Person who shall dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes, or make or assist in making any Fires commonly called Bonfires, or any other kind of Fire, upon any public Road or within Sixty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Carrying Timber crosswise.

9. Any Person who shall lead or drive on any public Road or Street of a Town any Car or other Carriage with Timber, Boards, or Iron laid across, so that either End shall project more than Two Feet beyond the Wheels or Sides thereof, shall be liable to a Fine not exceeding Ten Shillings:

Exposing Horses, &c. for Sale, &c.

10. Any Person who shall expose upon any public Road or in any Street of a Town any Horse or other Animal for Show, Hire, or Sale, except in any Fair or Market or other Place lawfully appointed for that Purpose, shall be liable to a Fine not exceeding Forty Shillings:

Allowing Swine, &c. to wander about.

Swine, &c. may be impounded if Owner is not known.

11. Any Person who shall allow any Swine or other Beast to wander upon any public Road, or about the Streets or Passages of any Town, shall be liable to a Fine not exceeding Two Shillings; and in case the Owner shall not be known, it shall be lawful for any Person by whom any such Swine or other Beast shall be found wandering upon any such Road, Street, or Passage to impound the same, subject to the Provisions herein-after contained as to the impounding of Distresses:

Surveyor or Contractor not liable to Fine, except in certain Cases.

Provided always, that nothing herein contained shall render any County Surveyor or Road Contractor liable to any Fine for any Act done by such Surveyor in the Discharge of the Duties of his Office, or by such Contractor in the necessary Execution or Performance of his Contract; but if any such Surveyor or Contractor shall lay or cause to be laid any Heap of Stones, Gravel, Rubbish, or other Matter whatever, upon any public Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, (all due and reasonable Precautions not having been taken by him to prevent any such Danger or Damage,) such Surveyor or Contractor shall be liable to a Fine not exceeding Five Pounds.

Public Stage Carriages.

XI. Any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road or in any Street of a Town shall (in addition to any Civil Action to which he may subject himself) be liable to a Fine not exceeding Forty Shillings:

Carrying more than a certain Number:

1. Any Driver, Owner, or Guard of any Coach, Omnibus, Car, Caravan, or other Carriage, by what Name soever the same is or shall hereafter be called or known, which shall be employed as a public Stage Carriage for conveying Passengers for Hire, who shall permit more Passengers to be carried by the same than the Number for whom Seats shall be respectively provided, inside or outside of the same, allowing a Space of at least Sixteen Inches for each Passenger, over and above the Space allotted to the Driver and Guard when there is a Guard; but no Child under Seven Years of Age shall be included in or counted as One of such Number; and it shall be lawful for any Justice, County Inspector, Sub-Inspector, Head or other Constable, to stop any such Carriage which shall appear to carry a greater Number of Passengers than the above, and to measure the Seats of same, in order to ascertain whether sufficient Space has been allotted to the Passengers:

Allowing Passengers to get on Top of Carriage, &c.

2. Any Driver, Owner, or Guard of any such public Stage Carriage who shall allow any Passenger to sit upon the Top of any Luggage, or upon any Part of such Carriage not intended to carry Passengers, or who shall carry or permit or suffer any Parcel or Parcels of Luggage whatever exceeding Two Feet in Height above the Roof to be conveyed on any such Carriage carrying Inside Passengers:

Omitting to paint Number of Passengers to be conveyed on the Doors, &c. of public Carriages:

3. Any Person who shall keep and employ any such public Stage Carriage, and who shall not paint or cause to be painted on the Outside of the Door, or of each Door when there shall be more than One, of such Carriage, or on some other conspicuous Part of such Cariage where there shall be no Door, in legible Letters of at least One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, the Number of Passengers which such Carriage shall be intended to carry, together with the Name or Names of the Person or Persons or Firm of the Company of Proprietors to whom such Carriage shall belong, or who shall cause any such Carriage as aforesaid to be employed or used for carrying any Passengers for Hire, without having the said Words painted in such Manner as is herein-before directed:

Misconduct of Drivers, &c. to Passengers, &c.

4. Any Driver or Guard of any such public Stage Carriage who shall wilfully mis-spend or lose Time on the Road, or who shall use abusive or insulting Language to any Passengers, or who by reason of Intoxication,

Public Stage Carriages.

Intoxication, Negligence, or other Misconduct, shall endanger the Passengers in their Lives or their Property, or the Property of any other Person with which they may be intrusted, or who shall demand or exact more than the proper Fare due from any Passenger; and in any such Case the Justices may, in addition to the Fine, order such Offender to repay to any Party so aggrieved any Sum so exacted, or a reasonable Compensation for any Damage or Loss caused by any such Offence:

Drivers leaving their Horses until a proper Person shall stand at their Head; or allowing others to drive.

5. Any Driver of any such public Stage Carriage who shall (at any Place or Places where Assistance can be procured) quit his Horse or Horses, or the Box of such Carriage, until a proper Person or Persons shall stand at the Head of the Horse or Horses or Fore Horse or Fore Horses, or shall hold the Reins so as to prevent them from running away; or any such last-mentioned Person or Persons who shall not remain at their Head or hold the Reins until the Driver has returned to his Box; or any Driver of any such Carriage who shall intrust the Reins to any other Person to drive such Carriage, or any Person who shall so take such Reins and drive such Carriage.

Carts and Cars.

XII. Any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road, or in any Street of a Town, shall (in addition to any Civil Action to which he may subject himself) be liable to a Fine not exceeding Ten Shillings:

Where Names of Owners are not painted on Carts, &c.;

1. Any Owner of any Cart, Car, Dray, or other such Carriage used for the Conveyance of Goods who shall use or allow the same to be used on any public Road or Street without having his Name and Residence painted upon some conspicuous Part of the Right or Off Side of such Carriage, in legible Letters not less than One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, or who shall paint or cause to be painted any false or fictitious Name or Residence on such Carriage:

One Driver taking charge of more than One Cart, &c., except in certain Cases:

2. Any Person who shall act as the Driver or have the sole Charge of more than One such Carriage as last aforesaid on any public Road or Street, unless in the Cases where Two of such Carriages and no more shall be drawn each by One Horse only, and the Horse of the hinder of such Carriages shall be attached by a sufficient Rein to the Back of the foremost of such Carriages:

Drivers of Carts riding thereon without some other Person to guide them:

3. Any Person having the Care and Charge of any such Carriage as last aforesaid who shall ride upon the same, or upon any Horse drawing the same, on any public Road or Street, except where he shall be accompanied by some other Person on Foot or on Horseback to guide the same, or where such Carriage shall be driven with Reins, and be conducted by some Person holding the Reins of all the Horses drawing the same:

Drivers leaving their Carts:

4. Any Driver of any such Carriage as last aforesaid who shall negligently or wilfully be at such Distance from such Carriage, or in such a Situation that he cannot have the Direction of the Horse or Horses drawing the same, or who shall leave any such Carriage on such Road or Street so as to obstruct the Passage thereof:

Driver refusing to tell Owners Names.

5. Any Driver of any such Carriage as last aforesaid, not having the Owner's Name thereon as hereby required, and remaining legible thereon, who shall refuse to tell or to discover the true Christian and Surname and Residence of the Owner of such Carriage.

Rules of the Road.

XIII. Any Person who shall on any public Road or Street commit any of the next following Offences shall (in addition to any Civil Action to which he may make himself liable) be also liable to the Punishment herein-after specified in each Case:

Keeping on wrong Side of the Road:

1. Any Person driving any Carriage whatsoever, or riding any Horse or other Animal, who, meeting any other Carriage or Horse or other Animal, shall not keep his Carriage or Horse or other Animal on the Left or Near Side of the Road or Street, or, if passing any other Carriage or Horse or other Animal going in the same Direction, shall not in all Cases where it is practicable go and pass to the Right or Off Side of such other Carriage or Horse or other Animal, shall be liable to a Fine not exceeding Ten Shillings:

Passing with a led Horse:

2. Any Person riding any Horse, and leading any other Horse, who shall not keep such led Horse on the Side farthest away from any Carriage or Person passing him on any public Road or in any Street of a Town, shall be liable to a Fine not exceeding Ten Shillings:

Obstructing free Passage or Crossings:

3. Any Person who shall in any Manner wilfully or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Person or Carriage on any public Road or Street, or Crossing, shall be liable to a Fine not exceeding Twenty Shillings:

Furious driving:

Negligent driving:

4. Any Person riding any Horse or Animal, or driving any Sort of Carriage, who shall ride or drive the same furiously on any public Road or Street so as to endanger any Passenger or Person, or who shall by Carelessness or wilful Misbehaviour cause any Injury to any Person or Property on any public Road or Street, shall be liable to a Fine not exceeding Twenty Shillings:

Children under Thirteen Years not to drive.

5. And no Cart, Dray, Waggon, or other such Carriage, and no Hackney Car or Carriage, or Car or Carriage let on Hire, travelling on any public Road or Street, shall be driven by any Person who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Ten Shillings, to be paid by the Owner of such Carriage.

Special Provisions as to Proceedings for Road Offences.

XIV. The Mode of proceeding as to any of the said Offences committed upon public Roads or Streets shall be subject to the following special Provisions:

Constabulary to take cognizance of Offences, and summon

1. The County and Sub-Inspectors, Head and other Constables of the Constabulary Force, shall take cognizance of all such Offences, and shall, in every Case where the Name and Residence of any such Offender is known or can be ascertained, summon him either before the Justices of the Petty Sessions District in which the Offence shall be committed, or before the Justices of any other Petty Sessions District in which such Offender may reside or be at the Time of taking such Proceeding,

ceeding, and such Justices are hereby authorized to hear and determine such Case, either upon the Complaint of such County or Sub-Inspector, Head or other Constable, or of any other Person:

Offenders, if known, &c.

2. Where the Name and Residence of such Offender shall be unknown and cannot be ascertained, he may, with or without any Warrant, be arrested by any such County or Sub-Inspector, Head or other Constable, or any Persons whom he may call to his Assistance; and if any such Person shall refuse to discover his Name, it shall be lawful for the Justice before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to Gaol for any Time not exceeding One Month, or to entertain any Proceeding against him for the Penalty aforesaid by a Description of his Person and Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name; and whenever any Person having charge of any Horse or other Animal, or of any Cart or other Carriage, shall be so taken into Custody by any County Inspector, Sub-Inspector, Head or other Constable, it shall be lawful for such County or Sub-Inspector, Head or other Constable, also to take charge of such Horse, Animal, Cart, or Carriage, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof may become liable; and it shall be lawful for the Justices by whom the Case shall be heard to order that, in default of such Penalty, and the Expenses of keeping such Horse, Animal, Cart, or Carriage, being paid, the same shall be sold, for the Purpose of satisfying such Penalty and Expenses, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of the same:

If Name not known, may be arrested.

Proceeding if Offender will not discover his Name.

Horses, Carriages, &c. of Offenders may be detained.

3. It shall be lawful for the County Surveyor or Road Contractor, or any Head or other Constable duly authorized in Writing by any Justice of the County, to remove any of the herein-before mentioned Objects which may be left on any public Road or Street contrary to the Provisions of this Act, at the Expense of the Offender, and it shall be lawful for the Justices at any Petty Sessions of the County, upon Complaint of such Surveyor, Contractor, or Constable, and upon Proof of the Expense incurred, to issue a Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of the Offender:

Justice may order Removal of Nuisances.

4. In every Case where any Hurt or Damage shall have been caused by the Commission of any of the said Offences, the Justices, upon the Hearing of the Complaint, may, in addition to any Penalty herein provided, order the Party offending, or, in case of an Offence by the Driver of any Carriage, the Owner of such Carriage, forthwith to pay for Compensation to the Party aggrieved a Sum not exceeding Forty Shillings (provided such Amount of Damage shall have been proved); and any Sum which shall be so paid by the Owner shall and may in like Manner be recovered by him in a Summary Way before the Justices from the Driver through whose Default such Sum shall have been so paid, upon Proof of the Payment thereof pursuant to the Order of the Justices:

Compensation (under 40s.) for Damage recoverable before Justices in such Cases.

Owners may recover over against Drivers.

5. Any Summons issued by any Justice, requiring any Owner, Driver, or Guard of any public Stage Carriage to appear before him to answer any Complaint for any such Offence, shall be deemed good and sufficient Service in case the same be left with the known or acting Book-keeper, or with any other Person having the Care of any Office where Places are usually taken or Parcels received for such Carriage.

Summons for the Driver of Stage Carriage left with Book-keeper to be good Service.

XV. The Decision of Claims to the Possession of small Tenements in certain Towns and Villages shall be subject to the following Provisions:

CIVIL JURISDICTION.

Possession of small Tenements.

1. Whenever the Term or Interest of the Tenant of any House or of any Part of a House situate in any City, Town, Borough, or Village in which any Fair or Market is usually held, and which shall be held by him for any Term not exceeding One Month, at a Rent not exceeding the Rate of One Pound Sterling by the Month, shall have ended, or shall have been duly determined by a legal Notice to quit, if such Tenant, (or where such Tenant shall not himself occupy the Premises, or only a Part thereof, if the Person by whom the same or any Part thereof shall be occupied,) shall neglect or refuse to deliver up Possession of the same, it shall be lawful for the Landlord of the said Premises, or his known Agent, or for the Receiver of the Rents of his Estate, to cause such Tenant or Occupier to be served with a Summons in Writing, signed by any Justice having Jurisdiction in the Place in which the said Premises shall be situated, to appear before the Justices at the Petty Sessions of the District in which the said Premises shall be situated, to show Cause why Possession of the said Premises should not be delivered up:

Possession of small Tenements may be recovered by Order of Justices.

2. Such Summons may be served upon such Tenant or Occupier either personally or by leaving the same for him with some Person in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein either by serving the same personally upon him or by leaving the same at his usual Place of Abode Four clear Days before the Day appointed for the Hearing of the Matter of the said Summons; but if the Person so holding over cannot be found, and Admission into the Premises so overheld cannot be obtained, and the Place of Abode of such Person not residing as aforesaid shall either not be known or Admission thereto cannot be obtained, the posting of the said Summons on some conspicuous Part of the said Premises shall be deemed to be good Service upon such Person:

Manner in which such Summons shall be served.

Substitution of Service in certain Cases.

3. If such Tenant or Occupier shall not appear at the Time and Place appointed, or shall appear, but shall not show to the Satisfaction of the Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises to the said Landlord, Agent, or Receiver, it shall be lawful for the Justices, upon Proof of the Holding, and of the End or Determination of the Tenancy, with the Time and Manner thereof, (and, where the

On Proof of Right, Justices may issue Warrant to deliver Possession.

Title

Possession of Small Tenements.

Title of the Landlord shall have accrued since the letting of the Premises, upon Proof of the Right by which he claims the Possession,) to issue a Warrant to the Sub-Inspector of the District within which such Premises shall be situated, or to any other Person as a special Bailiff in that Behalf, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord, Agent, or Receiver, and such Warrant shall be a sufficient Warrant to the said Sub-Inspector or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly; but such Entry shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon:

If Party summoned undertakes to deliver up Possession and pay Arrears in 14 Days, no Warrant to issue for that Period, when, if Possession continued, Justices may issue Warrant without further Notice.

4. But if such Tenant or Occupier shall appear before the Justices, and shall give an Undertaking (to be entered in Writing by the Clerk of Petty Sessions) quietly and peaceably to deliver up, within Fourteen Days from the Date thereof, Possession of the Premises of which he shall be such Tenant or Occupier, in good Order and Repair, to such Landlord, Agent, or Receiver, and in the meantime to pay all Rent and Arrears of Rent claimed by such Landlord in respect to such Premises, the Justices shall not issue their Warrant for giving Possession till the Expiration of such Period of Fourteen Days; and if such Tenant or Occupier shall at the Expiration of such Period continue in possession or occupation of the said Premises, save by the Permission of such Landlord, Agent, or Receiver, it shall be lawful for the Justices, at the Instance of such Landlord, Agent, or Receiver, to issue a Warrant for giving Possession of the same as aforesaid, and such Warrant shall be executed forthwith, without further Notice to such Tenant or Occupier:

But Act not to protect Persons who have no legal Right.

Provided always, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant to deliver Possession of any such Premises shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

Master and Servant.

XVI. The Decision of certain Disputes between Employers and the Persons employed by them shall be subject to the following Provisions:

Justices may order Payment of Sums due: For Wages:

For the Hire of Horses, Carts, &c.:

For Tuition:

(The Demand not exceeding 10*l.*)

1. It shall be lawful for the Justices to hear and determine any Disputes concerning any Sums which shall be due for Wages by any Master to his Apprentice, or by any Employer to any Artificer, Labourer, Servant, or other Person employed by him to do any Species of Work or Labour whatsoever (whether he shall find Materials for the Performance of the same or not, and whether such Wages shall be due in respect to any Day's Work or to any Labour done or performed by Task, Job, or Contract); or which shall be due by any Person for the Hire of any Horse, Ass, Mule, Bullock, or other Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle drawn by any such Animal for the Purpose of any labouring Work, (and not being for the Carriage of any Passenger or Passengers,) or for the Hire of any Boat for the Purpose of any labouring Work (and not being for the Carriage of any Passenger or Passengers), and whether such Hire shall be by the Day or by Contract or otherwise; or which shall be due to any Schoolmaster or Teacher for the teaching of any Child in any School or other Place, and whether the Engagement shall be for a Payment by the Day or for any other Period, or in any other Manner (provided that the Amount of the Demand for such Wages, Hire, or Tuition, in any of such Cases, whether originally greater or not, shall not exceed Ten Pounds); and to make such Order as they shall see fit for Payment of such Sums as shall appear to be justly due to the Complainant by his Master or Employer, or, in case of any Sum claimed for the teaching of any Child, by the Parent or other Person who shall have engaged the Complainant to teach such Child:

Justices may award further Sum to Servants, &c. as Compensation (not exceeding 40*s.*) for Loss of Time in recovering Wages.

2. Whenever it shall appear to the Satisfaction of the Justices that any Schoolmaster, Teacher, Servant, Artificer, Labourer, or other Person so employed as aforesaid has been or is likely to be detained from his Home or usual Place of Residence, or has suffered or is likely to suffer any additional Loss by reason of the Nonpayment of any Sum which such Justices shall so adjudge to be due to him, it shall be lawful for such Justices to order that there shall be paid to him by such Master or Employer, not only the Sum so due to him, but also such further Sum as Compensation, not exceeding the Sum of Forty Shillings for the Time during which he shall have been so detained from his usual Place of Residence, or for the Loss suffered or likely to be suffered, as such Justices shall think to be reasonable, having regard to the Length of such Detention, the Diligence or Remissness of either Party, the usual Earnings of such Schoolmaster, Teacher, Servant, Artificer, Labourer, or Person, and the Sum which within the Time of such Detention he did earn, or under all the Circumstances of the Case might have earned:

How Servants, &c. shall recover their Wages in Cases of Absence of Masters, &c.

3. In every Case where any such Master or Employer shall intrust his Business to the Management and Superintendence of any Steward, Agent, Bailiff, Foreman, or Manager, it shall be lawful for the Justices to summon such Steward, Agent, Bailiff, Foreman, or Manager to appear at Petty Sessions, and to hear and determine the Matter of the Complaint in such and the like Manner as Complaints of the like Nature against any Master or Employer, and to make an Order for the Payment by such Steward, Agent, Bailiff, Foreman, or Manager, to the Complainant, of such Sum or Compensation as shall be justly due to him; and in case of Refusal or Nonpayment of any such Sum or Compensation at such Time as shall be directed by such Justices it shall be lawful for

them

them to issue a Warrant to levy the same by Distress and Sale of the Goods of such Master or Employer:

Master and Servant.

4. Whenever any Servant, Artificer, Labourer, or other Person shall engage, by an Agreement in Writing signed by both Parties, with any Person, to serve him at any Time and in any Manner, and he shall not enter into or commence his Service according to such Agreement, or whenever having entered into any Service under any Agreement, whether in Writing or not, he shall absent himself before the Term specified in such Agreement shall be completed, or shall neglect to fulfil the same, or shall be guilty of any Misconduct or Misdemeanor in the Execution of the same or in any way respecting the same, it shall be lawful for the Justices to hear and determine such Complaint as may be made against him by his Employer, or by the Steward, Manager, or Agent of his Employer, and if it shall appear that he has not fulfilled his Agreement, or has been guilty of any Misconduct in respect to the same, to impose upon him a Fine not exceeding the Sum of Five Pounds, and in default of Payment of such Fine to commit him to Gaol for any Term not exceeding Three Months, and to abate the whole or a Part of his Wages, and to discharge him from his Agreement or Service, by Writing under their Hands, if they shall see fit:

Justices may punish Servant, &c. for not observing Contract.

5. Any Servant or other Person who shall hire or engage with any Master or other Person under any false or forged Discharge or Certificate of Character, shall be liable to forfeit all the Wages which shall be due to him by such Master or Person at the Time of his Conviction, and shall also be liable to a Fine not exceeding Five Pounds, and in default of Payment to be imprisoned for a Term not exceeding Three Months.

Justices may punish Servants, &c. for hiring under false Discharges.

XVII. The Decision and Regulation of certain Matters relating to Fairs and Markets shall be subject to the following Provisions:

Fairs and Markets.

1. Whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market, (and which shall not be of a greater Value than Five Pounds,) it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, (upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose,) or to adjourn the hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justice or the Justices at such Petty Sessions, having examined into the said Complaint upon the Oath of either of the Parties or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions:

Justices may make Awards as to Disputes at Sales in Fairs and Markets (where Value does not exceed 5*l.*)

2. It shall be lawful for the Town Commissioners acting under an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, and for the Commissioners acting under any other Local or Special Acts giving them like Powers in their respective Towns not being Corporate Towns, and for the Justices at Petty Sessions in other Market Towns, not being Corporate Towns, from Time to Time to appoint, by Order in Writing, such Place or Places in such Towns as they shall think fit for any Public or Hackney Car or Carriage to stand in for Hire; and also to make (and vary from Time to Time) such Regulations as they shall see fit for keeping or causing to be kept free and clear from Obstruction all Passages or Thoroughfares in and through the said Markets, and for keeping or causing to be kept all said Markets, and all Passages therein and thereto, clear and free from any Dirt or Nuisances of any kind whatever, and for preventing all Indecencies being committed therein; provided that no such Regulations shall interfere with or impede the due Accommodation of Persons lawfully exposing Goods or Wares for Sale therein; and it shall be lawful for the said Town Commissioners or Justices, as the Case may be, to give due Notice of such Regulations, by causing the same to be painted on a Board, and affixed in some conspicuous Place in any such Market, in like Manner as Schedules of Tolls and Customs in Markets are now required by Law to be affixed:

Justices to appoint Stands for Cars, &c.

and make Regulations as to Thoroughfares in Markets.

Punishment for Offences against these Provisions:

And any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified:

3. Any Person who shall offend against any of the said Regulations, by exhibiting Goods or Wares in any such Market in any Place other than that appointed for the Sale of the same, or by refusing to remove the same when required so to do, or by obstructing the Passages or Thoroughfares in and through such Market, or by placing or leaving any Impediment of any kind therein, or by leaving or causing to be left any Dirt or Nuisance of any kind therein, or who shall commit any Indecency in said Market or in the Passages thereto, shall be liable to a Fine for a First Offence not exceeding Five Shillings, and for a Second Offence not exceeding Ten Shillings:

Breaking through the Regulations, &c.

4. Any Person who shall, within any City, Borough, or Market Town in *Ireland*, or within a Quarter of a Mile from the Boundary thereof, cause any Cart, Dray, Waggon, or other such Carriage, or any Public or Hackney Car or Carriage, to stand in any public Road or Street longer than may be reasonable or necessary for loading or unloading, or for taking up or setting down Passengers, (except any Cart, Dray, Waggon, or other such Carriage lawfully standing in any Place customarily used for such Purpose in any public Market or Fair, and except any Public or Hackney Car or Carriage standing for Hire in any Place which shall be fixed as a Standing for that Purpose in manner aforesaid,) shall be liable to a Fine not exceeding Twenty Shillings.

Obstructing Streets or Market Places.

Weights and Measures.

XVIII. The Decision and Regulation of certain Matters relating to Weights and Measures shall be subject to the following Provisions:

Head Constable shall be Inspector of Weights and Measures.

1. Such Head or other Constables in each Petty Sessions District as shall be selected by the County Inspector of Constabulary, with the Approval of the Justices for that Purpose, shall henceforth be *ex officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, except the Power of adjusting and stamping with the County Stamp, and be subject to the like Penalties for any Neglects or Offences in the Discharge of such Duties, which any Inspector of Weights and Measures may possess or exercise, or be liable to, under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-three, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within such District:

Grand Jury may provide Sub-Standard Weights and Measures;

2. It shall be lawful for the Grand Jury of each County from Time to Time to procure as many Copies, in Iron or other sufficient Material, of the County Copies of the Imperial Weights and Measures, as they shall see fit, and to direct that the same shall be duly stamped by such Sub-Inspector as the said Grand Jury shall appoint for that Purpose, with the Approval of the said Inspector General; and the said Copies shall be called the County Sub-Standard Weights and Measures, and shall be deposited in the Custody of the said Head or other Constables, so as to enable them the more easily to discharge the Duties of Inspectors of Weights and Measures; and shall, at least once in every Year, and also at any other Times when required by the County Inspector of Constabulary of the County or by the Justices at Petty Sessions, be compared with and corrected by the said County Standard Weights and Measures, by the said Sub-Inspector of Constabulary so to be appointed as aforesaid, who shall adjust the same, and also affix the County Stamp thereto; and such Copies so adjusted and stamped shall, until the next Comparison of the same, to be made in manner aforesaid, be considered to all Intents the same as the said County Standard Weights and Measures, for all Purposes of Comparison and Verification, and for all other Purposes for which such County Standard Weights and Measures are required under the Provisions of the said recited Act, by any Inspector of Weights and Measures; and it shall be lawful for the said Grand Jury to present the Amount of such Expenses as shall be incurred either in the procuring or Transmission of such Copies of the Weights and Measures, and also of such reasonable and necessary Expenses as shall be incurred by any such Sub-Inspector, Head or other Constable, in carrying these Provisions into effect; and such Sums so presented shall be levied off the County in like Manner as any other Sums presented by such Grand Jury; and any Person who shall use the said Copies for any other Purpose shall be liable to a Fine not exceeding Five Pounds for every such Offence:

and may present Expenses.

Punishment for false Weights and Measures.

And any Person who shall use any Weight or Measure, other than those authorized by the said recited Act, for the Sale of any Article, shall on Conviction thereof be liable to a Fine not exceeding Five Pounds, and, in default of Payment thereof, to be imprisoned for a Period not exceeding Two Months; and any Contract, Bargain, or Sale by any fraudulent Weights or Measures so used shall be void; and every such light or unjust Weight or Measure so used shall, on being discovered by any such Head or other Constable as aforesaid, be seized by him, and upon the Conviction of the Person so using or possessing the same shall be forfeited, and forthwith destroyed.

Impounding Distresses.

XIX. The Decision and Regulation of certain Matters relating to the Establishment and Use of Pounds for the impounding of Distresses, or of Animals found trespassing, wandering, or straying, shall be subject to the following Provisions:

Establishment of Pounds.

1. It shall be lawful for the Justices of each Petty Sessions District, whenever there shall be no Pound or an insufficient Number of Pounds established therein, to authorize the Establishment of such Pound or Pounds in such Place or Places in such District (not being within any Manor in which a Manor Pound shall have been already established) as they shall think necessary; and it shall be lawful for the Grand Jury of the County, upon the Requisition of any Three or more of such Justices, to present such Sum, not exceeding Ten Pounds, as they shall think fit, (to be levied off the County in like Manner as any other Sums presented by the Grand Jury,) for the Erection, part Erection, or Repair of any Pound, upon such Condition as they shall fix as to the Keeper of such Pound paying to the Treasurer of the County, for the Use of the County, any Sum not exceeding Forty Shillings as an annual Rent for the same; and it shall be lawful for the said Justices from Time to Time to appoint some fit Person to be the Keeper, during their Pleasure, of any Pound upon which any Sum so presented shall have been expended:

Grand Jury may present Expense of erecting or repairing Pounds.

Justices to appoint Keeper of County Pounds.

No Persons to act as Pound Keepers unless when licensed by the Justices.

2. It shall not be lawful for any Person to act as the Keeper of any Pound now or hereafter to be established, (except of a Manor Pound,) unless he shall be authorized so to act by the Justices of the Petty Sessions District in which such Pound shall be situated, by Licence in Writing signed by any Two or more of them, and which Licence such Justices are hereby authorized to give, and also from Time to Time to withdraw in case of the Neglect or Misconduct of such Person: Provided always, that every Pound so to be licensed shall be of such Area as the said Justices shall think fit, and that the Walls thereof shall be at least Seven Feet high, and securely built, either of Stones or Bricks, or of such other Material as the said Justices shall think sufficiently substantial:

Pound Keeper to enter into Recognizance.

3. Any Person so licensed shall, before acting as such Pound Keeper, enter into Recognizance (in like Form and Manner as any Clerk of Petty Sessions is required to do under the said Petty Sessions Act),

Act), himself in such Sum not less than Ten Pounds, with Two Sureties in such Sum not less than Five Pounds each, as the Justices shall fix, conditioned for the due Discharge of his Duties as Pound Keeper under this Act, and shall from Time to Time renew the same when required by such Justices: *Impounding Distresses.*

4. Every Pound Keeper shall be entitled to receive from the Person by whom any Animal shall be impounded in such Pound, or from the Owner when such Animal shall be delivered up to such Owner by proper Authority, the following Pound Fees: Pound Fees to be as follows.

For any One Horse, Mare, Mule, or Horned Beast, for any Time not exceeding Seventy-two Hours	6*d.*
And for any greater Number of same, for same Period, each	3*d.*
And if impounded for longer than Seventy-two Hours, One Half of the above Sums for every additional Seventy-two Hours:	
For any One Sheep, Calf, Lamb, Goat, or Pig, for any Period not exceeding Seventy-two Hours	2*d.*
And for any greater Number of same, for the same Period, each	1*d.*
And if impounded for longer than Seventy-two Hours, One Half of the above Sums for every additional Seventy-two Hours:	

He shall also be entitled to demand and receive from the like Owner or Person, as the Case may be, such Sum for the Sustenance of any such Animals, for the Time during which they shall be so impounded, as the said Justices shall fix as the proper Rates of Sustenance for Animals impounded in such Pound, and which they are hereby required to do by Writing under their Hands: Rates of Sustenance to be fixed by Justices.

5. The Pound Keeper shall post, and continue posted, in a conspicuous Place on or close to his Pound, a Table of the Scale of the Pound Fees authorized by this Act, and also a Table of the Rates which shall be so fixed by the Justices for the Sustenance of Animals impounded therein: Tables of Fees and Rates to be posted.

6. No Animals (except in Cases of Distresses for Rent) shall be impounded in any other Place than in the nearest Pound of the County so licensed (or in the Pound of the Manor), unless where any Assault shall be threatened or made upon the Person impounding or proceeding to impound any Animal, or where any Rescue of such Animal shall be attempted or threatened, and the impounding in any other Place shall be necessary for the Detention of such Animal, or the Safety of such Person: Animals to be impounded in licensed Pound or Manor Pound, except in Cases of Emergency.

7. Whenever any Animal shall be impounded in any Pound the Person by whom such Animal shall be impounded shall at the Time give Notice to the Pound Keeper, and also to the Owner of such Animal (when known), specifying the Parish and Townland in which such Animal shall have been seized, and the Reasons for impounding the same, and when given to the Owner, he shall specify the Pound in which such Animal shall have been impounded: Notice of impounding to Owner, &c.

8. And whenever any Animal found wandering or straying shall be impounded in any Pound, the Pound Keeper shall immediately give a Notice to the Sub-Inspector, Head or other Constable, of the nearest Constabulary Station, describing such Animal, and stating the Parish and Townland where such Animal shall have been seized (unless where such Animal shall have been impounded by any Member of the Constabulary Force), and such Sub-Inspector, Head or other Constable, shall post such Notice (or a like Notice when the Animal shall have been impounded by any Member of the Constabulary Force), and keep the same posted at such Station until such Animal shall be claimed or otherwise disposed of according to Law; and whenever the Owner of such Animal cannot be discovered, it shall be lawful for the Justices of the Petty Sessions District, upon being satisfied that all possible Means have been adopted for the Discovery of the Owner, and that he cannot be discovered, to direct that the same shall be sold by the Sub-Inspector of Constabulary of the District in like Manner as any Animal may be sold under any Warrant of Distress (due Notice of such Sale, and of the Parish and Townland where such Animal shall have been seized, having been previously posted by such Sub-Inspector at the Constabulary Station, and also in some conspicuous Place in the Parish where such Animal shall have been seized, and also at the Place where impounded, Forty-eight Hours at the least before the Time of Sale); and the Proceeds of such Sale, after paying to the Keeper of the Pound the Amount due to him for Pound Fees, and for the Rates of Sustenance of such Animal, shall be paid over to the Treasurer of the County, to the Credit of the County, in any Case when the Grand Jury of such County shall have presented any Sum for the Erection of any Pound therein, but when no Sum shall have been so presented such surplus Proceeds shall be applied in like Manner as any Penal Sums payable to the Crown, or, with the Consent of the Chief or Under Secretary to the Lord Lieutenant, may be applied by the said Justices in the Erection or Repair of any Pounds within the Petty Sessions District. Public Notice of impounding straying Animals to be given by Pound Keeper and Constabulary. When Owner of Animal is not known, it may be sold. Notice of Sale to be posted. How Produce of Sale to be applied.

And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to the Punishment herein-after specified: Punishment for Offences against these Provisions:

9. Any Pound Keeper who shall act as such without being duly authorized by the Justices, and without having duly entered into a Recognizance in manner aforesaid, or who shall neglect to keep such Pound clean and well supplied with wholesome Water, and in such a secure and wholesome State as shall insure the due forthcoming and Health of the Animals impounded, or who shall demand or receive any Sum for the Keeping or Sustenance of any Animals in such Pound greater than the Sums fixed by this Act or by the Justices as aforesaid, as the Case may be, or who shall neglect to feed any Animal impounded in such Pound, or who shall omit to post in a conspicuous Place any such Pound Keepers acting without Authority, or before Recognizance, or not keeping Pound clean, &c., or demanding

more than legal Fees, or omitting to post Tables or give Notices, or liberating unauthorized.

such Table or Notice, or to give any such Notice, as is directed by this Act, or who shall without due Authority liberate or permit to be liberated from such Pound any Animal impounded therein, or who shall refuse or neglect, when required by the Justices, to give up to them any Pound built in the whole or in part at the Expense of the County, shall be liable to a Fine not exceeding Ten Pounds:

Persons rescuing Distresses, or injuring Pounds, or liberating Distresses.

10. Any Person who shall rescue or attempt to rescue any Animal out of any such Pound or out of any other Place in which any Animal shall be impounded for greater Safety, under the Circumstances herein-before mentioned, or who shall break down or injure any such Pound or Place, or do any Act by means of which any Animal impounded therein shall escape or be unlawfully liberated therefrom, shall be liable to pay the Amount of the Injury done, and also a Fine not exceeding Ten Pounds; but in every Case of the Commission of any such Offence in rescuing or attempting to rescue any Distress, or in breaking or injuring any Pound, the Justices shall, if they shall so think fit, abstain from adjudicating summarily thereon, and deal with the same as a Case to be tried by Indictment at the Assizes or Quarter Sessions:

But such Offences may be sent for Trial by Indictment.

Persons impounding elsewhere than in licensed Pound, or omitting to give Notice of impounding, or injuring Distresses:

11. Any Person who shall impound any Animal, (except in Cases of Distresses for Rent,) in any other Place than in a Manor Pound, or in such Pound as shall be licensed under the Provisions of this Act (except under the Circumstances herein-before mentioned), or who shall omit to give such Notice to the Pound Keeper or to the Owner of any Animal impounded as is required by this Act, or who shall wilfully damage or injure any Animal while driving or conveying the same to any Pound, shall be liable to a Fine not exceeding Five Pounds:

But no Interference with Establishment, &c. of Manor Pounds.

Provided always, that nothing herein contained shall interfere with the Right of any Lord of a Manor to establish or continue any Manorial Pound for the impounding of Distresses made in such Manor which he is now by Law entitled to establish or continue, or to appoint from Time to Time any Person to be Keeper of such Pound; but the Regulation of such Pound, and the Duties of such Pound Keeper, shall in all other respects be subject to the Provisions of this Act, in like Manner and to the like Extent as any Pound established or any Pound Keeper licensed by the Justices at Petty Sessions in manner aforesaid.

Trespass of Animals.

XX. The Decision and Regulation of certain Matters relating to the Trespass of Animals shall be subject to the following Provisions:

No impounding when Owner of Animals is known; but Occupier of Land to deliver up Animals found trespassing to their Owner, and shall then be entitled to the following Rates of Trespass.

1. It shall not hereafter be lawful to impound any Animal found trespassing upon any Land when the Owner of such Animal shall be known, but the Occupier of such Land or the Person by whom such Animal shall be found trespassing shall either deliver up such Animal to the Owner, or to his Steward, Herdsman, Caretaker, or other Servant, or he shall show such Animal in the Act of trespassing to such Owner, Steward, Herdsman, Caretaker, or other Servant, and allow such Animal to be taken away by him; and the Owner of such Animal shall thereupon be liable to pay to the Occupier of such Land the Rate of Trespass fixed by the following Scale (or according to such Scale as the Justices at Quarter Sessions shall from Time to Time fix, and which they are hereby authorized to do if they shall see fit):

Where the Trespass shall be on any Common Pasture Land, or on any arable uncropped Land, the Rate shall be:

	s.	d.
For every Horse, Mare, Pony, Mule, Ass, Bull, Cow, Bullock, Heifer, or Pig	0	6
For every Calf, Sheep, or Lamb	0	2
For every Goose	0	1
For every other Fowl	0	0½
For every Goat	3	0

And where the Trespass shall be upon any Fattening Pasture or Meadow Land, or upon any Land cropped with Corn, Peas, Flax, Vetches, Turnips, Rape, Potatoes, Green Crop, or other cultivated Vegetable, or by any Goat in a Plantation, the Rates shall be double the Amount of the preceding Rates:

If Owner of Animal is not known it may be impounded.

Pound Keeper to deliver up Animal to Owner, on Authority of Justice, on Payment of Rates, &c.

2. But when the Owner of any such Animal shall not be known, it shall be lawful for the Occupier of such Land, or for his Servant, or for any other Person on his Behalf, to impound such Animal in the nearest Pound of the County, (or in the Pound of the Manor,) specifying in the Notice which he is required to give to such Pound Keeper (under the Provisions herein-before contained relating to the impounding of Animals) the Nature of the Land or Crop in which such Animal shall have been found trespassing; and such Pound Keeper shall afterwards deliver up such Animal to the Owner, if known, or to any Person on his Behalf, either upon being so authorized in Writing by any Justice, or upon being paid by such Owner or Person the Amount legally due for Pound Fees and Rates of Sustenance, and also the Amount due under the above Scale of Rates, for a Trespass on any Land or Crop of the Nature specified in such Notice; and such Pound Keeper shall thereupon pay over the Amount of such Rate of Trespass to the Person by whom such Animal shall have been impounded, unless when required by any Justice, or by such Occupier by Notice in Writing, to hold over the same until any Dispute as to the same shall have been decided at Petty Sessions:

Pound Keeper to pay over Rates of Trespass, except in certain Cases.

When Parties not satisfied Justices to award the legal Rates (whether actual Damage proved,

3. Whenever either the Occupier of such Land or the Owner of such Animal shall not be satisfied with the Amount of such Rates (whether paid at the Time or not), it shall be lawful for the Justices at Petty Sessions, upon Complaint of such Occupier or Owner, to investigate the Case, and to make such Award against either Party as shall seem just, under all the Circumstances; and the Principle upon which they shall make such Award shall be, that the Owner of such Animal shall be deemed

deemed liable to pay to such Occupier the above Rate for a First Trespass, and double the above Rate for a Second Trespass, and treble the above Rate for a Third or subsequent Trespass, (whether any actual Damage shall have been done or not,) unless they shall be satisfied that such Trespass was caused by any neglectful Conduct on the Part of such Occupier, or that there are any other justifying Circumstances, in which Case they may declare him to be entitled either to no Rates or to a Part only of the Rates; and in any Case where any actual Damage shall have been done by such Trespass, it shall be lawful for the Justices to award a like Payment of such further Sum as, together with any Rates awarded, shall be equal to the Value of such Damage as shall be proved to their Satisfaction to have been actually caused by such Trespass; and in making any such Award the Justices shall allow Credit to the Owner of such Animal, for the Amount of any Rate of Trespass paid by him at the Time, or where they shall award either no Rates or a lesser Amount than any Sum so paid at the Time, they may order that the whole or a Part of such Sum, as the Case may be, shall be refunded to such Owner:

or not), unless on Neglect of Occupier of the Land: First and other Trespasses, &c.: But in case of actual Damage done, may award Compensation. Justices may allow Credit for, or order refunding of any Rates already paid.

4. Whenever it shall appear, in any Case in which any Complaint of Trespass shall be so made, that the Trespass shall have been caused by the bad or imperfect State or Destruction of any Fences, it shall be lawful for the Justices at Petty Sessions by Order in Writing to direct that the Occupier of the Land to which such Fences shall belong shall repair the same when wholly on his Land, or join in repairing the same when partly on his Land, within such reasonable Time as they shall fix for that Purpose; and in default of his so doing within such Time, it shall be lawful for such Justices, by a like Order in Writing, to authorize such Fences to be repaired by the Person who shall have been aggrieved by any such Trespass, who may thereupon enter and repair the same; and afterwards, upon Proof of the Expenses incurred by such Person in making such Repairs beyond what he may be himself bound to expend in case of Fences common to both Parties, it shall be lawful for such Justices to order that the same shall be paid (to any Amount not exceeding Two Shillings *per* Perch) by such Occupier, unless it shall be shown that the Person under whom such Occupier shall hold is bound by any Lease or Agreement to keep such Fences in repair, in which Case such Amount shall be paid by such Person; and in default of such Payment it shall be lawful for such Justices to order that such Amount shall be levied by Distress of the Goods of such Occupier or Person, as the Case may be, and paid over to the Person by whom such Repairs shall have been made.

Justices may order Repair of Fences by Person who ought to repair the same.

Punishment for Offences against these Provisions:

And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to a Fine not exceeding Five Pounds:

5. Any Person who shall impound any Animal found trespassing, where the Owner of such Animal shall be known to him, or who shall impound any Animal without giving to the Pound Keeper the Notice required by this Act:

Impounding, when Owner is known, or without Notice.

6. Any Pound Keeper who shall neglect or refuse to deliver up any Animal so impounded to the Owner, when authorized in Writing by any Justice so to do, or upon such Owner paying to him the Amount of the Pound Fees and Rates of Sustenance legally due and the Amount legally due for the Trespass, or who shall neglect (except when any Justice shall authorize him to hold over the same until the Decision of any Dispute as to the same at Petty Sessions) to pay over to the Person entitled to receive the same the Amount which shall be paid to him for the Trespass upon the Liberation of any such Animal:

Pound Keeper neglecting to liberate Animals, or to pay over Amount received.

Provided always, that in all such Proceedings under this Act it shall be lawful for the Justices to adopt such Means as they shall see fit, either by the Employment of a Valuator or Arbitrators or otherwise, for the Purpose of informing themselves as to the Amount of any Damage done, or as to any other Circumstances proper to be inquired into on the Spot, or as to any other Facts of the Case upon which they shall be required to decide; and they may (if they shall think it necessary) order the Parties or either of the Parties to pay to any Person so employed such reasonable Sum as they shall fix, not exceeding Two Shillings and Sixpence *per* Day, as Remuneration for his Trouble.

Justices may adopt such Means of Proof as they shall see fit.

General Provisions.

XXI. Where any Person shall be convicted of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justices, if they shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs or either of them, as shall be ascertained by the Justices.

Justices may discharge in certain Cases.

XXII. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

Pardon for Nonpayment of Money.

XXIII. In any Case where an Order shall be made under the Provisions of this Act for the Payment of any penal or other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for doing anything at a greater Expense than Twenty Shillings, (but in no other Case,) either Party, (whether he shall be the Complainant or Defendant,) in Cases of a Civil Nature, or the Person against whom any such Order shall have been made in other Cases, shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County when the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder at his next Sessions when the Order shall be made by the said Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the

In what Cases Appeals shall be permitted; to be made to next Quarter Sessions of Division, or to Recorder's next Sessions.

Quarter Sessions, &c. may decide Appeal; subject to the Provisions of Petty Sessions Act as to Form, Notices, &c.

the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner and with such Notices as are required by the said Petty Sessions Act as to Appeals against Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Act as to making Appeals, and as to executing the Orders made on Appeal or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

No Order, &c. shall be quashed for Want of Form.

XXIV. No Order made under the Provisions of this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

Interpretation Clause.

XXV. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town;" the Word "Justice" shall mean "Justice of the Peace," and shall include a "Divisional Justice" of the Police District of *Dublin* Metropolis, or "Chief Magistrate" of any Corporate Town; the Word "County Surveyor" shall include and mean any District Surveyor in the County of *Dublin*; the Word "Petty Sessions" shall include a "Divisional Police Office" of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" of the County to which any Person may be legally committed by any Justice; the Word "Oath" shall include "Affirmation" or "solemn Declaration," as the Case may be; the Word "Month" shall mean "Calendar Month;" the Word "Road" shall include "Highway" or other public Thoroughfare, and "Street" shall include any Lane or Passage in any Town; and the Word "Horse" shall include any other Animal of any Kind commonly used or employed in drawing any kind of Carriage.

Repeal of certain Acts.

XXVI. From and after the Commencement of this Act the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, together with all other Acts and Parts of Acts inconsistent with the Provisions of this Act, except as to any Offence committed before the passing of this Act, or any Proceedings now pending to which the same or any of them are applicable; that is to say,

10 C. 1. c. 25. An Act passed in the Tenth Year of the Reign of King *Charles* the First, Chapter Twenty-five, intituled *An Act for impounding of Distresses:*

37 G. 3. c. 27. An Act passed in the Thirty-seventh Year of King *George* the Third, Chapter Twenty-seven, relating to the Trespass of Animals:

40 G. 3. c. 71. An Act passed in the Fortieth Year of King *George* the Third, Chapter Seventy-one, relating to the Trespass of Animals:

5 G. 4. c. 43. An Act passed in the Fifth Year of the Reign of King *George* the Fourth, Chapter Forty-three, intituled *An Act to amend and render more effectual an Act made in the Tenth Year of the Reign of King* Charles *the First, for impounding of Distresses in* Ireland:

7 G. 4. c. 42. An Act passed in the Seventh Year of King *George* the Fourth, Chapter Forty-two, relating to the Trespass of Animals:

13 & 14 Vict. c. 102. An Act passed in the Thirteenth and Fourteenth Years of Her present Majesty, intituled *An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise summary Jurisdiction in* Ireland:

But the Repeal of the last-mentioned Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter One hundred and two, shall not be deemed to revive any of the Acts or Parts of Acts repealed thereby; that is to say,

5 G. 2. c. 12. *An Act to prevent the throwing or firing of Squibs, Serpents, and other Fireworks:*

11 G. 3. c. 7. s. 1. So much of an Act passed in the Eleventh Year of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violence to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions:

27 G. 3. c. 53. An Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for preventing the wilful Destruction of Turnpike Gates, and for the better securing the Payment of Tolls at such Gates:*

49 G. 3. c. 84. s. 30. So much of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for amending the* Irish *Road Acts,* as relates to the Mode in which Carriages and Persons shall pass each other on any public Road:

50 G. 3. c. 32. An Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act to repeal certain Parts of several Acts of the Parliament of* Ireland, *so far as relates to the limiting the Number of Persons to be carried by Stage Coaches or other Carriages, and for enacting other Limitations in lieu thereof, and for other Purposes relating thereto:*

54 G. 3. c. 116. An Act passed in the Fifty-fourth Year of King *George* the Third, intituled *An Act to repeal the several Laws for Recovery of small Sums due for Wages in* Ireland, *and to make other Provisions for Recovery of such Wages:*

58 G. 3. c. 82. An Act passed in the Fifty-eighth Year of King *George* the Third, intituled *An Act to prevent Frauds in the Sale of Grain in* Ireland:

4 G. 4. c. 34. An Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others,* so far as relates to *Ireland:*

So

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 55.

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating the Laws in* Ireland *relative to malicious Injuries to Property*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 56.

So much of an Act passed in the Tenth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the Person*, as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 10 G. 4. c. 34.

An Act passed in the Fourth and Fifth Years of King *William* the Fourth, intituled *An Act to amend an Act passed in the Forty-ninth Year of the Reign of King* George *the Third, for amending the* Irish *Roads Acts:* 4 & 5 W. 4. c. 50.

So much of an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 6 & 7 W. 4. c. 116.

So much of an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 7 & 8 Vict. c. 106.

So much of an Act passed in the Eleventh and Twelfth Years of the Reign of Queen *Victoria*, intituled *An Act to amend the Law of Imprisonment for Debt in* Ireland, *and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain Cases*, as relates to the Recovery of the Possession of small Tenements: 11 & 12 Vict. c. 28.

An Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland: 11 & 12 Vict. c. 59.

An Act passed in the Seventh Year of Her Majesty, intituled *An Act to facilitate the Recovery by summary Process of small Sums due to the Teachers of Schools in* Ireland: 7 & 8 Vict. c. 8.

An Act passed in the Twelfth Year of Her Majesty, intituled *An Act to amend an Act of the Fifty-fourth Year of King* George *the Third, for the Recovery of small Sums due for Wages in* Ireland: 12 & 13 Vict. c. 15.

An Act passed in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act for the better Preservation of Sheep and more speedy Detection of Receivers of stolen Sheep in* Ireland. 12 & 13 Vict. c. 30.

XXVII. This Act shall commence and take effect on the First Day of *November* in the Year of our Lord One thousand eight hundred and fifty-one. Commencement of Act.

XXVIII. This Act shall extend and be construed to extend to *Ireland* only. Act to extend to Ireland only.

XXIX. In citing this Act in other Acts of Parliament, or in any legal Instrument or Proceedings, it shall be sufficient to use the Expression "The Summary Jurisdiction (*Ireland*) Act, 1851." Short Title of Act.

CAP. XCIII.

An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in *Ireland*. [7th *August* 1851.]

'WHEREAS it is expedient to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Formation of Petty Sessions Districts.

I. The several Petty Sessions Districts into which any County or Riding of a County in *Ireland* is now divided, and the Places and Times at which Petty Sessions are now appointed to be held therein, shall, until altered in the Manner herein-after provided, be the several Districts, Places, and Times in such County or Riding for the Purposes of this Act: But whenever it shall appear to the Justices at Quarter Sessions that any of the said Districts, Places, and Times now fixed (or which shall hereafter be fixed) in any County or Riding require Alteration, or whenever they shall be called upon so to do either by the Lord Lieutenant or by a Requisition signed by any Seven or more of the Justices of any County or Riding, they shall proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to revise the said Districts, Places, and Times, subject to the following Provisions:

Existing Districts, &c. confirmed where they require no Alteration; but where they do, Justices at Quarter Sessions may revise them, proceeding as follows:

1. They shall divide such County or Riding into convenient Petty Sessions Districts for the Purposes of this Act, and shall declare the several Parishes or Townlands of which each of such Districts shall consist; and in so doing it shall be lawful for them, with the Concurrence of the Justices of any adjoining County assembled at any like Quarter Sessions, or at any Adjournment of the same, to include in any of such Districts any Townlands of such adjoining County, where it shall be conducive to the Public Convenience, and where no Part of such Townlands shall be at a greater Distance than Seven Miles from the Place where Petty Sessions shall be held for the District to which same shall be annexed:

To divide the County into Petty Sessions Districts:

Parts of an adjoining County may be included;

2. They

To fix Place for holding Petty Sessions:

2. They shall also fix some One convenient Place within each District at which Petty Sessions shall be held for the same:

To fix Times for holding Petty Sessions:

3. They shall also fix the Times when Petty Sessions shall be regularly held in each District; but it shall be lawful for the Justices of each District afterwards to fix the particular Days in each Week upon which such Petty Sessions shall be held:

Clerk of the Peace to enter Particulars of any Alterations in the Crown Book, and transmit Copy to Secretary of Grand Jury.

And whenever any of the said Districts, Places, and Times shall have been so fixed or altered, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes, (and in the County of *Dublin* at the then next ensuing Presentment Term,) and the same shall be printed with the Presentments: Provided always, that when it shall appear to such Justices at Quarter Sessions that such Alteration is required, or whenever a Requisition for the Consideration of an Alteration shall be received from the Lord Lieutenant, or from Seven or more Justices as aforesaid, the Clerk of the Peace of the County shall transmit a Notice in Writing of the intended Consideration of such Alteration to every Justice of the County or Riding, as the Case may be, and such Notice, stating the Time and Place appointed for the Consideration of such Alteration, shall be transmitted at least One Month before the Time so appointed.

Appointment of Clerk.

Justices to appoint a Clerk.

Security by Recognizance.

II. It shall be lawful for the Justices of each Petty Sessions upon the passing of this Act, or whenever afterwards any Vacancy shall occur by reason of the Death, Resignation, or Dismissal of any Clerk, to appoint some One fit Person to act as Clerk of such Petty Sessions; but previous to entering upon the Duties of the said Office the said Clerk shall enter into a Recognizance (Form C.), before some Justice of the County, conditioned for the due Discharge of the several Duties required of him under the Provisions of this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct.

The Clerk to be entitled to certain Fees.

Scale of Fees:

III. The said Clerk of Petty Sessions shall be entitled to demand and receive, from the Persons at whose Instance the several Proceedings by or before any Justice or Justices shall be taken, the following Fees in respect to the same:

	s.	d.
Drawing each Information, Deposition, or solemn Declaration (not being a Declaration as to the Loss of Pawnbrokers Duplicates, or as to the Admission of Paupers into Poorhouses)	1	0
Copy of any written Information or Complaint in Summary Proceedings	0	6
Drawing any Notice required by Law in Proceedings by or before Justices (when required by the Party)	0	6
Summons, and Copy	0	6
Warrant (except in any Case of a Committal for an Offence in which the Justices may see fit to remit the Fee)	0	6
Entry of each Order	0	6
Certificate of Order	1	0
Recognizance (when required by the Party or by the Justices to prepare the same, and when not at foot of a Deposition or Information)	1	0
Appeal (including the Recognizance to prosecute)	2	0

But not to exceed a certain Amount, or be payable in certain Cases, nor in Cases prosecuted by Crown or Constabulary when no Costs are recovered.

Clerk to keep an Account of Fees.

Justices may apply Surplus to Court Requisites.

List of Fees to be posted in Court House.

But the Clerk shall not be entitled to demand or receive a greater Amount of Fees for any Set of Informations, or for any Set of Summonses, or for any Set of any other Documents of the same Kind in the same Case than Two Shillings in the whole for each Set, unless the Justices shall specially authorize a greater Amount, but not in any Case exceeding the above Fees; nor shall he be entitled to demand or receive any of such Fees in any Case in which the Justices shall see fit to remit the same; nor shall he be entitled to receive any of such Fees in any Case of an Offence prosecuted by the Constabulary or by any public Officer on behalf of the Crown, unless where Costs shall be awarded to the Prosecutor and recovered by him, in which Case such Clerk shall be entitled to demand and receive from such Prosecutor the legal Fees to an Amount not exceeding the Amount of such Costs; and the said Clerk shall keep an Account of all Fees received by him under this Act in such Form and Manner as the Justices shall direct; and in case the said Fees shall amount to a greater Sum than the Justices shall deem an adequate Remuneration for such Clerk they may appropriate the Surplus to the Payment of Postage or to the Purchase of Stationery or other Court Requisites for their Use at Petty Sessions; and a printed List of Fees which the Clerk shall be entitled to receive under this Act shall be posted in a conspicuous Part of the Court House or Place in which the Petty Sessions shall be held in such Manner as the Justices shall direct.

Clerk to hold subject to the following Provisions:

IV. The said Clerk shall hold the said Office of Clerk of Petty Sessions subject to the following Provisions:

To follow no Occupation inconsistent with his Duties, and forfeit Office if he engages in certain Employments:

1. He shall not, during the Time that he shall hold such Office, practise as an Attorney or Solicitor in any Case either at such Petty Sessions or at the Quarter Sessions of the Division of the County in which such Petty Sessions shall be situated, nor shall he act as the Clerk of any Attorney or Solicitor so practising, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or as the Keeper or Partner in keeping any Inn or Public House, nor shall he engage in any other Business or Occupation which shall appear to the Lord Lieutenant or to the Justices to be inconsistent with his Duties as Petty Sessions Clerk; or if he shall so act or engage, he shall *ipso facto* cease to hold such Office of Petty Sessions Clerk, and shall also be liable to the Penalties herein-after provided:

To hold Office at the Pleasure of the Justices, and be dismissed by Lord Lieutenant:

2. He shall hold his Office during the Pleasure of the Justices of the District:

3. He shall be subject to be dismissed by the Lord Lieutenant for Neglect, Misconduct, or Incompetency in the Discharge of his Duties as Petty Sessions Clerk:

And

And the said Clerk shall perform the Duties of his Office in Person, and not by Deputy, except in case of his Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being, who shall, if required by the Justices, enter into Security in like Manner as herein-before provided as to any Clerk. *In Cases of Necessity, Substitute may be appointed.*

V. The Clerk of Petty Sessions shall perform the following Duties: *Duties of Clerk:*

1. He shall make, when required by any of the Justices, a Minute of all special Proceedings, taken either in or out of Petty Sessions, in a Book to be kept for that Purpose, to be called the "Minute Book," and shall also make such Entries in the "Order Book" (Form D.) herein-after mentioned, as the Justices shall direct: *To make Minutes and Entries in Books:*
2. He shall also have the Care and Custody of such Books, subject to their being kept at the Court House or Place where the Petty Sessions shall be held, or otherwise as the Justices shall direct, and also subject to their being at all Times open to the Inspection of the Justices and of any other Person or Persons whom the Lord Lieutenant may at any Time appoint to examine the same: *To have Custody of Books:*
3. He shall also prepare, under the Directions of the Justices, all Informations, Summonses, Examinations, Warrants, Recognizances, and other documentary Forms of Proceeding: *To prepare all Forms, &c.:*
4. He shall retain, or (if so directed by the Justices) shall copy or cause to be copied into a Book to be kept for the Purpose, all Orders or Circulars, or Opinions of the Law Officers or Advisers of the Crown, addressed or transmitted to the Justices, and shall also make Copies of all Informations, Depositions, or Examinations, when so directed by the Justices, and shall also retain Copies of all Abstracts or Schedules of Documents transmitted to the Clerks of the Crown and Peace as herein-after provided: *To copy in a Book all Orders, Circulars, and Opinions of Law Officers of the Crown, &c.:*
5. He shall enter all Cases in the Order in which the Summonses shall be issued at Petty Sessions, or if issued out of Petty Sessions, then in the Order in which the Application shall be made to him by the Complainant or his Agent to enter the same: *To enter Cases in consecutive Order:*
6. He shall enter a true Account of all Sums paid into Court under any Orders of the Justices, and of all Warrants issued for the Execution of any such Orders, and of all Sums levied under the same and paid over to him, (whether the said Sums shall be in the Nature of Penalties for Offences, or Sums awarded in Cases of a Civil Nature,) and shall otherwise account and act as to the same as required by the Provisions of "The Fines Act, *Ireland*, 1851," as to any Penal Sums: *To enter and account for all Fines, &c. under Fines Act:*
7. He shall also make such Returns of the Proceedings at Petty Sessions as the Chief or Under Secretary of the Lord Lieutenant shall from Time to Time require, and shall observe such general Regulations in respect to the Discharge of his several Duties as the Lord Lieutenant shall from Time to Time prescribe: *To make Returns, and to observe general Regulations:*

And when required by the Clerks of the Crown or Peace, as the Case may be, the Clerk of Petty Sessions shall attend the Assizes or Quarter Sessions to which any Informations, Examinations, or Recognizances shall be returned by him, or to which any Informations, Examinations, or Recognizances prepared by him shall be returned, and as to which any Complaint shall have been made against him for Neglect, to answer such Inquiries respecting the same as shall be made by the Court; and in case it shall appear that such Clerk shall have committed any wilful Default or Neglect in preparing or in transmitting the same, or shall have improperly divulged the Contents of such Informations or Examinations, it shall be lawful for the Judge of Assize or for the Justices at Quarter Sessions, as the Case may be, for every such Offence to impose a Penalty not exceeding Twenty Pounds on the said Clerk, and in default of Payment of the same to commit him to Gaol for any Term not exceeding Three Months. *Clerk to attend Assizes or Quarter Sessions, if required, to answer any Complaint of Neglect of Duty as to Informations.*

VI. Whenever a Vacancy shall occur by reason of the Death, Resignation, Suspension, or Dismissal of any Clerk of Petty Sessions, the Sub-Inspector of Constabulary, or the Head Constable of the District, or such other Person as the Justices shall authorize, shall take charge of all Books, Papers, and other Effects belonging to the said Petty Sessions, and shall retain them in his Care and Custody until a Successor shall be appointed to such Clerk; and it shall be lawful for any Justice, upon being satisfied upon Oath that any such Books, Papers, or other Effects as aforesaid are or are suspected to be in the Possession of any Person who shall refuse to deliver up the same to such Sub-Inspector, Head Constable, or other Person so authorized, to issue a Warrant to any Sub-Inspector, Head or other Constable, to search the House of such Person for the same, and to seize and detain the same, if discovered therein; and such Sub-Inspector, Head or other Constable, so authorized by any such Warrant, may, upon the Refusal of such Person to open his Door for that Purpose, break it open. *On Death, Suspension, or Dismissal of Clerk, Sub-Inspector to take charge of all Books, &c. Justice may grant Search Warrant for Books, &c. if detained.*

VII. The Powers of Justices and others to act in and for different Localities shall be subject to the following Provisions: *Local Jurisdiction.*

1. A Justice for any County may act as such in all Matters arising within such County, although he may at the Time happen to be in an adjoining County, provided he shall be also a Justice for such adjoining County: *Justice may act in adjoining County;*
2. A Justice for any County may in like Manner act as such in all Matters arising within such County, although he may at the Time happen to be in any City, Town, or Place, being a County of itself, situated within or adjoining to such first-mentioned County, whether he shall be a Justice of such City, Town, or Place, or not; but nothing herein contained shall extend to empower any Justice for any County, not being also Justice for any such City, Town, or Place as aforesaid, or any Person acting under him, to act or intermeddle in any Matters arising within any such City, Town, or Place: *or adjoining County of a City, though not a Justice of same; but not as to Matters arising in such County of a City, &c.*

Inspector General of Constabulary may act wherever he may be.

3. The Inspector General, or either of the Deputy Inspectors General of Constabulary, being a Justice of any County, may act in all Matters arising within such County, wherever he may happen to be at the Time:

Justices for One County may act for annexed Townlands of another.

4. Whenever any Townland belonging to One County shall be included in any Petty Sessions District of the adjoining County under the Provisions of this Act, any Justice having Jurisdiction in such Petty Sessions District shall have the like Jurisdiction in such Townland, although he may not be a Justice of the County to which such Townland belongs; and any Committal to any Gaol or Bridewell of such last-mentioned County, or any other magisterial Act done by any such Justice, in any Case in which the Offence or Cause of Complaint shall have arisen in such Townland, shall have the like Force and Effect as if such Justice was also a Justice of such last-mentioned County:

Constables, &c. may take Offenders before Justice in adjoining County.

And all Constables or other Persons apprehending any Person whom they lawfully may and ought to apprehend by virtue of their Office or otherwise in any such County or Place as aforesaid, may lawfully convey such Person before any Justice for such County or Place whilst such Justice shall be in such adjoining County or Place as aforesaid, and such Constables or other Persons are hereby authorized and required in all such Cases to act in all things as if such Justice were within the County or Place for which he shall so act.

Place of Hearing.

VIII. The Places where Justices shall sit in the Discharge of their Duties shall be subject to the following Provisions:

Petty Sessions to be held in Court House.

1. Whenever a public Court House shall be maintained by County Presentment at any Place fixed for the holding of Petty Sessions the Petty Sessions shall be held therein, if not inconvenient to the Public; but whenever no such public Court House shall be so maintained, or the holding of Petty Sessions therein would be inconvenient to the Public, it shall be lawful for the Grand Jury of the County to present an annual Sum not exceeding Ten Pounds for the Rent of a public Justice Room in which the Petty Sessions shall be held, and of a Lock-up; provided that such Room shall not be in a House where spirituous or fermented Liquors are sold, or in a Constabulary Barrack, or in any Building maintained in the whole or in part at the Public Expense, and that it shall be proved to the Satisfaction of the County Presentment Sessions where Application shall be made for such Rent that at least Four Meetings of Justices shall have been held in such Room during the Four Months next preceding such Application:

Where no Court House, Grand Jury may present Rent of Justice Room.

Summary Complaints to be determined in Petty Sessions, except, &c.; Two Justices may act where Offender cannot find Bail.

2. It shall not be lawful for any Justice or Justices to hear and determine any Cases of Summary Jurisdiction out of Petty Sessions, except Cases of Drunkenness or Vagrancy, or Fraud in the Sale of Goods, or Disputes as to Sales in Fairs or Markets; but it shall be lawful for Two Justices, if they shall see fit, to hear and determine out of Petty Sessions any Complaint as to any Offence when the Offender shall be unable to give Bail for his Appearance at Petty Sessions:

Proviso.

Provided always, that nothing herein contained shall be construed to prevent any Justice or Justices acting out of Petty Sessions from making any Order (not being in the Nature of a Conviction, or of an Adjudication upon a Complaint,) which a Justice or Justices may be authorized or required by Law to make.

Publicity of Proceedings.

IX. The Right of the Public to have Access to the Place in which Justices shall sit shall be subject to the following Provisions:

Place in which Justices sit to hear Summary Proceedings to be deemed an open Court.

1. In all Cases of Summary Proceedings the Place in which any Justice or Justices shall sit to hear and determine any Complaint shall be deemed an open Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Parties by and against whom any Complaint or Information shall there be heard shall be admitted to conduct or make their full Answer and Defence thereto respectively, and to have the Witnesses examined and cross-examined by themselves or by Counsel or Attorney on their Behalf:

Parties to be allowed to plead by Counsel, &c.

Place for taking Examinations in Proceedings for Indictable Offences not an open Court without Consent of Justice.

2. In all Cases of Proceedings for Indictable Offences the Place in which any Justice or Justices shall sit to take any Examination or Statement relating to any such Offence shall not be deemed an open Court for that Purpose, but it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person (the Counsel or Attorney of any Person then being in such Court as a Prisoner only excepted) shall have Access to or be or remain in such Place without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be thereby best answered:

Power to commit and fine for Contempt of Court.

And if any Person shall wilfully insult any Justice or Justices so sitting in any such Court or Place, or shall commit any other Contempt of any such Court, it shall be lawful for such Justice or Justices by any verbal Order either to direct such Person to be removed from such Court or Place, or to be taken into Custody, and at any Time before the Rising of such Court by Warrant to commit such Person to Gaol for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding Forty Shillings.

Informations and Complaints.

X. Whenever Information shall be given to any Justice that any Person has committed or is suspected to have committed any Treason, Felony, Misdemeanor, or other Offence, within the Limits of the Jurisdiction of such Justice, for which such Person shall be punishable either by Indictment or upon a Summary Conviction; or that any Person has committed or is suspected to have committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice, either in *Great Britain* or *Ireland*, or in the Isles of *Man*, *Jersey*, *Guernsey*, *Alderney*, or *Sark*, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice; or that any Person has committed or is suspected to have committed any Crime or Offence whatsoever on the High Seas, or in any Creek, Harbour, Haven,

Justice may receive Information or Complaint:

As to Offences within his Jurisdiction, and

Haven, or other Place in which the Admiralty of *England* or *Ireland* have or claim to have Jurisdiction, or on Land beyond the Seas, for which an Indictment can be legally preferred in any Place in the United Kingdom of *England* and *Ireland*, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice; or whenever a Complaint shall be made to any Justice as to any other Matter arising within the Limits of his Jurisdiction, upon which he shall have Power to make a Summary Order, it shall be lawful for such Justice to receive such Information or Complaint, and to proceed in respect to the same, subject to the following Provisions:

out of his Jurisdiction:

As to Civil Cases;

1. Whenever it is intended that a Summons only shall issue to require the Attendance of any Person, the Information or Complaint may be made either with or without Oath, and either in Writing or not, according as the Justice shall see fit:

It may be verbal, and without Oath, in certain Cases.

2. But whenever it is intended that a Warrant shall issue for the Arrest or Committal of any Person, the Information or Complaint shall be in Writing, and on the Oath of the Complainant or of some Person or Persons on his Behalf:

It must be in Writing, and on Oath, in certain other Cases.

3. Whenever any such Information shall have been taken on Oath and in Writing that any Person has committed or is suspected to have committed any Indictable Crime or Offence, (or any Offence for which such Person shall be punishable upon Summary Conviction, and for whose Arrest the Justice shall issue a Warrant,) it shall be lawful for the Justice, if he shall see fit, to bind the Informant or Complainant by Recognizance (A a.*) or (C.) to appear at the Court or Place where the Defendant is to be tried or the Complaint is to be heard to prosecute or give Evidence, as the Case may be, against such Person:

Binding the Informant to prosecute.

4. In all Cases of Summary Jurisdiction the Complaint shall be made, when it shall relate to the Nonpayment of any Poor Rate, County Rate, or other public Tax, at any Time after the Date of the Warrant authorizing the Collection of the same, and when it shall relate to the Nonpayment of Money for Wages, Hire, or Tuition, within One Year from the Termination of the Term or Period in respect of which it shall be payable, and when it shall relate to any Trespass, within Two Months from the Time when the Trespass shall have occurred, and in any other Case within Six Months from the Time when the Cause of Complaint shall have arisen, but not otherwise:

Complaints must be made for Poor Rate, &c. at any Time after the Date of the Warrant; for Wages, &c. within a Year; for Trespass, Two Months; in other Cases, Six Months.

And in all Cases of Summary Jurisdiction any Person against whom any such Information or Complaint shall have been made in Writing shall, upon being amenable or appearing in Person or by Counsel or Attorney, be entitled to receive from the Clerk of Petty Sessions a Copy of such Information or Complaint, on Payment of the Sum of Sixpence to such Clerk; and such Clerk shall in no Case allow the original Information or Complaint to be taken out of his Possession.

Defendant entitled to Copy of Information or Complaint when in Writing.

XI. The Manner in which Persons against whom any such Informations or Complaints as aforesaid shall have been received by any Justice shall be made to appear to answer to the same shall be subject to the following Provisions:

Process to enforce Appearance.

1. In all Cases of Indictable Crimes and Offences (where an Information that any Person has committed the same shall have been taken in Writing and on Oath) the Justice shall issue a Warrant (B b.) to arrest and bring such Person before him, or some other Justice of the same County, to answer to the Complaint made in the Information (and which Warrant may be issued or executed on a *Sunday* as well as on any other Day); or if he shall think that the Ends of Justice would be thereby sufficiently answered, it shall be lawful for him, instead of issuing such Warrant, to issue a Summons in the first instance to such Person, requiring him to appear and answer to the said Complaint; but nothing herein contained shall prevent any Justice from issuing a Warrant for the Arrest of such Person at any Time before or after the Time mentioned in such Summons for his Appearance; and whenever such Person shall afterwards appear or be brought before any such Justice he shall proceed according to the Provisions herein-after contained as to taking the Evidence against such Person, and committing such Person for Trial:

In Cases of Indictable Offences Warrant to issue in the first instance; but in certain Cases a Summons may issue.

If Party appears or is arrested Justice to proceed under subsequent Provisions.

2. In all Cases of Summary Jurisdiction the Justice may issue his Summons (B a.) directed to such Person, requiring him to appear and answer to the Complaint, and it shall not be necessary that such Justice shall be the Justice or One of the Justices by whom the Complaint shall be afterwards heard and determined; and in all Cases of Offences where such Person shall not appear at the required Time and Place, and it shall be proved on Oath either that he was personally served with such Summons or that he is keeping out of the Way of such Service, (the Complaint being in Writing and on Oath,) the Justice may issue a Warrant to arrest and bring such Person before him or some other Justice of the same County, to answer to the said Complaint; and when such Person shall afterwards be arrested under such Warrant, the Justice before whom he shall be brought may either by Warrant (E b.) commit him to Gaol, until the Hearing of the Complaint, or may discharge him upon his entering into a Recognizance (C.), with or without Sureties, at the Discretion of the Justice, conditioned for his Appearance at such Hearing:

In Summary Proceedings Summons to issue in the first instance; but in certain Cases a Warrant may issue.

If Party is arrested Justice may commit or discharge on Recognizance.

And each Summons or Warrant shall be signed by the Justice or One of the Justices issuing the same, and it shall state shortly the Cause of Complaint, and no Summons or Warrant shall be signed in Blank; and in every Case where the Offence shall have occurred, or the Cause of Complaint shall have arisen within the Petty Sessions District for which the Justice issuing any such Summons or Warrant shall act, but the Party or Witness to whom such Summons shall be directed or against whom such Warrant shall be issued shall reside in an adjoining County, it shall be lawful for such Justice to compel the Appearance of such Party or Witness at the Hearing of the Charge or Complaint within such District, in like Manner as

Warrant or Summons to be signed, but not in Blank.

Summons or Warrant may run into an adjoining County.

as if such Party or Witness resided in such District, although such Justice may not be a Justice of such adjoining County.

Service of Summonses.

XII. The Manner in which Summonses shall be served shall be subject to the following Provisions:

Justices to appoint a Summons Server.

1. It shall be lawful for the Justices of each Petty Sessions to appoint some One or more Persons, who shall be able to read and write, to act as Summons Server or Servers of the District during the Pleasure of such Justices; and any such Summons Server shall be entitled to be paid by the Complainant or Person for whom he may be employed such Sum not exceeding the Sum of Sixpence for the Service of each Summons upon each Party or Witness (or upon any Number of Parties or Witnesses in the same Case who shall be served in the same House) as the Justices shall fix:

By whom Summons to be served.

2. In Cases of Offences prosecuted by the Constabulary the Summons shall be served by a Head or other Constable, but in all other Cases it may be served by the Summons Server of the District, or (if the Justice issuing the same shall so direct or permit) by any other Person whom the Complainant shall employ, and who shall be able to read and write, but in no Case by the Complainant himself:

What shall be due Service.

3. Every Summons shall be served upon the Person to whom it is directed by delivering to him a Copy of such Summons, or if he cannot be conveniently met with, by leaving such Copy for him at his last or most usual Place of Abode, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, with some Inmate of the House not being under Sixteen Years of Age, a reasonable Time before the Hearing of the Complaint; and such last-mentioned Service shall be deemed sufficient Service of such Summons in every Case except where Personal Service shall be specially required by this Act; and in every Case the Person who shall serve such Summons shall endorse on the same the Time and Place where it was served, and shall attend with the same at the Hearing of the Complaint to depose, if necessary, to such Service:

Proof of Service.

Not to affect any special Mode of Service.

Provided always, that nothing herein contained shall be construed to affect the Provisions of any Act authorizing the Substitution of Service in particular Cases.

Witnesses.

XIII. Whenever it shall be made to appear to any Justice that any Person within the Jurisdiction of such Justice is able to give material Evidence for the Prosecution in Cases of Indictable Offences, or for the Complainant or Defendant in Cases of Summary Jurisdiction, and will not voluntarily appear for the Purpose of being examined as a Witness, such Justice may proceed as follows:

Justice may force Witnesses to attend and give Evidence.

Issue of Summons.

1. He may issue a Summons (B a.) to such Person, requiring him to appear at a Time and Place mentioned in such Summons, to testify what he may know concerning the Matter of the Information or Complaint, and (if the Justice shall see fit) to bring with him and produce for Examination such Accounts, Papers, or other Documents as shall be in his Possession or Power, and as shall be deemed necessary by such Justice; but in any Case of an Indictable Crime or Offence, whenever the Justice shall be satisfied by Proof upon Oath that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, (the Information or Complaint being in Writing and on Oath,) instead of issuing such Summons as aforesaid, he may issue a Warrant (B b.) in the first instance for the Arrest of such Person:

In Cases of Indictable Offences Warrant may issue in the first instance.

If Summons be not obeyed, Justices may issue Warrant to arrest Witness.

2. And in any Case when any Person to whom a Summons shall be issued in the first instance shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no just Excuse shall be offered for such Neglect or Refusal, then, (the Information or Complaint being in Writing and on Oath,) after Proof upon Oath that such Summons was personally served upon such Person, or that such Person is keeping out of the Way of such Service, and that he is able to give material Evidence in the Case, the Justice before whom such Person should have appeared may issue a Warrant (B b.) to arrest such Person, and to bring him at the Time and Place appointed for the Hearing of the Case, to testify and to produce such Accounts, Papers, and Documents as may be required as aforesaid:

What Persons shall be competent Witnesses: Prosecutors and Complainants in all Cases: Defendants in Wages Cases.

3. In all Cases of Prosecutions for Offences the Evidence of the Informer or Party aggrieved shall be admissible in proof of the Offence; and in all Cases of Complaints on which a Justice can make an Order for the Payment of Money, or otherwise, the Evidence of the Complainant shall be admissible in proof of his Complaint; and in Cases of Wages, Hire, or Tuition the Evidence of the Master or Employer may, in the Discretion of the Justices, be admitted in proof against the Complaint:

Witnesses to be examined on Oath.

4. All Witnesses shall be examined upon Oath, and any Justice before whom any such Witness shall appear for the Purpose of being so examined shall have full Authority to administer to every such Witness the usual Oath:

Witnesses refusing to be examined may be committed from Time to Time till they consent to be examined.

5. Whenever any Person shall appear as a Witness, either in obedience to a Summons or by virtue of a Warrant, (or shall be present, and shall be verbally required by the Justice or Justices to give Evidence,) and he shall refuse to be examined upon Oath concerning the Matter of the Information or Complaint, or shall refuse to take such Oath, or having taken such Oath shall refuse to answer such Questions concerning the said Matter as shall then be put to him, or shall refuse or neglect to produce any such Accounts, Papers, or Documents as aforesaid, (without offering any just Excuse for such Refusal,) the Justice or Justices then present may adjourn the Proceedings for any Period not exceeding Eight clear Days, and may in the meantime by Warrant (E b.) commit the said Witness to Gaol, unless he shall sooner consent to be sworn or to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be; and if such Witness, upon being

Witnesses.

being brought up upon such adjourned Hearing, shall again refuse to be sworn, or to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be, the said Justices, if they shall see fit, may again adjourn the Proceedings, and commit the Witness for the like Period, and so again from Time to Time until he shall consent to be sworn, or to testify as aforesaid, or to produce such Accounts, Papers, or Documents, as the Case may be (provided that no such Imprisonment shall in any case of Summary Jurisdiction exceed One Month in the whole); but nothing herein contained shall be deemed to prevent the Justice or Justices from sending any such Case for Trial, or otherwise disposing of the same in the meantime, according to any other sufficient Evidence which shall have been received by him or them:

Not to prevent Case being disposed of on other sufficient Evidence.

6. Whenever in Cases of Indictable Offences the Justice or Justices shall see fit, they may bind the Witnesses by Recognizance (A b.*) or (C.) to appear at the Trial of the Offender and give Evidence against him; and whenever any Witness shall refuse to be so bound it shall be lawful for the Justice or Justices by Warrant (E b.) to commit him to the Gaol of the County or Place in which the Person accused is to be tried, there to be imprisoned until the Trial of the Person accused, unless in the meantime such Witness shall duly enter into Recognizance (C.) before some Justice of the County in which such Gaol shall be situated; but if afterwards, from Want of sufficient Evidence or other Cause, the Justice or Justices before whom the Person accused shall have been brought shall not commit him or hold him to Bail, it shall be lawful for such Justice or Justices or any other Justice of the County by Warrant (E d.) to order the Keeper of the Gaol to discharge such Witness:

In Cases of Indictable Offences Witnesses may be bound to give Evidence, and on Refusal may be committed; but if Party is not committed or bailed Witness to be liberated.

7. In all Cases of Summary Jurisdiction it shall be lawful for the Justices by whom any Order for Payment of Money, not being in the Nature of a Penalty for an Offence, shall be made, to order the Party at whose Instance any Witness shall have been summoned to pay to such Witness such Sum, not exceeding Two Shillings and Sixpence, as to such Justices shall seem fit, for his Expenses or Loss of Time for each Day of attending to give Evidence, and in default of Payment thereof at such Time as such Justice shall appoint, then to issue a Warrant to levy the Amount thereof by Distress of the Goods of such Party:

Justices may order Payment to Witnesses in Civil Cases, not exceeding 2s. 6d.

And no Person who shall be summoned to attend before any Court of Petty Sessions, or before any Justice out of Petty Sessions, as a Witness, shall be liable to Arrest for Debt whilst at such Court, or at the Place where such Justice shall sit, or whilst proceeding to or returning from the same, provided he shall proceed and return by the most direct Road without unnecessary Delay; and it shall be lawful for the Court out of which the Writ or Process shall have issued to order the Discharge of any Person who shall be so arrested.

Witnesses to be protected from Arrest for Debt; and if arrested shall be discharged by the Court.

XIV. The Manner in which the Evidence shall be taken in Proceedings for Indictable Offences shall be subject to the following Provisions:

Taking the Evidence.—Indictable Offences.

1. In every Case where any Person shall appear or be brought before any Justice or Justices charged with any Indictable Crime or Offence, such Justice or Justices, before committing such Person for Trial or admitting him to Bail, shall in the Presence of such Person, who shall be at liberty to put Questions to any Witness produced against him, take the Depositions (A b.) on Oath and in Writing of those who shall know the Facts of the Case, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall also be signed by the Justice or One of the Justices who shall take the same; and if upon the Trial of the Person so accused it shall be proved by the Oath of any credible Witness that any Person whose Deposition shall have been so taken is dead, and that such Deposition was taken in the Presence or Hearing of the Person accused, and that he or his Counsel or Attorney had an Opportunity of cross-examining such Witness, it shall be lawful to read such Deposition as Evidence on the Trial, without further Proof thereof, unless it shall be proved that the same was not signed by the Justice purporting to have signed the same:

Justices to take Depositions.

Depositions of Witnesses who have died.

2. Whenever the Examination of the Witnesses on the Part of the Prosecution shall have been completed the Justice or One of the Justices present shall (without requiring the Attendance of the Witnesses) read or cause to be read to the Person accused the several Depositions, and then take down in Writing the Statement (A c.) of such Person (having first cautioned him that he is not obliged to say anything unless he desires to do so, but that whatever he does say will be taken down in Writing, and may be given in Evidence against him on his Trial); and whatever Statement the said Person shall then make in answer to the Charge shall, when taken down in Writing, be read over to him, and shall be signed by the said Justice or One of the Justices present, and shall be transmitted to the Clerk of the Crown or Peace, as the Case may be, along with the Depositions, and afterwards, upon the Trial, may, if necessary, and if so signed, be given in Evidence against the Person accused, without further Proof thereof, unless it shall be proved that it was not signed by the Justice purporting to sign the same; but nothing herein contained shall prevent the Prosecutor from giving in Evidence any Admission or Confession, or other Statement made at any Time by the Person accused, and which would be admissible by Law as Evidence against such Person:

Statement of Prisoner.

Justices to caution Prisoner, and then take down his Statement;

but Prosecutor may give any other Statement also in Evidence.

But if from the Absence of any Witnesses or from any other reasonable Cause it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful for the Justice before whom the Person accused shall appear or be brought, either to admit such Person to Bail in manner herein-after provided, or by Warrant (E h.) from Time to Time to remand such Person

Remanding Prisoner.

Remand not to exceed 8 Days;

but may be ordered up sooner.

Person to Gaol for such Time as the Justice shall deem expedient, not exceeding Eight clear Days; but any such Justice may order the said Person to be brought before him or some other Justice of the County, at any Time before the Expiration of the Period for which he shall have been so remanded: Provided always, that at any Time after the Examinations in any Proceedings for an Indictable Offence shall have been completed, and on or before the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person committed to Gaol or admitted to Bail is to be tried, such Person may require and shall be entitled to receive from the Officer or Person having the Custody of the same Copies of the Depositions on which he shall have been committed or bailed, (or Copies of Depositions taken at any Inquest in case of Murder or Manslaughter,) on Payment of a reasonable Sum for the same, not exceeding a Sum at the Rate of Three Halfpence for each Folio of Ninety Words.

In Cases of Indictable Offences, after the Examinations, &c. completed, Defendant entitled to Copies of Depositions.

Disposal of the Prisoner.— Indictable Offences.

XV. The Manner in which the Person accused shall be disposed of when the Evidence shall have been taken in Proceedings for Indictable Offences shall be subject to the following Provisions:

When Evidence has been completed, Justices to discharge, or commit, or admit to Bail.

1. Whenever the Offence shall have been committed within the Jurisdiction of the Justice or Justices present, and he or they shall be of opinion that the Evidence is not sufficient to put such accused Person on his Trial, he or they shall forthwith order such accused Person, if in Custody, to be discharged as to the Information then under Inquiry; but if in the Opinion of such Justice or Justices such Evidence is sufficient to put such Person on his Trial, or if such Evidence raises a strong or probable Presumption of Guilt, then such Justice or Justices shall either by Warrant (E b.) commit him to Gaol, to be there kept until his Trial for the said Offence, or shall admit him to Bail in manner herein-after provided, according as he or they shall see fit:

Justice may examine as to Offence committed in another County, and either commit Prisoner or admit to Bail.

2. Whenever any Person shall appear or be brought before any Justice charged with an Offence alleged to have been committed by him in any County or Place in *Ireland* wherein such Justice shall not have Jurisdiction, it shall be lawful for such Justice and he is hereby required to examine such Witnesses, and receive such Evidence in proof of such Charge as shall be produced before him within his Jurisdiction; and if in his Opinion such Evidence shall be sufficient Proof of the said Charge, such Justice shall thereupon, either by a like Warrant (E b.) commit the Person accused to the Gaol of the County or Place wherein the Offence shall be alleged to have been committed, or shall admit him to Bail, according as such Justice shall see fit; but if in his Opinion such Evidence shall not be sufficient to put the accused Party on his Trial, then such Justice shall bind over the Prosecutor, if he shall have appeared, and the Witnesses, to give Evidence when required so to do, and shall thereupon, by Warrant (E c.) order such Person to be taken before some Justice of the County in which and near the Place where the Offence is alleged to have been committed, and shall at the same Time deliver to the Person having the Execution of such Warrant the Information, Depositions, and Recognizances, if any, so taken, to be delivered to the Justice before whom the accused Person shall be taken in obedience to such Warrant, and such Information, Depositions, and Recognizances shall be treated to all Intents as if they had been taken before such last-mentioned Justice:

If Evidence is not sufficient, Justice may send Prisoner to County where Offence was committed;

but if Evidence not sufficient, and Party not bailed, former Recognizance to be void.

Provided always, that if such last-mentioned Justice shall not think the Evidence against such accused Party sufficient to put him on his Trial, and shall discharge him without holding him to Bail, any Recognizance so taken by the said first-mentioned Justice shall be null and void.

Bailing Prisoner.— Indictable Offences.

XVI. The Admission to Bail of Persons charged with Indictable Offences shall be subject to the following Provisions:

Persons charged with certain Felonies and Misdemeanors may be admitted to Bail at the Discretion of the Justice before Commitment for Trial. 1 & 2 W. 4. c. 44.

1. In every Case where any Person shall be charged before any Justice in manner aforesaid with any Felony (save as herein-after excepted), or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with any Offence against an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled 'An Act to prevent and punish tumultuous Risings 'of Persons within this Kingdom, and for other Purposes therein mentioned,'* or with obtaining or attempting to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth of a Child by secret burying or otherwise, or with wilful or indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace Officer in the Execution of his Duty, or upon any Person acting in his Aid, or with Neglect or Breach of Duty as Peace Officer, or with any Misdemeanor for the Prosecution of which the Costs may be allowed out of the County Rate or Funds, it shall be lawful either for the Justice before whom such Charge shall be made, at any Time before such Person shall be committed to Gaol, or for the Justice by whom the Warrant to commit shall have been signed, at any Time afterwards, and before the First Day of the Sitting of the Court before which he shall have been committed to be tried, if (having regard to the Nature of the Charge, and the Cogency of the Evidence adduced in support of it,) it appears to him to be a Case in which Bail ought to be taken, to admit such accused Person to Bail by Recognizance (C.), with One or more sufficient Sureties, at the Discretion of the Justice, conditioned that he will appear at the Time and Place when and where he is to be tried for such Offence, and that he will then surrender and take his Trial, and not depart the Court without Leave; and whenever in any such Case the accused Person shall not be so admitted to Bail, if the committing Justice shall be of opinion that he ought to be admitted to Bail, he shall certify (I c.) on the Warrant of Commitment his Consent to his being

In such Cases the committing Justice to certify on Warrant his Consent to Bail;

being bailed, stating also the Amount of Bail which ought to be required; and any Justice of the County attending or being at the Gaol where such accused Party shall be in Custody, on Production of such Certificate at any Time before the First Day of the Sitting of the Court before which he shall have been committed to be tried, may admit such accused Person to Bail in manner aforesaid: and any other Justice may admit to Bail.

2. In every Case where any Person shall be charged before any Justice with any Indictable Misdemeanor other than those herein-before mentioned, such Justice, after taking the Examinations, instead of committing him to Prison, shall, upon the Application of such Person (and upon being satisfied as to the Sufficiency of the Bail offered), admit him to Bail in manner aforesaid, or if he shall have been committed to Gaol, and shall apply to any Justice for the same County to admit him to Bail at any Time before the First Day of the Sitting of the Court before which he shall have been committed to be tried, such Justice shall admit him to Bail in manner aforesaid: Persons charged with other Misdemeanors shall be admitted to Bail at any Time as of Right.

And whenever it shall not be convenient for the Surety or Sureties in any Case to attend at the Gaol to join with the accused Person in the Recognizance of Bail, then the committing Justice or the Justice by whom such Person can be admitted to Bail, as the Case may be, shall make a Duplicate of such Certificate (I c.) as aforesaid, and upon the same being produced to any Justice for the same County it shall be lawful for such last-mentioned Justice, before such Time as aforesaid, to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol, and produced to any Justice attending or being at such Gaol, it shall be lawful for such last-mentioned Justice, before such Time as aforesaid, to take the Recognizance of such accused Person in like Manner as if the Sureties were present; and in all Cases where a Justice shall admit to Bail any Person who shall then be in any Gaol charged with the Offence for which he shall be so admitted to Bail, such Justice shall send to or cause to be lodged with the Keeper of such Gaol a Warrant (E d.) requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence or under no Civil Process, and upon such Warrant being delivered to such Keeper he shall forthwith obey the same: Provided always, that no Justice shall admit any Person to Bail for Treason, or for any Felony under an Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, nor shall any such last-mentioned Person be admitted to Bail except by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at *Dublin*, or a Judge thereof in Vacation.

When Sureties cannot attend, Justice to give a Duplicate Certificate.

When Justice admits a Person to Bail after Commitment, he shall order his Discharge, except, &c.

No Bail in Treason, &c. but by Order of Lord Lieutenant, or Chief Secretary, or Queen's Bench.

XVII. Whenever any Person charged with any such Indictable Crime or Offence as aforesaid shall have been bailed in manner aforesaid, it shall be lawful for the Justice by whom he shall have been bailed, or for any other Justice, if he shall see fit, upon the Application of the Surety or of either of the Sureties of such Person, and upon Information being made in Writing and on Oath by such Surety, or by some Person on his Behalf, that the Person so bailed is about to abscond for the Purpose of evading Justice, to issue his Warrant for the Arrest of such Person so bailed, and afterwards, upon being satisfied that the Ends of Justice would otherwise be defeated, to commit such Person, when so arrested, to Gaol, until his Trial, or until he shall produce another sufficient Surety or other sufficient Sureties, as the Case may be, in like Manner as before.

Where Party is about to abscond, Justice may, upon Application of Bailsman, order Arrest, and require new Bail.

XVIII. Whenever an Indictment shall have been found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or at any General or Quarter Sessions of the Peace in *Ireland*, against any Person who shall then be at large, and who shall not already have appeared and pleaded to such Indictment, (and whether such Person shall have been bound by Recognizance to answer to the same or not,) the Person who shall act as Clerk of the Crown at such Court, or as Clerk of the Peace at such Sessions, shall, at any Time after the End of the Assizes or Sessions at which such Indictment shall have been found, upon Application of the Prosecutor or of some Person on his Behalf, and free from Charge, grant unto such Prosecutor or Person a Certificate (I b.) of such Indictment having been found; and upon Production of such Certificate to any Justice for the County in which the Offence shall be alleged in such Indictment to have been committed, or in which the Person thereby indicted shall reside or be, or be suspected to reside or be, such Justice shall issue his Warrant to arrest such Person, and to cause him to be brought before him, or some other Justice for the same County, to be dealt with according to Law; and upon such Person being so brought before such Justice, and upon its being proved on Oath that the Person so arrested is the same Person who is charged and named in such Indictment, such Justice shall, without further Inquiry, either commit him for Trial or admit him to Bail, in manner aforesaid; and in any such Case as last aforesaid, if the Person so indicted shall at the Time be confined in any Gaol for any other Offence than that charged in such Indictment, such Justice shall, upon like Proof on Oath that the Person so confined is the same Person who is so charged in such Indictment, issue his Warrant (E b.) to the Keeper of such Gaol, commanding him to detain such Person in his Custody until he shall be discharged therefrom by due Course of Law; but nothing herein contained shall be deemed to prevent any Clerk of the Crown or Peace or other Officer from issuing any Warrant in any such Case for the Arrest of any such Person which he might otherwise by Law issue.

Warrant to arrest a Party against whom an Indictment is found.

Party so arrested to be committed for Trial or bailed.

If Party indicted be in Prison for some other Offence, Justice to order his Detention.

But not to interfere with Bench Warrants, &c.

XIX. The Manner in which Informations, Examinations, Statements of accused Parties, and Recognizances, in Proceedings for Indictable Offences, shall be disposed of, when taken, shall be subject to the following Provisions:

Disposal of the Informations, &c. Indictable Offences.

1. Every such Information, Examination, Statement, and Recognizance sworn, taken, or acknowledged by or before any Justice not sitting in Petty Sessions shall, with all convenient Despatch, and at the

Informations, &c. taken before

Justice out of Petty Sessions to be transmitted to Petty Sessions.

the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted by him to the Justices at such Petty Sessions, except in Cases where the Person accused shall not have been committed or shall not be amenable, and such Justice shall deem it expedient to retain such Documents for a longer Period:

Informations, &c. to be transmitted to the Clerks of the Crown and Peace;

2. The Justices at Petty Sessions shall transmit or cause the Clerk of Petty Sessions to transmit every such Information, Examination, Statement, or Recognizance so received from any Justice out of Petty Sessions, or which shall be sworn, taken, or acknowledged at Petty Sessions, to the Clerk of the Crown of the County where the same shall relate to any Matter to be tried at the Assizes, or to the Clerk of the Peace where same shall relate to any Matter to be tried at Quarter Sessions, with all convenient Despatch, or at latest within Seven Days from the holding of each Petty Sessions where the Party shall have been committed or shall be amenable, (or at least Seven Days before the Assizes or Quarter Sessions, as the Case may be, where the Party shall not have been committed or shall not be amenable,) except in Cases of Indictable Offences where the Party shall not have been committed or shall not be amenable, and the Justices shall deem it expedient to retain such Documents for a longer Period:

but when detained, Justice to certify Reason.

3. In every Case where any such Documents, whether taken in or out of Petty Sessions, shall be so retained by any Justice for a longer Period than is herein-before provided, he shall endorse on the same his Reason for such Retention:

Mode of transmitting Informations, &c.

And in all Cases where the Justices shall deliver to the Clerk of Petty Sessions any such Information, Examination, Statement, or Recognizance to transmit to the Clerks of the Crown or Peace, the said Clerk of Petty Sessions shall forthwith make an Abstract or Schedule of the same, specifying the Dates of the same, and the Dates when the same were received by him; and (when there shall be no more convenient or safe Mode of Transmission,) and he shall be so directed by the Justices, he shall transmit such Schedule, together with the Informations, Examinations, and Recognizances therein referred to, to the said Clerks of the Crown or Peace, as the Case may be, through the General Post Office, prepaying the same, and obtaining a Receipt from the Postmaster where the same shall be posted, specifying the Date of such posting, and for which the Postmaster by whom the same shall be delivered shall in like Manner obtain a like Receipt from the Clerk of the Peace, or Clerk of the Crown, as the Case may be, and which Receipts such Postmaster and such Clerk of the Crown or Peace are hereby required to give; and the Grand Jury of the County shall at the Assizes present to be paid to such Clerks of Petty Sessions the Amount of the Postage prepaid by them for the Transmission of such Documents as aforesaid; and the Sums so presented shall be levied as other Monies presented by such Grand Jury.

Grand Jury to present Amount of Postage.

Hearing the Case.— Summary Jurisdiction.

XX. In all Cases of Summary Jurisdiction the Proceedings upon the Hearing of the Complaint shall be subject to the following Provisions:

Where both Parties appear, Case to be heard on both Sides.

1. Whenever the Defendant or his Agent shall be present the Substance of the Complaint shall be stated to him, and if he thereupon admit the Truth of the Complaint, then the Justices shall, if they shall see no sufficient Reason to the contrary, convict or make an Order against him accordingly, but if he do not admit the Truth of the Complaint, then the Justices shall proceed to hear such Evidence as may be adduced in support of the Complaint, and also to hear the Defence, and such Evidence as may be adduced on behalf of the Defence, and also such Evidence as the Complainant may adduce in reply, if such Defendant shall have given any Evidence other than as to his the Defendant's general Character; but the Complainant or his Agent shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant or his Agent be entitled to make any Observations in reply upon the Evidence given by the Complainant in reply; and if the Information or Complaint shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Complainant to prove such Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same:

Right of Reply.

Proof of a Negative.

Where Defendant does not appear Hearing may be ex parte.

2. Whenever the Defendant or his Agent shall not appear at the Time and Place mentioned in the Summons, and it shall appear to the Justices on Oath that the Summons was duly served a reasonable Time before the Time therein appointed for appearing, and no sufficient Grounds shall be shown for an Adjournment, the Justices may either proceed *ex parte* to hear and determine the Complaint, or may adjourn the Hearing to a future Day:

Where Complainant does not appear, Case to be dismissed or adjourned.

3. Whenever the Defendant or his Agent shall appear at the Time and Place appointed in the Summons, or shall be brought before the Justice by virtue of any Warrant, then, if the Complainant (having in the Case of a Warrant had due Notice of the Defendant's Arrest) do not appear by himself or his Agent, the Justices may either dismiss such Complaint, or may adjourn the Hearing to a future Day:

Justices to take down Evidence in Offence Cases in Writing, if required by Party.

4. Whenever any Justices shall proceed to hear and determine any Complaint or Information as to an Offence, they, or One of them, shall, when required so to do by either Party, or his Agent, take or cause to be taken a Note in Writing of the Evidence, or of so much thereof as shall be material, in a Book to be kept for that Purpose by the Clerk of Petty Sessions, and which Book shall be signed by One of the Justices by whom such Information or Complaint shall have been heard on the Day on which the same shall have been determined:

Justices may adjourn the Court gene-

And whenever all the Cases shall not have been heard and determined on any Court Day, the Justices then present may adjourn the remaining Cases either to the next Court Day or to such other Day as they shall

shall see fit; and whenever, either before or during the Hearing of any Complaint, it shall appear advisable, the Justices present may, in their Discretion, adjourn the Hearing of the same to a certain Time or Place to be then appointed and stated in the Presence and Hearing of the Party or Parties or their Agents; and all Persons whose Attendance shall have been required by any Summons in any of the Cases so adjourned shall take notice of such Adjournment, and shall be obliged to attend on the Day to which such Adjournment shall take place, without the Issue or Service of any further Summons; and in all Cases of such Adjournments the said Justices may suffer the Defendant to go at large, or, in Prosecutions for Offences (where there shall be an Information in Writing and on Oath that the Defendant is guilty of the Offence), may commit him to Gaol by Warrant (E. b.), or may discharge him upon his entering into a Recognizance (C.), with or without Sureties, at the Discretion of the Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned.

rally, or may adjourn particular Cases;

and either allow Defendant to go at large, or commit him, or bind him by Recognizance to appear.

XXI. In all Cases of Summary Jurisdiction the Justices, having heard what each Party shall have had to say, and the Evidence adduced by each, shall either make such Order as shall be authorized by the Act under which the Complaint shall be made, or shall dismiss the Complaint either upon the Merits or without Prejudice to its being again made; and the Entry of the Order so made shall be as follows:

Adjudication of Case.—Summary Jurisdiction.

Justices either to convict, or dismiss Complaint on the Merits, or without Prejudice.

1. One of the Justices then present shall thereupon enter or cause the Clerk to enter the Particulars of such Case and the Substance of the Decision thereon in a Book to be kept for that Purpose, to be called the "Order Book," according to the Form (D.) (and shall, in case of a Dismissal, state whether the same is upon the Merits or without Prejudice to a further Complaint); and such Entry, when One of the Justices present shall have signed his Name opposite to it or after it (which One of the said Justices is hereby required to do), shall be deemed to all Intents and Purposes a Conviction or Order, as the Case may be:

Entry of Orders.

2. Whenever any Justice or Justices shall have made any such Conviction or Order out of Petty Sessions, in the Cases permitted by this Act to be decided out of Petty Sessions, he or they shall either enter the same in the Order Book in manner aforesaid, or shall enter the Substance of the Decision in the Form of Certificate (I a.), and shall forthwith, or at furthest before the next Court Day, deliver or forward such Certificate to the Clerk of Petty Sessions of the District, who shall enter the same in the proper Order Book (with a special Note that he has so done), and shall submit such Entry for Signature to the Justice or One of the Justices by whom the Order shall have been made upon the next Day of his Attendance at Petty Sessions; but in case such Justice shall not sign the same, the Clerk shall make a special Entry to that Effect in the Order Book opposite to such Case, and shall preserve the original Certificate as a Record of the Proceeding:

If Order made out of Petty Sessions.

3. The Sub-Inspector of Constabulary of the District shall make a Return to the Justices at each Petty Sessions of the Particulars of any Cases of Summary Jurisdiction in which any Justices of the said Petty Sessions shall have made any Order or issued any Warrant out of Petty Sessions, and in which any Head or other Constable of such District shall have been engaged, since the next preceding Petty Sessions:

Return and Entry of Cases decided out of Petty Sessions in which Constabulary prosecute or act.

And it shall not hereafter be necessary to return to Quarter Sessions Copies of the Summary Convictions so made and entered at Petty Sessions; but, if either Party shall require it, a Certificate (Form I a.) of any Order so made (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions,) shall be delivered to him at any Time, and such Certificate shall operate to all Intents as a good Form of Conviction or Order, as the Case may be, for any Purpose for which any Form of Conviction or Order may now by Law be required; and in case of a Dismissal, where the same shall be stated therein by the Justice to have been a Dismissal on the Merits, or that any Assault was of a trifling or justifiable Nature (and which he is hereby required to state if the Case be so), such Certificate upon being produced shall be a Bar to any subsequent Information or Complaint for the same Matter against the same Party; and in any such Case such Certificate shall, on Proof of the Signature of the Justice to the same, be received as good Evidence of the Conviction or Order in all Courts of Justice.

Copies of Convictions need not be returned to Quarter Sessions as hitherto; but Certificate given to Party; Certificate of a Dismissal on the Merits to bar future Proceedings; and to be good Evidence of Conviction.

XXII. In all Cases of Summary Jurisdiction it shall be lawful for the Justices in adjudicating thereon to exercise the following general Powers, whether the same shall be authorized by the Act under which the Complaint shall be made or not:

General Powers in adjudicating.

1. In every Case where the Justices shall be authorized to award any Penal or other Sum, they may order that the same shall be paid either forthwith or at such Time as they shall see fit to fix for that Purpose, and, in Cases of a Civil Nature, that such Sum may be paid either at once or by Instalments:

Justices may in all Cases fix the Time and Manner of Payment.

2. In every Case where the Justices shall award any Penal or other Sum to be paid, they may order that, in default of the said Sum being paid at the Time and in the Manner directed by their Order, the Goods of the Person against whom the said Order shall be made shall be distrained for such Sum, or for so much of such Sum as shall remain unpaid at the Time fixed, and also for the Costs of such Distress:

In all Cases Distress may be ordered on Nonpayment.

3. In every Case of an Offence where they shall order that a Distress shall be made in default of Payment of any Penal Sum, they may order that in default of the said Sum being paid as directed the

In Offence Cases Imprisonment may be

ordered in default of Distress, according to Scale;

the said Person shall be imprisoned for any Term not exceeding the Period specified in the following Scale:

For any Sum	The Imprisonment not to exceed
Not exceeding 5*s.*	One Week.
Exceeding the last, but not exceeding 10*s.*	Two Weeks.
Exceeding the last, but not exceeding 2*l.*	One Month.
Exceeding the last, but not exceeding 5*l.*	Two Months.
Exceeding the last, but not exceeding 10*l.*	Three Months.
Exceeding the last, but not exceeding 30*l.*	Four Months.
Exceeding the last, but not exceeding 50*l.*	Six Months.
Exceeding the last	One Year;

and may be directed by same Warrant.

And any such Imprisonment shall be determinable upon Payment of the said Sum and Costs and any Costs of the Distress, where a Distress shall have been made; and such Imprisonment may be directed in the same Warrant as such Distress; but if the said Person shall admit, or if it shall be otherwise proved on Oath, that he has no Goods, or that a Distress would be ruinous to him or his Family, they may order that such Person shall be imprisoned in the first instance for the like Period for which he might be imprisoned in default of Distress:

So also in like Cases in the first instance where no Goods, &c.

In Offence Cases Justices at Petty Sessions may substitute Distress for Committal, and vice versâ on Failure of First Warrant.

4. In every Case of an Offence, where the Order shall only have directed Distress in default of Payment of a Penal Sum, and it shall afterwards be found impossible to execute a Warrant of Distress, it shall be lawful for the Justices at Petty Sessions to order a Warrant to issue to commit the Person against whom such Order shall have been made to Gaol for such Period as might have been directed by the original Order; and in like Manner where the Order shall have only directed Imprisonment, and it shall be found impossible to execute a Warrant of Committal, it shall be lawful for the Justices at Petty Sessions to order a Warrant to issue to levy by Distress of the Goods of such Person such Penal Sum as might have been awarded by the original Order; and in all such Cases a Note of such Proceeding shall be made by the Justices in the Order Book:

Power to award Hard Labour in Offence Cases.

5. In every Case of an Offence, where the Act shall authorize the Justices to order Imprisonment, they may adjudge by their Order that the said Imprisonment shall be either with or without Hard Labour, according as they shall see fit:

Imprisonment may commence at Expiration of Imprisonment under previous Conviction.

6. In every Case of an Offence, where the Person against whom an Order to imprison shall be made shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, it shall be lawful for the Justice issuing the same, if he shall think fit, to order therein that the Imprisonment shall commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced:

Any Compensation awarded shall be paid to Party aggrieved, except in certain Cases.

7. In every Case where any Sum shall be awarded under the Provisions of any Act as Compensation for Damage, or as the Value of any Article, or as the Amount of any Injury done, such Sum shall be paid to the Party or Public Body aggrieved; but where the Party aggrieved is unknown, such Sum shall be applied in like Manner as any Penalties awarded to the Crown; and where several Persons join in an Offence, and are severally punished each in the Amount of the Injury done, no more than One of such Sums shall be paid to the Party aggrieved, and the rest shall be applied as other Penalties awarded to the Crown:

Appropriation of Fines and Penalties.

8. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Justices to award any Sum not exceeding One Third of such Penal Sum to the Prosecutor or Informer, and the Remainder of such Sum and all other Penal Sums shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding:

Power to award Costs in all Cases to either Party.

9. In all Cases the Justices may order that the Defendant shall pay to the Complainant, or in case of a Dismissal that the Complainant shall pay to the Defendant, such Sum, not exceeding Twenty Shillings, for Costs, as to such Justices shall seem fit, and the same shall be recoverable in the same Manner as any Penal or other Sum adjudged to be paid by the Justices:

Aiders and Abettors in the Commission of Offences to be punishable on Summary Conviction as Principals.

Provided always, that every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal Offender or before or after his Conviction, and shall be liable, on Conviction, to the same Forfeiture and Punishment to which such principal Offender shall be by Law liable (except where the Age of such Aider or Abettor shall exceed Fourteen Years, in which Case he shall be liable to the same Forfeiture and Punishment to which any principal Offender whose Age shall exceed Fourteen Years shall be liable), and may be proceeded against and convicted either in the County where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Enforcement of Orders.—Summary Jurisdiction.

XXIII. In all Cases of Summary Jurisdiction, whenever an Order shall be made upon the Conviction of any Person for an Offence, the Justices shall issue the proper Warrant for its Execution forthwith, when the Imprisonment is to take place immediately, or at the Time fixed by the Order for the Imprisonment to take place where it is not to be immediate, or directly upon the Nonpayment of any Penal Sum or the Nonperformance of any Condition at the Time and in the Manner fixed by the Order for that Purpose, or

In Offence Cases Warrant

at

at furthest upon the next Court Day after the Expiration of the Time so fixed for the Imprisonment, Payment, or Performance of a Condition, as the Case may be, unless the Imprisonment or Penal Sum shall have been remitted by the Crown or other competent Authority in the Interval; and whenever an Order shall be made in any Case of a Civil Nature, and the same shall not be obeyed, the Justice shall issue the proper Warrant for its Execution at any Time after the Time fixed for Compliance with its Directions, where required so to do, by the Person in whose Favour such Order shall have been made or by some Person on his Behalf, and it shall not be necessary that the Justice by whom any such Warrant shall be issued shall be the Justice or One of the Justices by whom the Order shall have been made: Provided always, that in every Case where the Party being entitled to appeal against any such Order shall have duly given Notice thereof, and entered into a Recognizance to prosecute the same in the Manner herein-after provided, it shall not be lawful for any Justice to issue any Warrant to execute the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to perform the Condition of such Recognizance, as the Case may be, (except where any Act shall expressly authorize or direct the Levy of any Sum to be made notwithstanding the Appeal); and in any Case where any Person shall be in Custody, or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed, under any such Order, the Justice by whom the Warrant shall have been issued, or any other Justice of the same County, shall, upon an Application being made to him in that Behalf, forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that if executed the Distress shall be returned to the Owner, as the Case may be.

to issue peremptorily.

In Civil Cases Warrants to issue on Application of Party;

but no Execution of Order pending an Appeal:

except in certain Cases:

or if Warrant issued, not to be executed, or if executed, Party to be discharged or Distress to be returned.

Appeals.—Summary Jurisdiction.

XXIV. In any Case of Summary Jurisdiction, where an Order shall be made by the Justices for Payment of any Penal or other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for the doing of anything at a greater Expense than Forty Shillings, or for the estreating of any Recognizance to a greater Amount than Twenty Shillings, (but in no other Case,) either Party (whether he shall be the Complainant or the Defendant) in Cases of a Civil Nature, or the Party against whom the Order shall have been made in other Cases, shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County when the Order shall have been made by any Justice or Justices of any Petty Sessions District, (or to the Recorder of any Corporate or Borough Town at his next Sessions when the Order shall have been made by any Justice or Justices of such Corporate or Borough Town,) (unless when any such Sessions shall commence within Seven Days from the Date of the Order, in which Case the Appeal may be made to the next succeeding Sessions of such Division or Town); and such Appeal shall be subject to the following Provisions:

In what Cases Appeals shall be permitted.

Appeal only to next Quarter Sessions of the Division.

1. The Appellant shall serve Notice in Writing of his Intention to appeal upon the Clerk of Petty Sessions, within Three Days from the Date of the Order against which the Appeal shall be made:

Notice to be given within Three Days.

2. He shall also within Three Days after such Notice as aforesaid enter into a Recognizance, according to the Form (C.), with Two solvent Sureties, conditioned to prosecute such Appeal, and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid, where Payment only is ordered, or of such reasonable Amount as the Justices shall see fit, where Imprisonment is ordered:

Recognizance to prosecute Appeal.

Amount of Recognizance.

3. Whenever the Appellant shall have given such Notice and entered into such Recognizance there shall be delivered to him the Form of Appeal (H.), containing a Certificate of the Order against which he shall appeal (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions); and it shall also be therein certified by the Clerk of Petty Sessions that the said Notice was duly given, and that the said Recognizance was duly entered into, if the Fact shall be so:

Form of Appeal.

4. In every Case where an Appeal shall be so made, the Clerk of Petty Sessions shall transmit the Recognizance entered into to prosecute such Appeal and all other Proceedings in such Case to the Clerk of the Peace of the County or to the proper Officer of the Recorder's Court, at least Seven Days before the Commencement of the Sessions to which the Appeal shall be made, or as soon afterwards as may be practicable, in the same Manner as is herein-before provided for the Transmission of Informations as to Indictable Offences:

Recognizance to appeal to be transmitted to Clerk of Peace.

5. The Appellant shall give Notice in Writing to the opposite Party of his Intention to prosecute his Appeal at least Seven clear Days before the Commencement of the Sessions to which the Appeal shall be made:

Appellant to give Notice to opposite Party.

6. Whenever an Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the said Court of Quarter Sessions (or Recorder, as the Case may be) to entertain the same, and to confirm, vary, or reverse the Order made by the Justices (as so certified in such Form of Appeal), and to award to either Party any Sum not exceeding Forty Shillings for the Costs of such Appeal; and whenever the said Court of Appeal shall have decided any such Appeal, the Clerk of the Peace or proper Officer of the Recorder's Court, as the Case may be, shall certify such Decision at Foot of the Form of Appeal, and return the same and the said Proceedings to the Justices of the Petty Sessions at which the Order shall have been made, within Seven Days after such Appeal shall have been decided; and whenever any such Appeal shall not have been duly prosecuted, the Clerk of the Peace or proper Officer of the Recorder's Court, as the Case may be, shall so certify upon such Recognizance and return the same to the Justices of the Petty Sessions from which the same shall have been transmitted (in the same Manner and subject to the same Provisions as are herein-before contained as to the Transmission of Informations for Indictable Offences,) within Seven Days after the Termination of the Sessions at

Quarter Sessions (or Recorder) may decide Appeal, and give Costs not exceeding 40*s*.

Clerk of Peace or Officer of Recorder's Court to certify Decision;

or certify upon and return Recognizance if Appeal is not prosecuted.

at which such Appeal ought to have been prosecuted, and which Certificate shall be free from any Charge:

If Order is not varied on Appeal Justice shall issue Warrant for Execution of same;

7. And whenever it shall appear from such Certificate that such Appeal has not been duly prosecuted, or that the original Order has been confirmed upon Appeal, the Justices who shall have made the original Order, or any other Justice of the same Petty Sessions, shall issue the proper Warrant for the Execution of the same, as if no such Appeal had been brought; and in every Case in which it shall appear from such Certificate that the Court of Appeal shall have varied the original Order, the said Justices shall forthwith issue the proper Warrant for the Execution of the Order so made by the Court of Appeal, in like Manner as they might have issued a Warrant for the Execution of the original Order in case no Appeal had been prosecuted; and if upon any such Appeal either Party shall be ordered to pay Costs, it shall be lawful for such Justices to enforce Payment of the same in like Manner as any Costs awarded by the original Order; and in any Case where any Order by which any Person shall be adjudged to be imprisoned shall be confirmed on Appeal, such Person shall be liable to be imprisoned for the Period adjudged by the original Order, where he shall not have been apprehended under the original Order, or where he shall have so been apprehended and discharged, then for such Period as, together with the Time during which he shall so have been in Custody, shall be equal to the Period adjudged by the original Order:

but where Order is varied, Warrant to issue for Execution of Quarter Sessions Order.

Costs of Appeal how recovered.

Where Party has been imprisoned, he is only to be imprisoned for Remainder of Period.

In certain Cases, where Party fails to prosecute Appeal, Justice may estreat Recognizance.

Provided always, that whenever the Party bound by Recognizance to prosecute an Appeal against an Order to imprison shall have absconded, or when the Party bound to prosecute an Appeal against an Order for Payment of any Penal or other Sum shall have no Goods whereon to levy same by Distress, it shall be lawful for the Justices at the Petty Sessions where the original Order was made, and after like Proof of Notice to the Parties as in estreating other Recognizances in Summary Proceedings, to make an Order for estreating the Recognizance in any such Case to such Amount as they shall see fit, and for paying out of such Amount such Sum as shall have been directed to be paid to any Party by such original Order, and thereupon to issue a Warrant (E a.) for the Levy of the same upon the Goods of the several Persons bound thereby.

Addressing Warrants.

XXV. The Persons to whom Warrants shall be addressed for Execution shall be as follows:

To whom to be addressed:

1. All Warrants in Proceedings as to Offences punishable either by Indictment or upon Summary Conviction, which shall be issued in any Petty Sessions District, shall be addressed to the Sub-Inspector or Head Constable of Constabulary who shall act for the Place where the Petty Sessions for such District shall be held:

in Offence Cases;

2. All Warrants in other Cases shall be addressed either to the Sub-Inspector or Head Constable of Constabulary in manner aforesaid, or to such other Person or Persons (not being the Complainant or a Party interested), as the Justices issuing the same shall see fit:

in other Cases.

Committals need not be addressed to Gaoler.

Gaoler to produce Prisoner at Adjournments or Remands.

And it shall not be necessary to address any Warrant of Committal to the Keeper of the Gaol, but upon the Delivery of any such Warrant by the Person charged with its Execution to the Keeper of the Gaol to which the Committal shall be made, such Keeper shall receive and detain the Person named therein, (or shall detain him if already in his Custody,) for such Period and in such Manner as it shall appear from the Warrant that the said Person is to be imprisoned; and in Cases of Adjournments or Remands such Keeper shall bring the said Person at the Time and Place fixed by the Warrant for that Purpose before such Justices as shall be there.

By whom Warrants may be executed.

XXVI. The Execution of Warrants so addressed to the Sub-Inspector or Head Constable of Constabulary shall be subject to the following Provisions:

Executing Constabulary Warrants in the District.

1. Whenever the Person against whom any Warrant so addressed shall have been issued shall be to be found in case of Committal, or shall have Goods in case of Distress, in any Place for which such Sub-Inspector or Head Constable shall act, it shall be lawful for the Sub-Inspector or Head Constable who shall act for the Time being for such Place, or for any Head or other Constable to be appointed by him, to execute the same:

Certifying to some other District of same County.

2. Whenever it shall appear that the said Person or his Goods, as the Case may be, are not to be found in any Place for which such Sub-Inspector shall act, but that they are to be found elsewhere in the same County, the said Sub-Inspector or Head Constable shall certify on the Warrant, according to the Form (G b.) the Place where he believes that the said Person or his Goods are to be found, and also (having first satisfied himself as to the Fact) that he believes the Signature to the Warrant to be genuine, and shall forthwith transmit the said Warrant to the Sub-Inspector or Head Constable who shall act for such last-mentioned Place, and the same shall be executed in like Manner as any Warrant addressed to him in the first instance:

Certifying out of the County.

3. Whenever it shall appear that the said Person or his Goods, as the Case may be, are not to be found in the County to which such Sub-Inspector or Head Constable shall belong, but that such Person or his Goods, as the Case may be, are to be found elsewhere out of the said County, the said Sub-Inspector or Head Constable shall, as before, certify on the Warrant, according to the Form (G b.), and forthwith transmit the same to the Inspector General of the Constabulary Force, to be backed as herein-after mentioned:

But in case of Emergency Warrant may be executed by any Constable, &c. in the same

Provided always, that in any Case which shall appear to the Justice by whom any Warrant shall be issued, to be a Case of Emergency, he may address such Warrant to any Constable of the County; and it shall be lawful for such Constable to execute such Warrant at any Place within the County in which the Justice issuing such Warrant shall have Jurisdiction, or, in case of fresh Pursuit of an Offender, at any

any Place in the next adjoining County; but the Constable to whom any such Warrant shall be so addressed, shall, if the Time will permit, show or deliver the same to the Sub-Inspector or Head Constable under whose Command the said Constable shall be, who shall proceed in respect to the same according to the Acts regulating the Constabulary Force. or adjoining County.

Backing Warrants.

XXVII. Whenever any Warrant addressed to the Sub-Inspector of Constabulary, or to any Head or other Constable, shall be so certified and transmitted to the said Inspector General, the Manner in which it shall be backed for Execution elsewhere shall be as follows: Constabulary Warrants:

1. Whenever it shall appear that the said Person or his Goods are to be found in any Place in *Ireland* (not being within the Police District of *Dublin* Metropolis), it shall be lawful for the said Inspector General or for either of the Deputy Inspectors General of Constabulary to indorse the said Warrant according to the Form (G c.), and to transmit the same to the Sub-Inspector who shall act for such Place, and the same shall be executed in like Manner as any Warrant addressed to him in the first instance: To any Constabulary District in Ireland:
2. Whenever it shall appear that the said Person or his Goods are to be found in the Police District of *Dublin* Metropolis, it shall be lawful for the said Inspector General, or for either of the said Deputy Inspectors General, to indorse the said Warrant according to the Form (G c.), and to transmit the same to the Commissioners of Metropolitan Police, and the same shall be executed in like Manner as any Warrant addressed to them in the first instance: To the Police District of Dublin Metropolis:
3. Whenever it shall appear that the said Person or his Goods are to be found in some Place in *England* or *Scotland*, or in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for the said Inspector General, or for either of the said Deputy Inspectors General, in like Manner as before, to indorse the Warrant, according to Form (G c.), and it shall thereupon be lawful for any Justice or Officer having Power to issue any Warrant, or Process in the Nature of a Warrant, for the Arrest of Offenders in any of the said Places, upon Proof on Oath of the Handwriting either of the Inspector or Deputy Inspector General by whom the same shall have been indorsed or of the Justice by whom the Warrant shall have been issued, to indorse the same, according to the Form (G c.), authorizing its Execution within the Jurisdicton of the said Justice or Officer by the Person bringing the same, or by any Constable or other Peace Officer of the County or Place where it shall be so indorsed: To England, &c. Inspector General, &c. to indorse; and any Justice, &c. may back.

And the said Provisions shall also apply to Cases in which the Sub-Inspector shall only certify that the Signature to the Warrant is genuine, but in which the Place where the said Person or his Goods are to be found shall appear by other Means than the said Certificate. The above Provisions also to apply to other Cases.

XXVIII. Whenever a Warrant shall be addressed to any other Person or Persons than the Constabulary, and it shall appear that the Person against whom the same shall have been issued or his Goods, as the Case may be, are not to be found within the County in which the Justice issuing the same shall have Jurisdiction, but in some other Place in *Ireland*, or in any of the Places out of *Ireland* herein-before mentioned, it shall be lawful for any Justice or other such Officer as aforesaid of such Place, upon Proof on Oath of the Handwriting of the Justice who shall have signed the Warrant, to indorse the same for Execution in such Place in like Manner as is herein-before provided as to any Warrant indorsed by the Inspector General of Constabulary. Warrants addressed to other Persons than the Constabulary.

XXIX. Whenever any Person against whom any Warrant shall be issued by any Justice or other such Officer as aforesaid in *England* or *Scotland*, or in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, for any Crime or Offence, shall reside or be, or be suspected to reside or be, in any Place in *Ireland*, it shall be lawful for the said Inspector General or for either of the said Deputy Inspectors General, or for any Justice of the said last-mentioned Place, to indorse the same in like Manner and upon like Proof as aforesaid, authorizing the Execution of the same within his Jurisdiction. Backing Warrants from England, &c. into Ireland.

XXX. The aforesaid Provisions as to the Indorsement of Warrants shall equally apply to any Warrants for the Arrest of any Person charged with any Indictable Crime or Offence for which he is punishable by Law, whether the same shall be signed or indorsed or issued by a Justice of the Peace, or by a Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer and General Gaol Delivery, in *England* or *Ireland*, or by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, in *Scotland*, or by the Chief or Under Secretary to the Lord Lieutenant. The above Provisions to apply also to Judges Warrants.

XXXI. Whenever any Warrant, addressed either to the Constabulary or to any other Person, shall be so indorsed by the said Inspector General or by either of the said Deputies Inspector General, or by any Justice or other such Officer as aforesaid, it shall be a sufficient Authority to the Person bringing such Warrant, and also to all Constables or Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same by Arrest, Committal, or Levy, as the Case may be, within the Jurisdiction of the said Justice or Officer, and in case of a Warrant to arrest any Person, to convey him when arrested before the Justice or Officer by whom the same was issued, or before some other Justice or Officer of the same County or Place, to be dealt with according to Law: Provided always, that if the Prosecutor, or any of the Witnesses for the Prosecution, in Cases of Indictable Offences, shall then be in the County or Place where any Person shall have been arrested under any Warrant so backed as aforesaid, the Constable or other Person who shall have arrested such Person shall, if so directed by the Justice who shall have indorsed the Warrant, bring the Person so arrested before him or some other Justice of the same County or Place, who may thereupon take the Examinations of such Prosecutor or Witnesses, Warrants so backed to be valid for Execution; but if the Prosecutor or Witnesses be on the Spot, Examinations may be taken.

Witnesses, and proceed in every respect as herein-before directed with respect to Persons charged before a Justice with an Indictable Crime or Offence alleged to have been committed in any other County or Place than that in which such Person shall have been arrested.

Execution of Warrants.

XXXII. The Manner in which Distresses and Committals under Warrants shall be made shall be as follows:

When addressed to Constabulary; when addressed to other Persons.

1. Whenever any Warrant to levy any Penal or other Sum by Distress shall be addressed to the Constabulary, the Sums levied under it shall be accounted for, under the Provisions of the "Fines Act, *Ireland*, 1851;" but whenever any such Warrant shall be addressed to any other Person than the Constabulary, such Person shall pay over the Sum levied under it to the Person who shall appear by such Warrant to be entitled to the same, or in such other Manner, and subject to such Account of the same, as the Justices shall direct:

Distress may be sold in a certain Time.

2. In every Case where a Distress shall be made under any such Warrant it shall be lawful for the Person charged with its Execution to sell the said Distress within such Period as shall be specially fixed by the said Warrant, or if no Period shall be so fixed, then within the Period of Three Days from the making of the Distress, unless the Sum for which the Warrant was issued, and also the reasonable Charges of taking and keeping the said Distress, shall be sooner paid; and in every Case where he shall sell any such Distress he shall render to the Owner the Overplus, if any, after retaining the Amount of the said Sums and Charges:

On Payment of Penalty, &c. Distress not to be levied.

3. In every Case where any Person against whom any such Warrant shall be issued shall pay or tender to the Person having the Execution of the same the Sum in such Warrant mentioned, or shall produce the Receipt of the Officer of the Court for the same, and shall also pay the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Person shall refrain from executing the same:

Distress may be sold by Auction without Licence.

4. In every Case where any Sub-Inspector or Member of the Metropolitan Police Force shall be empowered to distrain any Goods under such Warrant, he may and is hereby authorized to sell or cause the same to be sold by Auction by any Head Constable of the said Constabulary Force, or by any Member of the said Metropolitan Police Force, as the Case may be, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred in effecting the same:

If Sum paid after Committal, Prisoner to be discharged.

5. In every Case where any Person who shall be apprehended under any such Warrant shall pay or cause to be paid to the Keeper of the Gaol in which he shall be imprisoned the Sum in the Warrant mentioned, the said Keeper shall receive the same, and shall thereupon discharge such Person if he be in his Custody for no other Matter:

Gaoler to give Receipt for Prisoners.

6. Whenever the Warrant shall be to commit any Prisoner to Gaol, the Head or other Constable or other Person whose Duty it shall be to convey such Prisoner to Gaol shall deliver over the said Warrant and the said Prisoner to the Keeper of the Gaol, who shall thereupon give to such Head or other Constable or other Person a Receipt for such Prisoner (Form F.), setting forth the State and Condition in which he shall have been delivered into the Custody of such Keeper:

To what Prisons Offenders shall be committed in Summary Proceedings.

7. In any Case of Summary Jurisdiction in which a Justice shall order any Person to be committed to Gaol for any Period, either in default of Payment of any Sum, or in default of Distress, or as a Punishment for any Offence, such Committal shall be to the County Gaol, District Bridewell, or House of Correction of the County in which the Party shall be arrested, unless where such Arrest shall be made in any County adjoining to that in which the Warrant shall have been issued, in which Case the Committal shall be to any of the said Prisons of such last-mentioned County; and whenever any Justices shall order any Person to be committed on account of any Adjournment of the Hearing, or until the Return of a Warrant of Distress, or for any like temporary Purpose, such Committal shall be either to the Gaol or House of Correction, District Bridewell, or to any Bridewell or Lock-up of the County built or supported by County Presentment, according as shall appear to the Justices most convenient for that Purpose.

Return of unexecuted Warrants.

XXXIII. Whenever the Person to whom any Warrant shall be so addressed, transmitted, or endorsed for Execution shall be unable to find the Person against whom such Warrant shall have been issued, or his Goods, as the Case may be, or to discover where such Person or his Goods are to be found, he shall return such Warrant to the Justices by whom the same shall have been issued within such Time as shall have been fixed by such Warrant (or within a reasonable Time where no Time shall have been so fixed), and together with it a Certificate (G a.) of the Reasons why the same shall not have been executed; and it shall be lawful for such Justice to examine such Person on Oath touching the Nonexecution of such Warrant, and to re-issue the said Warrant again, or to issue any other Warrant for the same Purpose from Time to Time as shall seem expedient.

Recognizances.

Mode of binding by Recognizance.

XXXIV. Whenever any Person shall be bound to appear, or to keep the Peace, it shall be done by a separate Recognizance (C.); but whenever any Person shall be bound to prosecute or to give Evidence as a Witness, it may be done either by Recognizance at Foot of his Deposition (A b.), or by a separate Recognizance at the Discretion of the Justice; and the taking of every Recognizance shall be subject to the following Provisions:

Amount of Recognizance:

1. It shall be in such Amount as the Justice shall, in his Discretion, think expedient, except in Cases of Appeal, in which the Amount shall be as herein-before provided:

2. It shall particularly specify the Profession, Trade, or Occupation of every Person entering into the same, together with his Christian and Surname, and the Name of the Parish and Townland or Town in which he resides, and if he resides in a Town the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof, or a Lodger therein: To contain particular Description of Parties bound:

3. Every Recognizance so taken according to the Form in the Schedule to this Act, or to the like Effect, either at Foot of the Deposition or by a separate Form, shall have the like Force and Effect in binding the Lands, Tenements, Goods, and Chattels of the Persons acknowledging the same, and in all other respects, which any Recognizance now by Law has: To be in Form in Schedule.

Recognizances to appear, &c. at Assizes, &c. to be sent to Clerks of Crown, &c., and to be estreated by Court.

Recognizances to appear before Justices, or to keep the Peace, &c. to be deposited with Clerk of Petty Sessions; and may be estreated by Justices; after Proof on Oath of Notice to Parties.

And whenever the Condition of any such Recognizance shall be to appear at Assizes or Quarter Sessions, or at any Place other than before any Justice or Justices, or to perform the Duties of Petty Sessions Clerk, it shall be forwarded to the Clerk of the Crown or Peace as herein-before provided, and shall be liable, upon any Breach of the Condition thereof, to be estreated in the same Manner as any forfeited Recognizance to appear is now by Law liable to be estreated by the Court before which the principal Party thereto shall have been bound to appear: But whenever the Condition of such Recognizance shall be to keep the Peace, or to appear before any Justice out of Quarter Sessions, or to perform the Duties of a Pound Keeper, it shall be deposited with the Clerk of Petty Sessions of the District by the Justice by whom it shall have been taken, and upon Nonperformance of the Condition thereof any Justice who may then be there present may certify on the Recognizance the Nonperformance of the said Condition, and it shall thereupon be lawful for the Justices sitting at the Petty Sessions of the District, and in open Court, upon Proof of the Nonperformance of the said Condition, to make an Order to estreat such Recognizance to such Amount as they shall see fit, and thereupon to issue a Warrant (E a.) to levy such Amount by Distress and Sale of the Goods of the Parties who shall have acknowledged the same: Provided always, that in every Case where any Justices shall order any such Recognizance to be estreated, Proof shall be first made on Oath that Notice in Writing (stating the general Grounds on which it is intended to sustain the Application), was left at the usual Place of Abode of the Party, or of each of the Parties if more than One, against whom it is sought to put such Recognizance in force, at least Seven Days before the Day on which the Application to estreat such Recognizance shall be made.

Offences against this Act.

XXXV. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices of the County sitting at Petty Sessions, shall be liable to forfeit for every such Offence or Neglect the Penalties herein-after mentioned; (that is to say,)

Entry of Summonses.

Any Clerk of Petty Sessions who shall neglect or refuse to enter any Summons in the Order required under the Provisions of this Act shall be liable to a Penalty not exceeding Forty Shillings:

Clerk taking more than his legal Fees.

Any Clerk of Petty Sessions who shall demand or receive any other or different Fees, or any greater Amount of Fees, as to any Proceedings in any Case, than he can legally demand or receive under this Act, shall be liable to a Penalty not exceeding Five Pounds:

Clerk engaging in Occupation inconsistent with his Duties.

Any Person who whilst he shall hold the Office of Petty Sessions Clerk shall practise as an Attorney or Solicitor in any Case at such Petty Sessions or at the Quarter Sessions of the Division of the County in which such Petty Sessions shall be situated, or who shall act as the Clerk of any Attorney or Solicitor so practising, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or as the Keeper or Partner in keeping any Inn or Public House, or who shall engage in any other Business or Occupation which the Justices or the Lord Lieutenant shall have forbidden as inconsistent with his Duties as Petty Sessions Clerk, shall be liable to a Penalty not exceeding Twenty Pounds:

Service of Summonses.

Any Summons Server or other Person who shall make any wilful Default in serving any Summons shall be liable to a Penalty not exceeding Forty Shillings:

Constabulary, &c. not returning Warrants or committing wilful Default.

Any Sub-Inspector, Head or other Constable, or other Person who shall wilfully neglect to return any unexecuted Warrant at the Time required by the Justices, or who shall commit any wilful Default in respect to the Execution of the same, shall be liable to a Penalty not exceeding Five Pounds:

Retaining Petty Sessions Books, &c.

Any Person in whose Possession any Books, Papers, or other Effects belonging to the Justices at Petty Sessions, or relating to such Court, shall be, upon or after the Death, Resignation, Suspension, or Dismissal of any Petty Sessions Clerk, and who shall refuse to deliver up the same to the Sub-Inspector or Head Constable or other Person directed by the Justices under the Provisions of this Act to demand the same, shall be liable to a Penalty not exceeding Ten Pounds:

Hindering Search for Books, &c.

Any Person who shall oppose or hinder any Search under any Warrant issued by the Justices for the Discovery of any such Books, Papers, or other Effects shall be liable to a Penalty not exceeding Five Pounds:

Other Neglect of Duty.

Any Person having any other Duty to perform under the Provisions of this Act, and who shall wilfully neglect to perform the same, shall be liable to a Penalty not exceeding Five Pounds:

Justices may award the foregoing Penalties.

And it shall be lawful for the said Justices to award the said Penalties; and if the same shall be imposed upon any Member of the Constabulary Force, the Amount shall be deducted from his Pay; but if imposed on any other Person, then in default of Payment thereof forthwith, or at such Time as the Justices shall fix, such Person may be committed to Prison for the like Period, in proportion to the Amount of the Penalty imposed, for which the Justices are authorized to commit any Offender in default of Distress for any other Penalty under the Provisions of this Act.

XXXVI. In

Forms of Procedure.

Forms in the Schedule to be deemed valid, and the proper Forms in all Proceedings; but Informality not to vitiate any Proceeding.

XXXVI. In all Proceedings under this Act the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Information or Complaint shall be made; but no Departure from any of the said first-mentioned Forms, or Omission of any of the Particulars required thereby, or Use of any other Words than those indicated in such Forms, shall vitiate or make void the Proceeding or Matter to which the same shall relate, if the Form used be otherwise sufficient in Substance and Effect, and the Words used clearly express the Intention of the Person who shall use the same; and it shall be sufficient in any of the Forms provided by this Act to state Sums of Money either in Words or Figures, according as the Person using the same shall see fit: Provided always, that it shall be lawful for the Lord Lieutenant, from Time to Time, with the Advice and Consent of the Privy Council, to extend the said Form of Order Book (D.) so far as to adapt it to any like Proceedings either new or not provided for therein: Provided also, that the Sealing of any Warrant or other Form of Procedure under this Act shall not be necessary in addition to the Signature of the Justice by whom the same shall be signed.

Form of Order Book may be extended.

Warrants, &c. need not be sealed.

General Terms to be used in the Forms of Procedure.

XXXVII. And with a view to simplify Forms, the Prosecutor or Party at whose Instance the Proceeding shall take place may be termed in such Forms the "Complainant," whether he shall be an Informant or Prosecutor or otherwise; and the Matter of the Proceeding may be termed the "Complaint," whether founded on an Information or otherwise; and in Summary Proceedings the Decision of the Justices may be termed their "Order," whether the same shall be a Conviction or otherwise.

Description of the Property of Partners, &c.

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials for Roads;

of the Property in Materials for Turnpike Roads, &c.

of the Property of Commissioners, &c.

XXXVIII. It shall be sufficient, in any Information or Complaint, or the Proceedings thereon, to describe the Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, as the Property of any One of such Persons who shall be named, and of another or others, without naming them, as the Case may be; and any Work or Building made, maintained, or repaired at the Expense of any County or Place, or any Materials for the making, altering, or repairing of the same, as the Property of the Inhabitants of such County or Place respectively; and any Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor, as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and any Materials and Tools provided for the Repair of Highways at the Expense of Baronies or other Districts in which such Highways may be situate as the Property of the County Surveyor or Surveyors respectively, without naming him or them; and any Materials or Tools provided for making or repairing any Turnpike Road, and any Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and any Property of any Persons described in any Act of Parliament, or in any Charter or Letters of Incorporation, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever, as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them; and whenever it may be necessary to mention any of such Persons or Parties in any Suit, Information, or Complaint, it shall be sufficient to describe them in manner aforesaid.

No Objection allowed for Variance between Information and Evidence as to Time or Place of committing Offence, if Information be in Time, &c.;

nor for Defect of Substance or Form in Warrant, or for Variance between it and Evidence; but if Party charged is deceived by such Variation, &c. he may be committed or discharged upon Recognizance.

XXXIX. In Cases of Summary Proceedings no Variance between the Information or Complaint and the Evidence adduced in support thereof, as to the Time at which the Offence or Cause of Complaint shall be alleged to have been committed or to have arisen, shall be deemed material, if it be proved that such Information or Complaint was in fact laid or made within the Time limited by Law for laying or making the same; and any Variance between such Information or Complaint and the Evidence adduced in support thereof, as to the Place in which the same shall be alleged to have been committed or to have arisen, shall not be deemed material, provided that the said Offence or Cause be proved to have been committed or to have arisen within the Jurisdiction of the Justice or Justices by whom such Information or Complaint shall be heard and determined; and no Objection shall be taken or allowed in any Proceedings to any Information, Complaint, Summons, Warrant, or other Form of Procedure under this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between any Information, Complaint, or Summons and the Evidence adduced on the Part of the Complainant or Prosecutor at the Hearing of the Case in Summary Proceedings, or at the Examination of the Witnesses by a Justice or Justices in Proceedings for Indictable Offences: Provided always, that if any such Variance or Defect shall appear to the Justice or Justices at the Hearing to be such that the Defendant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime, in Cases of Proceedings for Offences, to commit the said Defendant to Gaol, or to discharge him, upon his entering into a Recognizance conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned.

Miscellaneous.

No Stamps on Receipts.

XL. No Receipt required to be given under the Provisions of this Act shall be subject to any Stamp Duty payable to the Crown.

Act not to extend to Police District of Dublin Metropolis.

XLI. Nothing in this Act shall extend to the Police District of *Dublin* Metropolis, or alter or affect in any Manner whatsoever any of the Provisions or Enactments contained in any Act regulating the Powers and Duties of Justices of the Peace or of the Police of the District of *Dublin* Metropolis, or be deemed applicable in any way to the same, save so far as relates to the backing or executing of any Warrants, or

to

to alter the Provisions of any Act or Acts whereby any Part of any County is annexed for the Purpose of Criminal Proceedings to any other County, or whereby any Offences committed in One County are authorized to be tried in any other County.

Act shall not extend to Revenue, &c. Cases.

XLII. Nothing in this Act shall extend or be construed to extend to any Information or Complaint or other Proceeding under or by virtue of any of the Acts relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, or relating to the Preservation of Game, except that all Proceedings as to the same may be in the Forms of Procedure required by this Act, or as near thereto as the Circumstances of the Case will admit.

Repeal of following Statutes from 1st Nov. 1851.

7 & 8 G. 4. c. 67.

6 & 7 W. 4. c. 34.

12 & 13 Vict. c. 70.

12 & 13 Vict. c. 69.

XLIII. The following Acts and Parts of Acts, so far as the same relate to *Ireland*, shall, from and after the First Day of *November* One thousand eight hundred and fifty-one, be and the same are hereby repealed; that is to say, an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, so far as relates to any Proceedings by Justices in or out of Petty Sessions; and an Act passed in the Sixth and Seventh Years of King *William* the Fourth, intituled *An Act to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King* George *the Fourth, for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, so far as relates to any Proceedings by Justices in or out of Petty Sessions; and an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences;* and an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Summary Convictions and Orders;* and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, except as to Proceedings now pending to which the same or any of them are applicable.

Interpretation of Terms.

XLIV. In the Interpretation of this Act and of the Schedules thereto annexed, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City," "County of a Town," or "Riding of a County," as the Case may be; the Expression "Summary Jurisdiction" shall be deemed to mean any Case as to which a Summary Conviction or Order may be made by a Justice or Justices out of Quarter Sessions; and "Summary Proceedings" shall mean any Proceedings in respect to such Case; the Word "Complaint" shall include "Information," and "Complainant" shall include "Informant" or "Prosecutor;" the Word "Order" shall include "Conviction;" the Words "Lord Lieutenant" shall include any other "Chief Governor or Governors of *Ireland*;" the Word "Quarter Sessions" shall include any General Sessions of the Peace for the County; the Word "Justice" shall mean "Justice of the Peace," and shall include the "Chief Magistrate" for the Time being or the "Borough Justices" of any Corporate Town; the Word "Constabulary" shall mean the Constabulary Force of *Ireland;* the Words "proper Officer of the Recorder's Court" shall mean the Town Clerk where there shall be a Town Clerk, and where there shall be no Town Clerk, the Person whose Duty it shall be to make Entries of the Proceedings; the Word "Month" shall mean "Calendar Month;" the Word "Gaol" shall include any "House of Correction" or "Bridewell," or other "Place" of Imprisonment of the County; the Word "Keeper of the Gaol" shall include "Bridewell Keeper," or the Keeper or Governor of any other Prison; the Word "Goods" shall include "Chattels;" and the Word "Oath" shall include "Affirmation" or "solemn Declaration," as the Case may be; and the References in this Act by Letters to the Forms to be used shall be to the Forms in the Schedule to this Act annexed.

Short Title of Act.

XLV. In citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Petty Sessions (*Ireland*) Act, 1851."

Commencement of Act.

XLVI. The First and Second Sections of this Act shall commence and take effect upon the passing of the Act, and the other Sections of the Act shall commence and take effect upon the First Day of *November* One thousand eight hundred and fifty-one.

Act to extend to Ireland only, and not to affect Queen's Bench Jurisdiction.

XLVII. This Act shall extend and be construed to extend to *Ireland* only, save and except the several Provisions herein-before contained respecting the backing and Execution of Warrants and the taking of Examinations; and nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of the Court of Queen's Bench in *Ireland*.

Schedule to be Part of Act.

XLVIII. The Schedule to this Act annexed shall be deemed to be Part of this Act.

SCHEDULE.

*** The Words in the Margin in *Italics*, or Words to the like Effect, are to be used according to the Circumstances of each Case.

FORMS (A.)—PROOFS.

(A a.) *Information.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

The Information of *A.B.* of *M.N.* who saith on his (1) that (2)

Taken before me, this Day of in the Year Eighteen hundred and fifty at in the said County.

Signed _____ Justice of said County.

(1) *Oath* or *Affirmation.*
(2) State CAUSE of COMPLAINT, with Time and Place.
Adding:—
For the Arrest of a Witness *And he further saith that X. Y. can give material Evidence, but is not likely to attend voluntarily;* or, *(and is keeping out of the way of personal Service of Summons)*; or, for Sureties for the Peace, *And he makes this Information for the Safety of his Person and Property, and not from Malice or Revenge against the said C.D.*

(A b.) *Deposition of a Witness.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

The Deposition of *X.Y.* of *M.N.*, taken in the Presence and Hearing of *C.D.*, who stands charged that (1)

The said Deponent saith on his (2) that (3)

(1) CAUSE of COMPLAINT, with Time and Place.
(2) *Oath* or *Affirmation.*
(3) DEPOSITION as nearly as possible in the Words of the Witness, and to be signed by him, if he will.

(A c.) *Statement of the Accused.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

A Charge having been made against *C.D.* before the undersigned Justice that (1)

and the said Charge having been read to the said *C.D.*, and the Witnesses for the Prosecution having been severally examined in his Presence, and the said *C.D.* having been first duly cautioned that he was not obliged to say anything, but that whatever he did say might be given in Evidence against him upon his Trial, saith as follows: (2)

Taken before me this Day of in the Year Eighteen hundred and fifty at in said County.

Signed _____ Justice of said County.

(1) CAUSE of COMPLAINT, with Time and Place.
(2) STATEMENT of Prisoner in his very Words, or as nearly so as possible, and to be signed by him, if he will.

*** In all Forms of Procedure the Name and Description of each Party is to be specified in like Manner and with the same Particulars as is required by this Act (Sect. XXXV.) as to any Party bound by a Recognizance.

* The Informant or Witness may be bound to prosecute or give Evidence by the following Form of Recognizance at Foot of his Information or Deposition:

And the said Informant (*or* Deponent) binds himself to attend at on the to prosecute (*or* to give Evidence) against the said *C.D.* for the said Offence, or otherwise to forfeit to the Crown the Sum of

Signed _____ Informant (*or* Deponent).

Taken before me this Day of in the Year Eighteen hundred and fifty at in the said County.

Signed _____ Justice of said County.

(A d.) *Solemn Declaration.*

_____ *Complainant.* } Petty Sessions District of_____
_____ *Defendant.* } County of_____

(1) MATTER of Declaration.

I *A.B.*, do solemnly and sincerely declare, That (1)

and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

Signed_____

Made and subscribed before me, this Day of
in the Year Eighteen hundred and

Signed_____Justice of said County.

FORMS (B.)—PROCESS TO ENFORCE APPEARANCE.

(B a.) *Summons.*

_____ *Complainant* } Petty Sessions District of_____
_____ *Defendant.* } County of_____

(1) CAUSE of COMPLAINT, with Time and Place.

Whereas a Complaint has been made to me that (1)

(2) Insert: *Defendant* or *Witness.*

This is to command you to appear as a (2) on the Hearing of said Complaint at on the Day of at o'Clock, before such Justices as shall be there.

Signed_____ Justice of said County,

This Day of 185 .

To_____ of_____

(B b.) *Warrant to arrest.*

_____ *Complainant.* } Petty Sessions District of_____
_____ *Defendant.* } County of_____

(1) CAUSE of COMPLAINT, with Time and Place.

Whereas a Complaint has been made on Oath and in Writing that (1)

and (2)

(2) If the Case be so, add—
For Defendant,
Whereas the said C. D. has neglected to appear in obedience to a Summons.
For Witness,
Whereas Oath has been made that X. Y. can give material Evidence, but will not attend voluntarily; or, *is purposely keeping out of the way of personal Service of a Summons.*
If after Indictment—
It has been certified to me that (state as in Certificate of Clerk of Crown or Peace).

(3) PERSON against whom Warrant is issued.

This is to command you to whom this Warrant is addressed to arrest the said
(3)_____
of_____
and to bring him before me or some other Justice of the County to answer to the said Complaint.

Signed_____Justice of said County,

This Day of 185 .

(4) ADDRESS.
"*The Sub-Inspector of Constabulary*," or Name of Person who is to execute the Warrant.

To (4)_____of_____

FORM (C.) RECOGNIZANCE (to appear, &c.)

_____ *Complainant.* } Petty Sessions District of_____
_____ *Defendant.* } County of_____

Whereas (1)

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation, viz., to (2)

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following, viz.;—The said principal Party the Sum of and the said Sureties the Sum of each in case the said principal Party fails to perform the above Obligation.

Signed { *M.N.*_____ Principal Party,
*O.P.*_____ } Sureties.
*Q.R.*_____ }

Taken before me this Day of at

Signed_____ Justice of said County.

I certify that the said *M.N.* has not performed the above Obligation. (3)

Signed_____ Justice (*or* Clerk of Peace, &c.)

This Day of 185 .

I order that the Sum of be levied off the Goods of the said *M.N.*, and the Sum of off the Goods of each of the said Sureties *O.P.* and *Q.R.* (4)

Signed_____ Justice of said County.

This Day of 185

(1) *In binding a Party, &c., state* CAUSE of COMPLAINT, with Time and Place:
In binding Petty Sessions Clerk or Pound Keeper, state Fact of his Appointment.

(2) OBLIGATION.
To attend (the Court of Assizes, or Quarter Sessions, or Petty Sessions,) at on the Day of at o'Clock, and there:—
To prefer (or prosecute, or give Evidence upon) a Bill of Indictment against the said C.D. for the said Offence;
or
To surrender himself to the Keeper of the Gaol at F., and plead to any Indictment found against him for said Offence, and take his Trial for the same;
or
To prosecute (or answer) to said Complaint;
or
To prosecute his Appeal against the Order made on the Day of upon the said Complaint, and not depart the Court without Leave;
or
To keep the Peace (and be of good Behaviour) towards all Her Majesty's Subjects, and particularly towards A. B. for the Space of
or
To perform faithfully and diligently the several Duties required of him as Petty Sessions Clerk under the Provisions of "The Petty Sessions Act, Ireland, 1851;"
or
To perform faithfully and diligently the several Duties required of him as Pound Keeper under the Provisions of "The Summary Jurisdiction Act, Ireland, 1851."

(3) FORFEITURE.

(4) ESTREAT.

FORM (D.)—ORDER BOOK.

County of——————.

Petty Sessions of——————.

Month of —— No. (for the Month.)	PARTIES, &c. Name of Case. —— *Compt.* v. ——*Deft.*	PARTIES, &c. Witnesses examined.	CAUSE OF COMPLAINT.	ORDER. Name, Description, and Residence of Person against whom Order is made.	1. SUMS AWARDED. To whom. *Crown* - *Complainant* *Costs* -	1. SUMS AWARDED. Amount to each. £ s. d.	1. SUMS AWARDED. When to be paid.	2. IMPRISONMENT. In what Event. *In addition*, or *In default of Payment* (or *of Distress*).	2. IMPRISONMENT. For what Period, and whether with or without Hard Labour.	3. SPECIAL ORDER. Ejectment.—*To be ejected from the Premises of—— in —— Days.* Dismissal.—*This Complaint to be dismissed on the Merits* (or *without Prejudice*) *with Costs to Defendant.* -	Act under which Order is made.	Signature of Justice.	Whether Sums paid in Court, or Warrant issued.

FORMS (E.)—WARRANTS.

(E a.) *Warrant of Execution (Summary Jurisdiction).*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

Whereas upon the Hearing of a Complaint that (1)

an Order was made on the Day of by the Justices present against the said
(2) _____
of _____
to the following Effect, viz.:—(3)

And whereas (4)

And whereas the said Order has not been complied with. This is to command you to whom this Warrant is addressed to execute the said Order against the said Person as follows:—(5)

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

The Sum levied to be paid to (6)

The Warrant to be returned in Days if not executed.

Signed _____ Justice of said County.
This Day of 185

To (7) _____ of _____

(1) CAUSE of COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

(2) PERSON against whom Order was made.

(3) ORDER.

Imprisonment in addition or default.
- Fine or Debt. *To pay for Fine (or Debt) the Sum of and for Costs the Sum of (forthwith), or (in Days).*
- *And also in addition, or And in default of Payment* (or *Distress*).
- Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

(4) RECITALS.

After Appeal. *The Court of Appeal decided on the Day of that* (Order).

No Distress. *He has* (or *admits that he has, or it has been returned to a Warrant of Distress that he has*) *no Goods.*

Distress ruinous. *A Distress would be ruinous to him* (or *to his Family*).

(5) EXECUTION.

Committal in addition or default.
- To distrain. *To levy said Sums by Distress and Sale of his Goods.*
- *And in addition, or And in default of Distress.*
- To commit. *To lodge him in the Gaol at F., to be imprisoned there for the Period of with* (or *without*) *Hard Labour (unless said Sums be sooner paid).*

To eject. *To enter and give Possession of said Premises to the Complainant or his Agent in Days.*

(6) PAYMENT.

In all Warrants to Constabulary insert "*Clerk of Petty Sessions.*" In all other Warrants insert Name of Person to whom Sum was ordered to be paid, if the Justices so think fit.

(7) ADDRESS.

"*The Sub-Inspector* (or *Head Constable*) *of Constabulary,*" or Name of Person who is to execute the Warrant.

(E b.) *Warrant to commit (or detain) for Trial, &c.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

Whereas a Complaint was made on the Day of on the Oath of *X. Y.* that (1)

and (2)

This is to command you to whom this Warrant is addressed to lodge the said (3) _____ of _____ in the Gaol at *F.*, there to be imprisoned by the Keeper of said Gaol, as follows :—(4)

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

Signed _____ Justice of said County.
This Day of

To (5) _____ of _____

(1) CAUSE of COMPLAINT, with Time and Place.

(2) RECITALS.
If Indictment found—
Whereas a Bill of Indictment has been found against the said C.D. for the said Offence.
Adjournments—
Whereas the Hearing of the said Complaint has been adjourned to the Day of . at .
Remands on Arrest—
Whereas the said C.D. has been brought before me under a Warrant of Arrest, and the said Complaint is to be heard on the Day of at .
Refractory Witness—
Whereas X. Y., a material Witness, has, without just Excuse, refused to make Oath as a Witness (or to answer certain Questions) (or to enter into Recognizance to give Evidence on the Trial of the said C.D.) in that Behalf.

(3) NAME of Person to be committed.

(4) PERIOD of Imprisonment.
For Trial—
Until his Trial for said Offence, and he shall be discharged by due Course of Law.
For Witness—
Until the Trial of the said C.D. unless he shall in the meantime enter into such Recognizance as required (or until the Day of unless he shall in the meantime consent to answer as required).
For Adjournments—
Until the above Time of Adjournment (or Hearing) when he shall have him at the above Place.

(5) ADDRESS.
"*The Sub-Inspector* (or *Head Constable*) *of Constabulary*," or Name of Person who is to execute the Warrant.

(E c.) *Warrant to convey before a Justice of another County.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

Whereas a Complaint was made that (6)

And whereas I have taken the Deposition of *X. Y.* as to the said Offence.
And whereas the other Witnesses reside in the County of
This is to command you to convey the said (7) _____ of _____ before some Justice of the last-mentioned County, near the above Place, and to deliver to him this Warrant and the said Deposition.

Signed _____ Justice of the first-mentioned County.
This Day of 185

To (8) _____ of _____

(6) CAUSE of COMPLAINT, with Time and Place.

(7) NAME of accused Person.

(8) ADDRESS.
"*The Sub-Inspector* (or *Head Constable*) *of Constabulary*," or Name of Person who is to execute the Warrant.

(E d.) *Warrant to discharge from Gaol.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

Whereas a Complaint was made that (1)

(1) CAUSE of COMPLAINT, with Time and Place.

and whereas the said
(2) _____
of _____
(3)

(2) NAME of Prisoner.

(3) RECITALS.
For Accused,
Was committed to take his Trial for said Offence, but has now duly entered into Recognizance to appear for that Purpose.
For Witness,
Was committed for refusing to enter into Recognizance to give Evidence on the Trial of C.D. for said Offence, but has now done so (or *and the said C. D. for Want of Evidence has not been bailed or committed*).

This is to command you to discharge the said Person so committed, unless he shall be in your Custody for some other Cause.

Signed _____ Justice of said County.
This Day of 185 .

(4) To the Keeper of the Gaol at _____

(4) ADDRESS.

(E e.) *Warrant to search.*

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

Whereas it appears on the Oath of *A.B.* of *M.N.*, that the following Articles of Property, viz. (1)

(1) DESCRIPTION of Articles stolen.

were stolen, and that there is Reason to suspect that the same is concealed in at

This is, therefore, to authorize and require you to enter in the Daytime into the said Premises, and to search for said Property, and to bring the same and the Persons in whose Possession the same may be found before me or some other Justice.

Signed _____ Justice of said County.
This Day of 185 .

(2) To _____ of _____

(2) ADDRESS.
"*The Sub-Inspector* (or *Head Constable*) *of Constabulary*," or Name of Person who is to execute the Warrant.

FORM (F.)—RECEIPT FOR PRISONER.

County of _____.

I hereby certify, that I have received from *A.B.* (1) of the Body of *C.D.*, together with a Warrant under the Hand of *J.S.*, Esq., Justice for the County of , and that the said Prisoner was (2) at the Time he was so delivered into my Custody.

(1) NAME, Rank, &c.

(2) "*sober*," or as the Case may be.

Signed _____
Keeper of the Gaol at
This Day of 185 .

FORMS (G.)—INDORSEMENTS ON WARRANTS.

RETURN of no Person or Goods.
(1) *The Person,*
or
Sufficient Goods of the Person.

(1) (G a) I certify that after diligent Search (and for the following Reasons):

against whom the within Warrant was issued, cannot be found.

Signed_____ { To whom this Warrant was delivered for Execution.

This Day of 185 .

CERTIFICATE of no Person or Goods.
(2) For Constabulary—*Certify.*
For Bailiff—*Make Oath.*
(3) *Is to be found,*
or,
Has Goods.

(G b) I (2) that I have Reason to believe that the Person against whom the within Warrant was issued (3)

at in the County of and that I believe the Signature to the within Warrant to be in the Handwriting of the said Justice.

Signed_____ { To whom this Warrant was delivered for Execution.

This Day of 185

To_____ of_____

BACKING by Inspector General or other Justice.
(4) For Commissioners of Police or Constabulary—*Certified.*
For Bailiff—*Proved on Oath.*
(5) In backing Warrant to arrest, add, if so intended—
and to bring the said Person before me or some other Justice of said County.

(G c) It being (4) to me as above, I hereby indorse the within Warrant for Execution in said County of_____ (5) (or Metropolitan District or other Place).

Signed_____
Inspector General (or Deputy, or Justice).

This Day of 185 .

To_____

FORM (H.)—APPEAL.

_____ *Complainant.* } Petty Sessions District of _____
_____ *Defendant.* } County of _____

I certify, that upon the hearing of a Complaint that (1)

(1) CAUSE of COMPLAINT, with Time and Place.

an Order was made on the Day of by the Justices present against the said
(2) _____
of _____
to the following Effect, viz. :—(3)

(2) PERSON against whom Order was made.

(3) ORDER.

Imprisonment in addition or default.
- Fine or Debt. *To pay the Sum of to the Crown, and the Sum of to the Complainant, with Costs (forthwith), or (in Days).*
- *And in addition, or*
- *And in default of Payment* (or *Distress*).
- Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*
Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Complainant for Costs.*

Signed _____
Justice of the said County.
This Day of 185 .

The Person against whom said Order was made hereby appeals against the same to the next Court of Quarter Sessions (or Recorder's Sessions) to be held at

Signed _____ Appellant.
This Day of 185 .

CERTIFICATE by Clerk of Petty Sessions.

I certify, that Notice of said Appeal was duly given.
And that the said Appellant has duly entered into a Recognizance to prosecute said Appeal.

Signed _____
Clerk of above Petty Sessions.
This Day of 185 .

CERTIFICATE by Clerk of Peace or Officer of Recorder's Court of Order made on Appeal.

I certify, that upon the hearing of said Appeal on the Day of the Court of Quarter Sessions (or Recorder) ordered that (state Order).

Signed _____
Clerk of the Peace (or Officer of the Recorder's Court).
This Day of 185 .

FORMS (I.)—CERTIFICATES.

(I a) *Certificate of Order.*

——— *Complainant.* } Petty Sessions District of———
——— *Defendant.* } County of———

(1) CAUSE of COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

I certify, that upon the hearing of a Complaint that (1)

(2) PERSON against whom Order was made.

an Order was made on the Day of by the Justices present against (2)
of
to the following Effect, viz.:—(3)

(3) ORDER.

Imprisonment in addition or default.
- Fine or Debt. *To pay for Fine* (or *Debt*) *the Sum of and for Costs the Sum of* (*forthwith*), or (*in Days*). *And in addition*, or *And in default of Payment* (or *Distress*).
- Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

Signed——— Justice of said County.
This Day of 185 .

(I b) *Of Indictment being found.*

County of———

(1) "*Court of Oyer and Terminer, and General Gaol Delivery,*" or *Court of Quarter Sessions.*

I hereby certify, that at the (1) held at in the said County on the Day of a Bill of Indictment was found by the Grand Jury against *C.D.*, therein described as *C.D.* of *N.*, for that on the Day of at (2)
and that the said *C.D.* has not appeared or pleaded to said Indictment.

(2) OFFENCE as in Indictment.

Dated this Day of
Signed,———
Clerk of Crown [*or* Peace],
This Day of 185 .

(I c) *Of Consent to Bail.*

Petty Sessions District of———
County of———

Whereas on the Day of *C.D.* was committed to the Gaol at charged with (3)

(3) OFFENCE.

I hereby consent to the said *C.D.* being bailed by Recognizance, himself in the Sum of and [Two] Sureties in the Sum of each.

Signed——— Justice of said County.
This Day of 185 .

CAP. XCIV.

An Act to define and amend the Mineral Customs of certain Parts of the Hundred of *High Peak* in the County of *Derby*, Part of the Possessions of Her Majesty's Duchy of *Lancaster*; to make Provision for the better Administration of Justice in the Barmote Courts therein; and to improve the Practice and Proceedings of the said Courts. [7th *August* 1851.]

'WHEREAS the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* is seised to Her and Her Heirs and Successors of and in the Hundred of *High Peak* in the County of *Derby*, and 'is entitled to the Mineral Duties in certain Parts of the Hundred of *High Peak*: And whereas within 'aid Hundred there is a District called the *King's Field*, otherwise the *King's Fee*, which consists 'of Seven smaller Liberties or Districts, to wit, *Castleton*, *Bradwell*, *Hucklow*, *Winster*, *Moniash*, '*Taddington*, and *Upper Haddon*: And whereas all the Subjects of this Realm have from Time 'immemorial had or claimed to have a Right to search for, sink, and dig Mines or Veins of Lead Ore 'within the *King's Field* aforesaid, subject to certain ancient Mineral Laws and Customs, and upon 'paying certain Duties to Her Majesty and Her Predecessors, and Her and Their Lessees for the Time 'being: And whereas for the Regulation of the said Mines, and for deciding Questions of Title and 'other Matters relating thereto, there have existed within the *King's Field* aforesaid certain Courts called 'the Great Barmote Court and the Small Barmote Court: And whereas the Mineral Laws and Customs 'of the *King's Field* aforesaid are uncertain and undefined, and are in many respects inapplicable to the 'present Mining Operations within the *King's Field* aforesaid: And whereas Doubts have arisen 'whether the Jurisdiction of the Barmote Courts extends over such Parts of the said Hundred of *High* '*Peak* within which Her said Majesty is entitled to the Mineral Duties, but which are not included in 'the *King's Field* aforesaid, although the same Rights of Mining are exercised therein: And whereas it 'is advisable that the said Mineral Laws and Customs should be revised, altered, and amended so as to 'be made applicable to the present State of Mining Operations within the said Hundred, and that the Juris-'diction of the said Great and Small Barmote Courts should be more clearly defined and settled: And 'whereas the Most Noble *William Spencer* Duke of *Devonshire* is the Lessee of the said Duties by Grant 'under the Seal of Her Majesty's Duchy of *Lancaster*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. That in citing this Act in other Acts of Parliament, and in legal Instruments, and on all other Occasions, it shall be sufficient to use the Expression "The *High Peak* Mining Customs and Mineral Courts Act, 1851," and that the Schedules to this Act shall be considered as forming Part thereof.

Interpretation Clause. II. That in construing this Act the following Words and Expressions shall have the Meaning hereby assigned to them, unless there be something in the Context of the Act repugnant to such Construction; that is to say,

The Word "Steward" shall mean Deputy Steward:

The Words "County Court" shall mean any County Court having Jurisdiction over any Part of the District over which the Barmote Courts have Jurisdiction by this Act:

The Word "Gift" shall mean the setting out by the Barmaster of any Ground in manner herein-after provided:

The Word "Founder" shall mean the Point at which a Vein of Ore shall be first found; and the Words "Founder Meers" shall mean the Two first Meers to be set out to the Finder under the Provisions of this Act:

The Words "Mine or Mines, Vein or Veins," shall mean a Mine or Mines, Vein or Veins, of Lead Ore, and shall include Parts of or Shares in any Mine or Vein as well as entire Mines and Veins, and all Minerals containing Lead Ore:

The Word "Ore" shall mean Lead Ore and Belland exclusively:

The Word "Barmaster" shall include Deputy Barmasters:

The Words "Mineral Property" shall include Mines and Veins of Lead, and Parts of or Shares in any such Mines or Veins, and the Works, Rights, and Appurtenances connected therewith, and also Lead Ore, and all Tools, Materials, Goods, Chattels, and Effects used in searching for, getting, cleansing, or preparing Lead Ore, whether such Tools, Materials, Goods, Chattels, or Effects be or be found in or upon any Mine or Works or elsewhere.

Steward. III. From and after the passing of this Act it shall be lawful for the Queen's most Excellent Majesty and Her Successors to nominate and appoint, from Time to Time, by Letters Patent under the Seal of the Duchy of *Lancaster*, a fit and proper Person, being a Barister-at-Law of Five Years standing, or a Member of One of the Inns of Court, who has practised as a Special Pleader for Ten Years, or an Attorney or Solicitor of some of the Superior Courts of Law or Equity at *Westminster* of Seven Years standing, to be and to be called the Steward of the *High Peak* Barmote Courts, and such Steward shall hold his Office during the Will and Pleasure of Her Majesty and Her Successors.

Steward may appoint a Deputy. IV. It shall be lawful for the Steward to appoint from Time to Time a Deputy Steward qualified to be appointed Steward of the said Court, to act for him at any Time when he shall be prevented by Illness or unavoidable Absence from acting in such Office, and to remove such Deputy at his Pleasure, and such Deputy while acting under such Appointment shall have the like Powers and Privileges, and be subject to the

the like Provisions, Duties, and Penalties for Misbehaviour, as if he were the Steward of the Court for the Time being.

Duties of Steward.

V. The Duties of the said Steward shall be to receive and enter Plaints in a Book to be kept by him for that Purpose, which may be in the Form comprised in the Second Schedule to this Act; to issue Summonses to hold and preside at the Great and Small Barmote Courts; to issue Precepts under his Hand to the Barmaster for summoning the Attendance of the Grand Jury on Views and at the Great Barmote Courts, and also Precepts to the Barmaster for summoning and empannelling Jurors for the Trials of Causes at the Small Barmote Courts; to administer Oaths to the Barmaster, Deputy Barmaster, Jurors, Witnesses, or other Persons (at and out of the Great and Small Barmote Courts); to preside as Judge on the Trial of Causes at the Small Barmote Courts); to tax Costs in all Cases where by this Act Costs are or may be given; to attend and preside at Views; to sign and issue Subpœnas for the summoning of Witnesses and the Process of the Courts, both mesne and final, and all Rules and Orders of the Courts, and Warrants for enforcing the Judgments of the Courts, and levying Penalties; to make Returns to Writs of Certiorari; to advise the Barmasters and Grand Juries and other Juries upon Matters of Law, and all other Matters connected with their respective Duties; to affix the Seal of the Barmote Courts to such Documents as require the same; to hear and determine Applications to the Courts which do not require the Intervention of a Jury, and to make Orders thereon, upon such Terms as to the Payment of Costs by either Party or otherwise as may to him seem just; to keep the Verdicts, Judgments, Books, and Proceedings of the Great and Small Barmote Courts, and the Seal of the said Courts, and also all Books and Accounts hereinafter provided to be kept and delivered to the Steward by the Barmaster, safe and in good Condition, and to deliver up the same to Her Majesty and Her Successors whenever required; and generally to do and perform such other Acts and Duties as are in this Act mentioned as Acts and Duties to be performed by the Steward.

Courts to be held.

VI. Two Great Barmote Courts shall be held every Year, One on the First *Tuesday* in the Month of *April*, and the other on the First *Tuesday* in the Month of *October*, but if the First *Tuesday* in *April* be in Passion Week or *Easter Tuesday*, or a Day appointed for a Public Fast or Thanksgiving, then such Court shall be held on the *Tuesday* next after, instead of being holden on such First *Tuesday;* and Small Barmote Courts shall be held from Time to Time as Occasion shall require, but not on the Days appointed for the holding of the Great Barmote Courts; the Great Barmote Courts shall be held at *Monyash* in the County of *Derby*, and the Small Barmote Courts at any Place within the Jurisdiction of the said Courts which may be appointed by the Steward, which Place may be varied at any Time or from Time to Time.

Business at Barmote Courts.

VII. The Matters to be transacted at the Great Barmote Courts shall be the swearing in of the Grand Jury, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Great Barmote Courts; and the Matters to be transacted at the Small Barmote Courts shall be the Trial of Actions of Title, Trespass, and Debt, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Small Barmote Courts.

Seal of the Courts.

VIII. There shall be a Seal or Stamp provided by the Steward, with the Words "The Seal of the *High Peak* Barmote Courts" thereon, and all Proceedings in the Great and Small Barmote Courts which are required to be signed by the Steward shall be sealed or stamped therewith.

Barmasters:

IX. It shall be lawful for Her Majesty and Her Successors to appoint during Pleasure only (by Letters Patent under Seal of the Duchy of *Lancaster*) a fit and proper Person to serve the Office of Barmaster of the District within the Jurisdiction of the Barmote Courts, and to be called the Barmaster of the *High Peak;* and the Barmaster for the Time being may (with the Consent in Writing of the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee then with the Consent in Writing of Her Majesty or Her Successors, or of the Chancellor for the Time being of the Duchy of *Lancaster*,) nominate Seven fit and proper Persons to serve the Office of Deputy Barmaster, One for each of the Seven smaller Liberties or Districts aforesaid; and the Deputy Barmaster for the Time being of the Liberty or District of *Castleton* shall be also the Deputy Barmaster for such Part of the Hundred of *High Peak* aforesaid as is now vested in Her Majesty in right of Her Duchy of *Lancaster*, but is not within the *King's Field;* and such Deputy Barmasters shall respectively continue in Office during the Continuance in Office of the Barmaster by whom they were appointed, or until they shall be removed as herein-after mentioned: Provided always, that the Barmaster may, with such Consent as aforesaid, appoint the same Person to act as Deputy Barmaster for any Two or more of the said smaller Liberties.

Not answerable for Deputies.

X. The Barmaster shall not be answerable for the Acts of the Deputy Barmasters.

Removal of Deputy Barmasters.

XI. It shall be lawful for the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee then for the Chancellor for the Time being of the Duchy of *Lancaster*, to remove any Deputy Barmaster from his Office at the Pleasure of such Lessee and Chancellor respectively.

Barmasters to take Oath.

XII. The Barmaster and Deputy Barmasters respectively may act as such without being sworn, but shall, before or at the Great Barmote Court next after their respective Appointments, be respectively sworn well and truly to serve the Office to which they are appointed, or such Appointment shall be void.

Duties of Head Barmaster.

XIII. The Duties of the Barmaster shall be to execute all such Precepts and Warrants as shall be directed to him, and signed by the Steward and sealed with the said Seal, to attend on Views with the Steward and Deputy Barmaster of the District in which the Mine to be viewed is situate, and where there is no Deputy appointed for any District, to perform all the Duties of the Office of Deputy of such District until a Deputy is appointed, and generally to do and perform such other Acts and Duties as are in this Act mentioned as being Acts or Duties to be done or performed by the Barmaster.

XIV. The

Duties of Deputy Barmasters.

XIV. The Duties of the Deputy Barmasters, whether the Barmaster be absent or present, shall be, to serve Summonses in Actions in the Small Barmote Court relating to Mineral Property within their respective Districts; to serve Summonses on Jurors within their respective Districts; to attend Views on Mines within their respective Districts; to collect the Dues payable within their respective Districts to Her Majesty and Her Successors, or to Her or Their Lessee for the Time being, and to keep Accounts of such Dues; to keep a Book, and make therein written Entries and Particulars of all Meers of Ground which shall be measured and set out by them under the Provisions of this Act, and also of all Transfers of Mines which may be made as herein-after provided, and also of all Freeings and other Matters connected with the Mines within their respective Districts; to sign such Book, and to deliver the same half-yearly, together with a fair Copy of the aforesaid Accounts and Entries, also signed by them respectively, each such half-yearly Account to end with the Twenty-fifth of *March* or Twenty-ninth of *September*, to the Steward at the Great Barmote Court next after the Day to which such Accounts shall be made up, or, with the Consent of the Steward, at any Adjournment of the said Court, to produce any such Book, and to make and deliver other fair Copies of the aforesaid Accounts at any other Time, upon Demand being made by the Steward for the Production of any such Book, or for any such Copy; and (in all other Cases in which the Barmaster shall not be present and choose to perform such Duties in Person) to perform within their respective Districts all such Duties as are in this Act mentioned as forming Part of the Duties or Business of the Barmaster, and generally to assist the Barmaster, when required by him so to do, in any other Matters forming Part of or connected with the Duties of Barmaster, whether in their own Districts or elsewhere within the Jurisdiction of the Barmote Courts.

Courts to be Courts of Record.

XV. The Great Barmote Court and the Small Barmote Court shall be Courts of Record, and the Steward shall be Judge of each of them, and may out of Court do all such Acts of the Courts respectively as do not require the Presence of a Jury.

Jurisdiction and Customs.

XVI. The Jurisdiction of the said Great and Small Barmote Courts and of this Act shall be held to extend over the whole of the before-mentioned District called the *King's Field*, and also over all the Parts of the Hundred of *High Peak* aforesaid in which Her Majesty in right of Her Duchy of *Lancaster* is entitled to the Mineral Duties, and the Mineral Laws and Customs of that Part of the said Hundred over which the Jurisdiction of the said Great and Small Barmote Courts is hereby declared to extend shall be such as are mentioned and comprised in this Act, and no other alleged Custom or Practice shall be valid.

Practice of Courts.

XVII. The Steward may in any Case, and upon such Terms as to the Payment of Costs by either Party or otherwise as to him shall seem just, make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Action, and also may from Time to Time adjourn any Great or Small Barmote Court, or the Hearing or further Hearing of any Cause or other Proceeding in the said Courts or either of them, or before the Steward, in such Manner as to the Steward may seem fit, and when any Court is adjourned, the Grand Jurymen and other Jurymen who shall have been summoned to such Court shall attend at the adjourned Court without any further summoning, and shall be liable to the same Penalties for not attending at an adjourned Court as for not attending upon a Summons: Provided always, that the further Hearing of any Cause or other Proceeding of which the Hearing shall have been commenced, and in which any Evidence shall have been given, shall not be adjourned for any longer Period than until the Day next after that on which the Adjournment takes place, or if such next Day be *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, then until the Day next but One after that on which the Adjournment takes place.

Examination of Parties.

XVIII. On the Hearing or Trial of any Action, or on any other Proceeding under this Act, the Parties thereto, their Wives, and all other Persons, may be examined upon Oath or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, such Oath or Affirmation to be administered by the Steward.

False Evidence Perjury.

XIX. Every Person who in any Examination upon Oath or solemn Affirmation before the said Steward shall wilfully and corruptly give false Evidence shall be deemed guilty of Perjury, and shall be liable to be indicted and subject to the same Punishments as may be imposed on Persons guilty of Perjury in any of the Superior Courts of *Westminster*.

Penalty for refusing to give Evidence.

XX. If any Person appearing as a Witness shall refuse to give Evidence or to answer any lawful Question, it shall be lawful for the Steward to impose upon any such Person such Penalty not exceeding Ten Pounds as the said Steward shall think fit.

Penalty for insulting Steward or Disturbance.

XXI. If any Person shall wilfully insult the Steward or either of the said Courts, or create any Disturbance during the Sitting of any Great or Small Barmote Court, or at any View, or shall insult or obstruct the Barmaster at any Time when in the Execution of his Office, it shall be lawful for the said Steward to impose upon any such Person such Penalty not exceeding Ten Pounds as the said Steward shall think fit, and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid.

Grand Jury.

XXII. From and after the passing of this Act the Grand Jury shall consist of Twelve Men only, who shall be selected by the Barmaster from amongst Persons resident within the Jurisdiction of the said Great and Small Barmote Courts, and as far as conveniently can be done it shall be the Duty of the Barmaster to select Persons experienced in practical Mining, but a Want of such Experience shall be no Ground of Objection to any Person serving on the Grand Jury if summoned so to do, nor of Exemption from such Service; and the Grand Jury shall be composed in manner herein-after stated, that is to say, of One Man from the Liberty of *Castleton*, of Two Men from the Liberty of *Bradwell*, of Two Men from the Liberty of *Hucklow*, of Two Men from the Liberty of *Winster*, of Two Men from the Liberty of *Monyash*,

Monyash, of One Man from the Liberty of *Taddington*, of One Man from the Liberty of *Upper Haddon*, and of One Man from such Parts within the Jurisdiction of the said Great and Small Barmote Courts as are not within any of the aforesaid Liberties; and at the Second Great Barmote Court which shall be held after the passing of this Act Six of the Grand Jury, to be determined by Lot, shall be discharged and Six new Grand Jurymen substituted, and at every subsequent Great Barmote Court Six of the Grand Jury, being those who have been longest in Office, shall be discharged and Six new Grand Jurymen shall be substituted in their Stead, so that every Member of the Grand Jury shall serve for a Period extending over the holding of Two Great Barmote Courts; and no Person shall be compellable to serve on the Grand Jury oftener than once in Three Years; and as often as any of the Grand Jury shall die or become incompetent to act, the Barmaster shall select another Person in his Place, without waiting for the holding of a Great Barmote Court, and every Member of the Grand Jury shall be sworn in by the Steward as soon as conveniently may be, either at a Great or Small Barmote Court, or out of Court, as may be most convenient, but every such Member shall be competent to act immediately upon his Appointment as One of the Grand Jury, without waiting for being sworn as aforesaid.

Duties of Grand Jury.

XXIII. The Duties to be performed by the Grand Jury may in Cases where no other Provision is made by this Act be performed by any Eight of the Body, and such Duties shall be to attend at the Great Barmote Courts, and at any other Time upon the Summons of the Barmaster or of any Deputy Barmaster, such Summons to be delivered to all the Members of the Grand Jury, or to be left at their respective last or usual Places of Abode, at least Three Days before the Day on which their Attendance is required to go down into any Mine, Vein, or Mineral Works, and view the same, and give their Opinion on such Matters as are required of them in any Bill of Directions or Cross Bill delivered to them, and generally to do and perform all such Acts and Duties as are in this Act mentioned as being Acts to be done or Duties to be performed by the Grand Jury.

Small Barmote Courts.

XXIV. The Steward shall, upon the entering of any Plaint, cause a Summons to be issued, and shall, on a Day to be mentioned in such Summons, and within One Calendar Month after the entering of the Plaint, hold a Small Barmote Court for the Trial of the Cause; and the Plaintiff and Defendant, or their respective Attornies or Agents, shall appear at the Time and Place appointed for the Trial, and the Steward shall proceed in a summary Way to try the Cause, leaving all Matters of Fact in issue in the Cause to be determined by the Jury sworn for the Trial, and shall give Judgment, and the Judgment of the Court shall be enforced by Warrant to be issued under the Hand of the Steward and the Seal of the Barmote Courts, and the Defendant shall be allowed to give Evidence of any special Matter of Defence.

Service of Summons.

XXV. The Summons shall be served upon the Defendant by the Barmaster Fourteen clear Days at least before the Day appointed for the Trial, by leaving such Summons at the usual or last Place of Abode of such Defendant, and by affixing a Copy thereof on some conspicuous Part of the Mine to which the Question of Title, Trespass, or Debt to be tried has Reference; and upon Proof of the Service of such Summons the Plaintiff shall be at liberty, if the Defendant do not appear, to proceed to Trial, and if the Steward shall think that he is entitled to recover he shall have Judgment: Provided always, that in Cases where there are more Defendants than One, Service on One of such Defendants shall be deemed sufficient.

Proviso in case Defendant shall refuse to appear or plead.

Proviso in case Plaintiff shall not proceed in the Action.

XXVI. If the Plaintiff in any Action of Title, Trespass, or Debt shall not proceed to Trial at the Time and Place appointed, the Steward shall cause Judgment as in case of Nonsuit to be entered for the Defendant in such Action.

New Trials.

XXVII. The Steward may grant new Trials, and set aside Judgments and other Proceedings, and may stay Proceedings, and in so doing he is hereby directed to act as far as may be on the same Principles as are acted upon in similar Cases by the Superior Courts at *Westminster*.

Costs.

XXVIII. The Party who has Judgment in his Favour, in whatever Way such Judgment may be obtained, shall by the same Judgment recover his Costs of Suit or Defence, as the Case may be.

Appeal.

XXIX. It shall be lawful for the Court of Queen's Bench at *Westminster*, or for any Judge of any of the Superior Courts at *Westminster*, on the Application of either Plaintiff or Defendant in an Action in the Small Barmote Court, either before or after Trial, on Cause shown by Affidavit to the Satisfaction of such Court or Judge that an impartial or satisfactory Trial cannot be or has not been had in such Barmote Court, or for any other Cause which to such Court or Judge shall seem reasonable, to allow a Certiorari to be issued out of the said Court of Queen's Bench for removing all Proceedings which may have been had in such Action into the said Court of Queen's Bench.

Pleadings not to be repeated.

XXX. When a Cause is so removed the Pleadings in the Court below shall stand and need not be repeated in the Queen's Bench, and shall be of the same Effect there as in the Court below, and if the Pleadings are not complete in the Court below the same Pleadings shall be adopted and with the like Effect in the Queen's Bench as might have been adopted in the Court below, and the Queen's Bench shall give the same Judgment as it shall to the said Court appear ought to have been given if the Cause had been determined in the Court below, and the Queen's Bench or any Judge of One of the Superior Courts may otherwise deal with the said Causes when removed, and make such Rules and Orders in or relating to the same, as to them or him may seem just; and all Rules or Orders made by any such Judge shall be liable to be enforced, set aside, or varied by the Queen's Bench in the same Way as Judges Orders may ordinarily be enforced, set aside, or varied; and when Judgment is given in the Queen's Bench, a Copy of such Judgment, signed by One of the Masters of the Court, may be lodged with the Steward, and shall thereupon become a Record of the Court below from which the Cause was removed, and shall and may be enforced by the last-mentioned Court in the same Way as if the Judgment had been given by such Court and the Cause had never been removed.

XXXI. Every

Service of Subpœnas on Witnesses good in any Part of England.

XXXI. Every Subpœna to attend and give Evidence upon any Trial in the Small Barmote Court, if served personally upon the Person required to give Evidence in any Part of *England* or *Wales* Seven clear Days at the least before the Day fixed for the holding the Court at which such Trial is to be had, shall be as valid and effectual in Law, and shall entitle the Party suing out such Subpœna to all and the like Remedies by Action, as if the same had been issued out of the Court of Queen's Bench at *Westminster* in any Cause depending in that Court; and in case the Person served shall not appear as required by the said Subpœna, it shall be lawful for the said Steward, upon Oath or Affirmation taken in open Court of the personal Service of such Subpœna, and of the Tender to the Person so served at the Time of such Service of a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, to give to the Party complaining of such Default a Certificate of such Default under the Hand and Seal of the said Steward, and the Party complaining of such Default having obtained such Certificate may apply to the Court of Queen's Bench at *Westminster*, and the said last-mentioned Court shall thereupon (if it seems to them just to do so) proceed by Attachment or otherwise, according to the Course and Practice of the same Court, against the Person so having made default, in like Manner as the same Court might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna issued to compel the Attendance of Witnesses out of such last-mentioned Court, but such Certificate shall not be conclusive either of the due Service of the Subpœna or of the same having been disobeyed, or of any other Matter.

Execution may be issued against Mineral Property, and the same sold by the Barmaster.

XXXII. Where a Plaintiff obtains Judgment in an Action of Title, and the Defendant shall refuse for the Space of Three Days next after the Day on which Judgment is given to deliver Possession to the Plaintiff, it shall be lawful for the Plaintiff to apply to the Steward, and the Steward shall thereupon issue a Warrant in the Form herein-after mentioned, and the Barmaster shall forthwith execute such Warrant and deliver Possession accordingly: Provided always, that no Entry or Seizure under any such Warrant, or under the Warrant next herein-after mentioned, shall be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or on any Day appointed for a Public Fast or Thanksgiving, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; and where a Defendant shall for the Space of Three Days after the Day when the Judgment is given or Order made omit to pay any Debt or Damages recovered or awarded to be paid by any Judgment of the Small Barmote Court, or where either Plaintiff or Defendant shall for the Space of Three Days omit to pay any Money or Costs recovered or awarded to be paid by any such Judgment or by any Order made by the Steward, or where any Person shall omit to pay any Penalty imposed by the Steward under the Authority of this Act within the Time appointed by the Steward for Payment thereof, it shall be lawful for the Steward and he is hereby required, upon the Application of the Party in whose Favour or for whose Benefit such Judgment or Order shall have been given or made, or in the Case of a Penalty at his own Discretion, to issue a Warrant in the Form herein-after mentioned, and the Barmaster shall thereupon forthwith take possession of any Mineral Property within the Jurisdiction of the said Barmote Courts which shall belong to the Party so omitting to pay such Debt or Damages, or Money or Costs, or Penalty, and shall sell the same either by Ticket or by Public Auction, or so much thereof as may be necessary to raise the Sum mentioned in such Warrant, and the Fees and Expenses allowed by this Act for executing the same, and shall return any surplus Monies arising from such Sale that may remain, after paying such Debt or Damages, or Money or Costs, or Penalty, and Fees and Expenses as aforesaid, to the Defaulter; and if the Party against whom the Warrant issues has, before the issuing of such Warrant, in fact paid the Debt, Damages, Money, Costs, or Penalty, or any Part thereof, and the Warrant issues for too much, the Steward shall not therefore be liable to any Action, except in Cases where he issues the Warrant of his own Motion and with Knowledge of the Payment, but the Party who sues out the Warrant, or the Steward if he issues it of his own Motion, and with such Knowledge as aforesaid, shall be alone responsible in such Cases for the improper issuing of the Warrant, and for what is done thereunder; and in case the Person against whose Mineral Property such Warrant shall have been issued shall not have any Mineral Property within the Jurisdiction of the said Barmote Courts, or not sufficient to answer the Amount mentioned in such Warrant, after deducting such Fees and Expenses as aforesaid, it shall be lawful for the Person who shall have obtained such Judgment or Order, or in case of a Penalty for the Steward, to recover the Amount or Deficiency by Action of Debt in the County Court, if the Amount of the Debt or Deficiency shall not exceed Fifty Pounds, otherwise in any Superior Court at *Westminster*; and the Certificate of the said Steward of the Amount of the Debt or Damages, or Money or Costs, or Penalty, or of the Proportion thereof, which has not been recovered under such Warrant, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned to be not recovered was due and unpaid at the Date of such Certificate; and the Count in the Declaration in any such Action in One of the Superior Courts may be simply to the Effect that the Defendant was indebted to the Plaintiff in a Sum, naming it, by virtue of this Act, and of a Certificate thereunder granted by the Steward of the Barmote Courts of the *High Peak*, which Sum the Defendant had not paid.

Warrants and Executions to be returned to Steward's Office.

XXXIII. All Warrants issued by the Steward shall be in force for One Calendar Month from the Date thereof, and shall be returned by the Barmaster to the Steward within Six Weeks from the Date thereof, with a Memorandum or Return endorsed thereon, and signed by the Barmaster, stating when it was executed, or if from any Cause the Barmaster shall have been unable to execute it, then stating why it has not been executed, and in the latter Case the Warrant may be renewed and Returns made from Time to Time until it is executed, and every renewed Warrant shall be in force for One Calendar Month from the Date thereof; and every Return to a renewed Warrant shall be made within Six Weeks after the re-issuing

re-issuing of the Warrant, but the Omission to return any such Warrant shall not make any one a Trespasser for having obeyed the same, nor shall it be necessary to state or prove any such Return in order to justify anything done in obedience to the same.

Jurors at Small Barmote Courts.

XXXIV. The Barmaster, with the Assistance of his Deputies, shall every Year make out in Writing a List of not less than Forty-eight Owners or Maintainers of Mines situate within the Jurisdiction of the Barmote Courts, not being Members of the Grand Jury for the Time being, but being resident within the County of *Derby*, and fix the same upon the Door of the Court where the *April* Great Barmote Court is held, and shall afterwards copy such List into a Book, to be called the Jury Book, and to be kept by him, and One Week before any Small Barmote Court the Barmaster shall cause to be summoned Twenty-four Persons named in the said Book to attend at the Time and Place appointed for holding the said Small Barmote Court; and every such Summons shall be in the Form or to the Effect given in the Schedule hereto, and shall be served either personally on such Person, or by leaving it at his usual or last known Place of Abode; and no Person shall be summoned oftener than once in Three Years, unless there shall be a Deficiency in the Number of Jurors, so that a Jury could not be formed without summoning Jurors who have served within Three Years, but no Proceeding shall be held void on the Ground that a Person served on the Jury who was not liable to be summoned.

Ballot and Challenge of Jurors.

XXXV. The Barmaster shall make a List of the Jurors so summoned, together with their Places of Abode and Conditions, and shall permit such List to be inspected by the Plaintiff and Defendant, if they shall require it, and the Barmaster shall cause the Names of the Jurors to be written severally on Slips of Paper and put into a Box, and the Names shall be drawn out of the Box by the Barmaster, and each Party may, until no more than Twelve remain, object to any Person whose Name is drawn out, without assigning any Cause, but so that not more than Six such Objections be made by either Party, and if any Objection is made to the Twelve so remaining it must be stated to, and the Validity or Invalidity thereof decided upon by, the Steward, and the Twelve first Persons to whom no Objection has been made shall be the Jury to be sworn for the Trial; and any Person against whom an Objection has been made and disallowed by the Steward shall be considered as a Person against whom no Objection has been made; and if after drawing out the Names of all the Jurors there shall not appear to be Twelve Persons against whom no Objection has been made, then the Names of all the Jurors against whom Objections have been made shall be returned to the Box, and drawn again, without any further Objection being allowed to any of them, until a sufficient Number be drawn to make a Jury of Twelve, and such Jury of Twelve shall be the Jury to be sworn for the Trial to take place at such Small Barmote Court; and the Jury so drawn as aforesaid shall be sworn by the Steward, and shall hear the Evidence of the Witnesses in the Cause, and shall be required to give an unanimous Verdict or Verdicts upon all Matters of Fact at issue in such Trial, which Matters of Fact shall be submitted by the Steward to the Jury for their Determination.

Provision in case of more than One Cause.

XXXVI. If there shall be more than One Cause to be tried at any Small Barmote Court, the Jury sworn for the Trial of the First Cause may and shall, with the Consent of the Parties to the Second or other subsequent Causes, be sworn for and be the Jury for the Trial of such Second and subsequent Causes: Provided always, that any Party to such Second or subsequent Causes, or the Steward, may require a fresh Jury to be drawn.

Penalty on Jurors for Non-attendance.

XXXVII. If any Person liable to serve as a Juryman in the Small Barmote Court shall have been duly summoned to attend as a Juror, and shall not attend in pursuance of such Summons, or being thrice called in Court shall not answer to his Name, or if any such Person being present in Court after having been called shall not duly appear, or, after his Appearance, shall wilfully withdraw himself from the Presence of the said Court, or shall refuse to act as a Juryman, it shall be lawful for the said Steward to impose such Penalty, not exceeding Ten Pounds, upon every such Person so making default as to the said Steward shall seem meet, unless some reasonable Excuse shall be given to the Satisfaction of the said Steward, and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid; and if such Penalty shall not be paid within the Time ordered by the said Steward, it shall be lawful for the said Steward to issue his Warrant in the Form herein-after mentioned for the levying thereof, with all the Costs and Charges attending such levying; and such Penalty may be imposed in the Absence of the Party making default, and without calling on him to show Cause why it should not be imposed; and it shall be no Objection to the Execution of such Warrant that the Party had no Notice of such Penalty, but if any Person shall think himself aggrieved by the Imposition of such Penalty or the Execution of such Warrant, the Steward may grant him such Relief as to the Steward may seem just.

Penalty on Grand Jurors for Non attendance.

XXXVIII. If any Person liable to act as a Grand Juryman shall have been duly summoned to attend at the Great Barmote Court, or on any other Occasion on which the Grand Jury are by this Act required to attend, and shall not attend in pursuance of such Summons, or being called shall not answer to his Name, or if any such Person being present after having been called shall not duly appear, or after his Appearance shall wilfully withdraw himself, or shall refuse to act on the Grand Jury, or to perform the Duties required of him, it shall be lawful for the said Steward to impose such Penalty, not exceeding Ten Pounds, upon every such Person so making default, as to the said Steward shall seem meet, unless some reasonable Excuse shall be given to the Satisfaction of the said Steward, and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid; and if such Penalty shall not be paid within the Time ordered by the said Steward, it shall be lawful for the said Steward to issue his Warrant in the Form herein-after mentioned for the levying thereof, with all the Costs and Charges attending such levying; and such Penalty may be imposed in the Absence of the Party making default, and without calling on him to show Cause why it should not be imposed; and it shall be no Objection to the

the Execution of such Warrant that the Party had no Notice of such Penalty; but if any Person shall think himself aggrieved by the Imposition of such Penalty or the Execution of such Warrant, the Steward may grant him such Relief as to the Steward may seem just.

Exemption from serving on Jury.

XXXIX. All Persons for the Time being exempted by Law from serving on Juries shall be exempt from serving either on the Grand Jury or on any Jury for the Trial of Causes in the Small Barmote Court, notwithstanding such Persons may in other respects be qualified to serve on such Grand Jury, or on any Jury for the Trial of Causes as aforesaid.

Subpœnas.

XL. The Parties to the Suit or any other Proceeding under this Act may obtain at or from the Office of the Steward Subpœnas to compel the Attendance of Witnesses, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Subpœna any Number of Names may be inserted, and such Subpœnas shall be served upon the Witnesses in like Manner as Subpœnas issuing out of the Superior Courts at *Westminster*.

Execution may be superseded.

XLI. If the Party against whom an Execution shall be issued shall, before an actual Sale of the Property seized, pay or cause to be paid or tendered unto the Barmaster the Sum or Sums of Money ordered to be levied, or such Part thereof as the Person entitled thereto shall agree to accept in full of his Debt or Damages and Costs, together with the Fees hereby allowed, the Execution shall be superseded, and the Property of the said Party shall be discharged and set at liberty.

Barmaster not to be liable.

XLII. No Barmaster or Deputy Barmaster, and no Person acting at the Request and in aid of any Barmaster or Deputy Barmaster, shall be liable to any Action for anything done or authorized by such Barmaster or Deputy Barmaster in obedience or necessary for Obedience to any Writ, Precept, Warrant, or Process signed by the Steward and sealed with the said Seal, although the same be void or irregular or an Excess of Jurisdiction, nor shall any Act done by any such Barmaster, Deputy Barmaster, or other Person, while acting under any such Writ, Precept, Warrant, or Process, make him a Trespasser *ab initio*, though it be not in obedience or not necessary for Obedience to such Writ, Precept, Warrant, or Process, but the Party committing such last-mentioned Act shall be liable to an Action for the same if it be illegal.

Steward not to be liable.

XLIII. The Steward shall not be liable to any Action for anything done in obedience or necessary for Obedience to any Writ, Warrant, Precept, or Process signed by him, and sealed with the said Seal, if such Writ, Warrant, Precept, or Process be not an Excess of his Jurisdiction.

Register of Summonses, &c.

XLIV. The Steward shall carefully preserve the Books and Accounts mentioned in the Fifth and Fourteenth Sections, and shall also cause a Register of all Summonses, Subpœnas, Orders, Judgments, Warrants, Executions, and Returns thereto, and of all Penalties, and of all other Proceedings of the Great and Small Barmote Courts, and of all Bills of Directions, Cross Bills of Directions, Opinions of the Grand Jury, and other Proceedings on Views, to be fairly entered from Time to Time in a Book belonging to the Courts which shall be kept at the Office of the Steward; and such Entries in the said Book, or Copies thereof or of any of them, and also Copies of the Entries in the Books and Accounts mentioned in the Fifth and Fourteenth Sections, or of any Part thereof, and also Copies of the new or additional Customs, Articles, Rules, and Orders mentioned in the Fifty-sixth Section, purporting to bear the Seal of the Court, and purporting to be signed and certified as a true Copy by the Steward, which Copies the Steward is hereby required to furnish to all Persons requiring the same, upon Payment of the Fees herein-after specified, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, Articles, Rules, and Orders, and of the Proceedings referred to by such Entry, and of the Regularity of such Proceeding, without any further Proof.

Documents to be open to Inspection.

XLV. All Persons shall be at liberty, at convenient Times in the Daytime, to search and examine all Documents in the Custody of the Steward by virtue of this Act, upon Payment of the Fees herein-after specified.

Interpleader Clause.

XLVI. If any Claim shall be made to or in respect of any Mineral Property taken in Execution under the Process of any Great or Small Barmote Court, or in respect of the Proceeds or Value thereof, by any Person not being the Party against whom such Process has issued, it shall be lawful for the Steward, upon the Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to appoint and hold a Small Barmote Court, and to issue a Summons calling before the said Court as well the Party issuing such Process as the Party making such Claim; and upon the issuing of such Summons any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or any Local or Inferior Court, in respect of such Claim, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, or, if the Action be in any Superior Court at *Westminster*, any Judge of any of the other Superior Courts, on Proof of the Issue of such Summons, and that such Mineral Property was so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons by the Steward; and if either of the Parties so summoned appear, the Steward shall, whether the other Party appear or not, adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings before him, and of the Proceedings in the Action prior to such Summons, and of the Payment of Compensation to any Party by any other Party, as to him shall seem fit; and such Order, so far as the same may be for Payment of Money or Costs, shall be enforced in like Manner as any Order made in any Suit brought in the Small Barmote Court, and, so far as such Order be not for the Payment of Money or Costs, Disobedience to the same may be punished in manner following; that is to say, any Person considering himself aggrieved by such Disobedience may complain to the Steward, who may thereupon summon the disobedient Party before him,

him, and may, if he thinks the Complaint proved, and whether the Party complained of shall appear or not, order the Party complained of to pay to the complaining Party such Sum of Money as he may think a sufficient Compensation, with or without the Costs of the Application, at his Discretion, and if he thinks the Complaint not proved he may make an Order dismissing the same Complaint, with or without Costs, at his Discretion, and the Order which the Steward shall make in the Premises may also be enforced in like Manner as any Order made in the Small Barmote Court.

Penalties.

XLVII. All Penalties imposed by virtue of this Act (except the Penalties imposed upon the Barmaster, and which are otherwise provided for,) shall be recovered by levying the same under a Warrant of the Steward upon the Mineral Property of the Person upon whom such Penalty shall be imposed, which shall be within the Jurisdiction of the Barmote Courts; and if the Barmaster shall make a Return to the Steward that there is no Mineral Property within such Jurisdiction, or not sufficient to raise the whole of the Penalty and the Fees and Expenses allowed for the Execution of the Warrant, then such Penalty, or so much thereof as the Produce of the Sale of such Mineral Property shall not, after paying the Fees and Expenses allowed for the Execution of the Warrant, be sufficient to satisfy, shall be recovered by Action of Debt in the County Court, such Action to be brought in the Name of the Steward; and a Certificate signed by him, and sealed with the said Seal, certifying the Imposition of such Penalty and the Amount thereof, or so much thereof as shall not have been satisfied by such Execution, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned not to be recovered was due and unpaid at the Date of the Certificate.

Forms of Proceedings.

XLVIII. The Proceedings of the Barmote Courts shall be in the Forms given in the Second Schedule annexed to this Act, or to the like Effect, and in any Proceeding not thereby provided for it shall be lawful for the said Steward to adopt such Form as he shall think fit and applicable to such Proceeding.

Fees.

XLIX. The Fees and Payments which shall be paid, had, and taken by the Steward, Head Barmaster, Deputy Barmasters, Grand Jury, Attornies, and other Persons, shall be such as are contained in the Third and Fourth Schedules to this Act, and no other Fee, Gratuity, or Reward whatever shall be demanded, had, or taken by any of the said Persons on any Pretence whatever.

Application of Penalties.

L. An Account shall be kept by the Steward of all Penalties imposed upon any Person under the Authority of this Act, and such Penalties shall, except in Cases where it is by this Act otherwise provided, be received by or on account of the said Steward, and shall be paid by the said Steward, when received, as to One Moiety thereof to Her Majesty and Her Successors in right of Her said Duchy of *Lancaster*, and as to the other Moiety thereof to the Lessee for the Time being of the Duties of Lot and Cope, if there shall be any such Lessee, and if there shall be no such Lessee then the whole of such Penalties shall be paid to Her Majesty and Her Successors in right of Her said Duchy of *Lancaster*; and if any Action or other Proceedings other than an Execution under the Warrant of the said Steward shall be necessary for the Recovery of any Penalty, such Action or other Proceedings shall be taken in the Name of the Steward.

Limitation.

LI. For the Protection of Persons acting in the Execution of this Act, it is hereby declared, that all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant; and in any such Action the Defendant may not only plead the Tender or Payment into Court, as the Case may be, but may also plead any other Plea or Pleas in bar, or a general Demurrer.

Removal of Proceedings.

LII. No Proceedings in the said Courts or either of them, or before the Steward or Barmaster, shall be removed into any other Court by Certiorari or otherwise, except in the Cases herein provided for.

Costs.

LIII. In any Action brought under the Provisions of this Act in the County Court, or in any of the Superior Courts, the Plaintiff and Defendant shall respectively be entitled to recover Costs in the same Cases and to the same Extent as they would be entitled if the Action were a common Action of Debt on Simple Contract in the County Court or in any of the Superior Courts respectively.

Proceedings pending.

LIV. Nothing in this Act contained shall affect any Action, Suit, or other Proceeding now pending in any Court of Law or Equity, but such Action, Suit, or other Proceeding shall be dealt with and determined as if this Act had not been passed.

Parties may proceed in any other Court.

LV. Nothing in this Act contained shall preclude any Person from proceeding in any other Court, having Jurisdiction therein, in respect of any Matter hereby made triable in the Small Barmote Court.

Power to make new Rules.

LVI. It shall be lawful for the Steward and Grand Jury at any Great Barmote Court to make such new and additional Customs, Articles, Rules, and Orders as to them shall seem expedient for the better Regulation of the working and carrying on of the Mines within the District under the Provisions of this Act, and for the Guidance and Protection of the Mines in reference to the working and carrying on of Mines within the said District, and also for regulating the Practice and Proceedings of the Great and Small Barmote Courts, or of any Views or other Proceedings, and for the Execution of any Process of such Courts, and in relation to any of the Provisions of this Act, or of the Articles and Customs hereby established; and all such new and additional Customs, Articles, Rules, and Orders as aforesaid shall be certified under the Hand of the Steward and Seal of the said Court to the Chancellor for the Time being of Her Majesty's Duchy of *Lancaster*, the same having been previously submitted to the Lessee, if any, for the

Time being, of the Duties of Lot and Cope, and approved of in Writing by him; and the same shall be published for Three Weeks consecutively in some Newspaper printed in the County of *Derby;* and such Chancellor may, after such Publication, either allow or disallow such View and additional Customs, Articles, Rules, and Orders, or any of them; and such of the new and additional Customs, Articles, Rules, and Orders as shall be so allowed by such Chancellor shall forthwith, after the Approval thereof, be sealed with the Seal of the said Duchy of *Lancaster*, and laid before both Houses of Parliament (if Parliament be then sitting, or, if Parliament be not sitting, then within Five Days after the next Meeting thereof), and no such new or additional Custom, Article, Rule, or Order shall have effect until Six Weeks after the same shall have been so laid before both Houses of Parliament; and any new or additional Custom, Article, Rule, or Order so allowed and laid before Parliament as aforesaid shall, from and after the Expiration of such Period of Six Weeks, be of the same Force and Effect as if the same had been enacted by Authority of Parliament, unless the same shall by Vote or Resolution of either House of Parliament be objected to; and such new and additional Customs, Articles, Rules, and Orders shall be carefully preserved by the Steward: Provided always, that such new and additional Customs, Articles, Rules, and Orders shall not in any way affect the Rights and Interests of Owners or Occupiers of Land.

Saving Rights of the Crown.

LVII. Provided always, That, except as is herein provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, either in right of Her Crown or in right of Her Duchy of *Lancaster*.

FIRST SCHEDULE referred to;

BEING

A SCHEDULE of ARTICLES and CUSTOMS by this Act established.

1. It is lawful for all the Subjects of this Realm to search for, sink, and dig Mines or Veins of Lead Ore upon, in, or under all manner of Lands of whose Inheritance soever they may be (Churches, Churchyards, Places for Public Worship, Burial Grounds, Dwelling Houses, Orchards, Gardens, Pleasure Grounds, and Highways excepted), but if no Vein of Ore be found, and the Person making Search discontinues it for Fourteen Days, the Land must be levelled and made good by the Person making the Search within the Space of Six Days after the Expiration of the said Fourteen Days, or the Owner of such Land may level and make good the same, and recover the Expenses thereof from the Miner in an Action of Debt in the Small Barmote Court, or in the County Court: Provided always, that nothing herein contained shall prevent or hinder the Miner from following and working his Vein, and searching for and getting Lead Ore under such excepted Places as aforesaid; but in case by so doing he shall damage or injure any such excepted Places or the Surface thereof, the Owner or reputed Owner and Occupier may recover from such Miner Compensation for such Damage or Injury, by Action in the County Court if the Damage shall not exceed Fifty Pounds, or otherwise by Action in the Superior Courts; but in case the Owner or reputed Owner or Occupier of such excepted Place as aforesaid apprehends that such working will endanger the Security of such excepted Places, the Steward and Grand Jury shall have Power to suspend the working of such Vein, or to direct the working thereof so as to prevent such Damage.

2. In all Cases the Landowner shall have Power to sell and dispose of the Calk, Feagh, Spar, and other Minerals and Rubbish (except Lead Ore), and to remove the same from his Land so soon as the Lead Ore has been extracted from it, when and as often as he thinks proper, and when not required for the Use of the Mine, but not so as to destroy or injure any Mineral Property, without the Consent of the Barmaster and any Two Members of the Grand Jury.

3. The Barmaster and every Deputy Barmaster shall provide a Dish or Measure which shall contain Fifteen Pints of Water, and be adjusted in the Presence of Two of the Grand Jury, for measuring the Ore, and they shall forfeit the Sum of Two Pounds every Time they are required to measure Ore of any Mine and are unprovided with such Dish or Measure, such Penalty of Two Pounds to be recovered and received for his own Use by the Person who shall have required the Ore to be measured, by an Action in the County Court.

4. The Barmaster, together with Two of the Grand Jury, shall provide the Miners a Way, either for Foot Passengers or Carts, as may be required, from the nearest Highway to the Mine, and also from the Mine to the nearest running Stream, Spring, or natural Pond of Water, such Ways to be set out in as short a Course as may be practicable and reasonable. No Compensation is to be claimed by the Occupier or Landowner for such Ways, but such Ways are not to be considered public, and the Use thereof is to be limited to Persons and Purposes connected with the Mine, and all Rights of Way are to cease when the Mine shall be no longer worked. The Parties entitled to use the Way may make sufficient Ways for Use, and keep the same in repair, and may also use for Mining Purposes the Water from the nearest running Stream, Spring, or natural Pond.

5. Every Miner shall, so long as his Mine shall be worked, be entitled, without making any Payment for the same, to the exclusive Use of so much Surface Land as shall be thought necessary by the Barmaster and Two of the Grand Jury and be set out by them, for the Purpose of laying Rubbish, dressing his Ore, briddling, making Meers or Ponds, and conveying Water thereto, and any other Mining Purposes. The Miner shall in all Cases, before he commences any Search or uses any Land, make Fences sufficient

sufficient for the Protection of Cattle from any Injury which might arise from his Operations, and keep such Fences in sufficient Repair.

6. Any Person may transfer his Interest in any Mine or Vein to any other Person by causing an Entry of such Transfer to be made by the Barmaster in the Book to be kept by him as mentioned in the Fourteenth Section, and such Transfer, when so entered, shall be valid and effectual.

7. When Ore has been raised by any Miner, and he shall desire such Ore to be measured, the Miner shall give the Barmaster Twenty-four Hours Notice of the Time he intends to measure; and if the Barmaster neglect or refuse to attend, then the Miner may employ any Two Persons, One of them being on the Grand Jury, who shall measure such Ore, and lay the Duties aside, for the Use of the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, for the Use of Her Majesty and Her Successors.

8. No Person shall sell any Ore, or remove any Ore from the Mine, unless and until the same shall have been measured by the Barmaster, or by such Two Persons as aforesaid in the event of the Non-attendance of the Barmaster, upon pain of forfeiting the full Value thereof to the Lessee of the Duties of Lot and Cope, or if there shall be no such Lessee, then to Her Majesty or Her Successors; and in case of Non-payment of such Value, after Six clear Days Notice requiring the same shall have been given by the Barmaster to the Miner, or affixed in or upon some Part of the Mine or the Works thereof, the Mine at which such Ore was got shall be forfeited to the Lessee of the said Duties, and if there shall be no such Lessee, then to Her Majesty and Her Successors; and Possession thereof may be recovered in manner herein-after provided.

9. The Duties heretofore called the Duties of Lot and Cope are and shall be payable to Her Majesty and Her Successors, or to Her or Their Lessee for the Time being. The Duty called Lot is and shall be One Thirteenth Part of all Ore raised within the Jurisdiction of the Barmote Courts as hereby declared and established, such Thirteenth Part to be set apart and taken by the Barmaster when he measures any Ore; and the Duty called Cope is and shall be the Sum of Fourpence for every Load of Ore measured at any Mine within the Jurisdiction aforesaid, the Measure of such Load being Nine Dishes of Ore, whereof each Dish shall be of Capacity sufficient to hold Fifteen Pints of Water. The said Duties of Lot and Cope are and shall be payable in addition to the Payments mentioned in any other Article comprised in this Schedule. And if any Person shall neglect or refuse to pay the said Duty of Cope, the same may be recovered by the Barmaster, on behalf of Her Majesty and Her Successors, or of Her or Their Lessee for the Time being, by Action of Debt in the Small Barmote Court, or by Action in the County Court.

10. If any new Vein be found by any Miner or any other Person whatsoever, the First Finder shall be entitled to Two Meers in Length of the said Vein, One Meer on each Side of the Founder to be measured and set out by the Barmaster, in the Presence of Two of the Grand Jury, on the Surface of the Ground, within Six Days after Notice given to him by the Finder, and the Third Meer shall belong to the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee then to Her Majesty and Her Successors, to be set out in like Manner at either Extremity of the said Two Meers at the Option of the Barmaster; and the Finder shall be entitled to each subsequent Meer in such Vein, each Way, to the Extent he shall claim or require at the Time of freeing the Founder Meers; and the Barmaster shall enter the Particulars of the Gift in his Book; and if the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, then if Her Majesty or Her Successors, neglect or refuse duly and reasonably to work the Meer so set out to such Lessee or Her Majesty or Her Successors as aforesaid, the Finder shall have the Right to purchase the said Meer at such Price as the Steward and Grand Jury may fix and determine, or the Finder may continue and maintain his Workings through the said Meer, upon laying aside for the Use of the Lessee or Her Majesty, as the Case may be, all the Ore that may be gotten therein, after deducting the Expenses of getting the same.

11. The Barmaster shall not set out any Ground under the Tenth Article until Ore shall have been raised from the Mine for which such Ground shall be required, nor until there shall have been paid to the Lessee for the Time being of the Duties of Lot and Cope, or if there shall be no such Lessee, to Her Majesty and Her Successors, the first customary Payment due to him, her, or them, such first customary Payment being so much Ore as shall be sufficient to fill the Dish or Measure mentioned in the Third Article, and being called the Freeing Dish; and the Miner shall pay to the Lessee for the Time being of the said Duties, and if there be no such Lessee, to Her Majesty and Her Successors, a similar Dish of Ore for every third and subsequent Meer which he shall reach of the Vein in which he is working.

12. If any Miner shall work any Mine or Vein without having duly freed the same as provided by the Eleventh Article, or shall commit any Trespass in any Meer belonging to the Lessee of the Duties of Lot and Cope, or to Her Majesty and Her Successors, the Mine or Vein which shall have been so worked without having been freed, or the Mine or Vein of which the Meer in which such Trespass shall have been committed shall form a Part, shall be forfeited to the Lessee of the Duties of Lot and Cope, and if there shall be no such Lessee, then to Her Majesty and Her Successors, and Possession thereof may be recovered on behalf of such Lessee or of Her Majesty and Her Successors, as the Case may be, by Action of Title in the Small Barmote Court in the Name of the Barmaster.

13. If any Vein shall cross another Vein, the Miner who comes to the Pee or Intersection first shall have such Pee or Intersection, and may work therein as far as he can reach with a Pick or Hack, such Pick or Hack having a Helve or Shaft Three Quarters of a Yard long, so that he stands wholly within the Cheeks of his own Vein when he works such Pee or Intersection.

14. When

14. When Two Veins approach each other, but are parted with a Rither, and such Veins continue asunder for One Meer or further in Length without any Joint of Ore or other Mineral crossing the same (such Joint of Ore or other Mineral not being a new Vein), and the Rither during that Distance in all Parts exceeds Three Feet in Thickness, then they are to be considered and treated as Two distinct Veins so long as they so continue asunder, but whenever they again meet the elder or prior Title shall take the Vein.

15. In any Dispute where the Priority of Title shall come in question the longest continued Ownership shall prevail, but all Gifts from the Barmaster shall be considered as the Origin and Commencement of the Title, and Workmanship prior to such Gift (if any) shall not avail; and in all Cases the Jury on the Trial shall decide the Fact of such Priority.

16. If any Person shall claim Title to any Mine, the Claimant may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in the Book mentioned in the Fifth Section; and if any Miner shall commit a Trespass in the Mine or Vein of any other Person, the Person aggrieved may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in an Action of Trespass, and may proceed to Trial in the Small Barmote Court, and shall there recover Possession of the said Mine in the Action of Title, or Damages to be assessed by the Jury for the said Trespass; and any Person claiming a Debt against a Miner for Articles furnished to a Mine, or for Mining Purposes, or for Work or Labour in, upon, or in respect of any Mineral Property, may cause a Plaint to be entered in an Action of Debt, and shall annex the Particulars of his Debt to the Summons, and proceed to Trial in the Small Barmote Court, and shall there recover such Amount, if any, as upon Proof shall appear to be due to him; but no Evidence shall be admitted of any Items in an Action of Debt not mentioned in the Particulars annexed to the Summons.

17. No Miner or other Person shall, except as herein-after mentioned, bring more than One Action of Title to recover the same Mine, and a Nonsuit shall be deemed of the same Effect as a Judgment for the Defendant; but in Actions of Trespass or Debt the Plaintiff, if nonsuited, shall be allowed to commence a fresh Action: Provided always, that the Steward shall in any Case whatever, whether of Title, Trespass, or Debt, have the Power, if he shall think fit, to order a new Trial to be had, upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

18. Every Meer of Ground shall contain Thirty-two Yards in Length; and the Miner shall be entitled to take and have set out for him any Proportion of a Meer, upon freeing the same, by Payment of an Amount of Ore proportionate to the Amount payable upon freeing a whole Meer.

19. The Barmaster, if he finds any Mine or Vein neglected and not wrought, and not hindered by Water or for Want of Air, shall, if required so to do by any Person or Persons, send to the Owner or reputed Owner, where known to him, and if not known to him, then put up in some conspicuous Place within the Liberty in which the Mine or Vein is situate, a Notice that such Mine or Vein will, at the Expiration of Three Weeks, if not duly and reasonably worked to the Satisfaction of the Barmaster and Grand Jury, and no other sufficient Reason assigned to them, be forfeited; and if at the Expiration of the said Three Weeks the Mine or Vein is not so worked, the Barmaster, in the Presence of Two of the Grand Jury, may give such Mine or Vein to any Person or Persons willing to work the same; provided that nothing herein contained shall authorize the Barmaster to give away such Mine or Vein if the Owner thereof be unable to work the same by reason of such Mine or Vein being under Water, or for Want of Air, so long as the Owner thereof is using efficient and diligent Means to the Satisfaction of the Barmaster and Grand Jury to relieve such Mine or Vein.

20. If any Person has Shares in a Mine, and refuses to join his Partners or the Owners of the other Shares in working the same, or to pay his Proportion of the Expenses of working the same for the Space of Six Days after the same has been demanded by the Party complaining or his Agent, he shall forfeit his Part and Share to his Partners, who shall be entitled to recover the same against such defaulting Owner in an Action of Title in the Small Barmote Court, and the only Evidence necessary in such Action to enable the Plaintiff to obtain Judgment shall be Proof that the Plaintiff has worked the said Mine, and the Amount of the Expenses incurred, and a Demand of Payment of Defendant's Share thereof as aforesaid, and the Neglect or Refusal of Defendant to pay it for the Space of Six Days after the Demand; and it shall be no Defence to such Action that the Plaintiff is Partner or joint Owner with the Defendant in the Mine or Shares sought to be recovered.

21. If any Person be possessed of any Mine, and be working the same, and any other Person claims Title thereto, such Claimant shall, within the Space of Three Calendar Months next after he shall have had Notice of the same being in open Workmanship, and at all events within Six Calendar Months after the same shall have been in open Workmanship, whether he shall have had Notice or not, assert his Claim by an Action of Title in the Small Barmote Court, or else such Claim shall be barred.

22. If the Barmaster shall, in any Matter connected with the Duties of his Office, require a View to be made by the Grand Jury, or if the Plaintiff or Defendant in any Action of Title or Trespass in the Small Barmote Court, or if any Miner or other Person shall for any Purpose require a View to be made of the Mine or Works of any Person whomsoever, then and in each and every of such Cases a View shall be made, and the Person so requiring a View shall, when the Grand Jury are assembled, deliver to the Steward a Bill of Directions describing the Mine or particular Part or Parts of a Mine, or Ground or Works, or other Matters or Things, which the Grand Jury are required to view, and stating the Question upon which their Opinion is required, but such Bill of Directions shall contain no Argument or Comment whatever, and thereupon the Steward shall openly read the said Bill of Directions to the Grand Jury, and,

and, if the same is in the Opinion of the Steward properly framed, deliver it to One of the Grand Jury, who shall take the same with him for the Guidance of himself and the rest of the Grand Jury in making their View; but if any Person affected by the said Proceeding object to the said Bill of Directions or to any Cross Bill delivered as herein-after mentioned as containing Matter of Argument, Assertion, or Comment not being a Description of the Mine, Ground, or Works, or other Matters or Things to be viewed, or a Statement of the Question necessary for the Guidance of the Grand Jury in making their View, the Steward before delivering the Bill or Cross Bill to the Grand Jury shall in all Cases decide upon the Validity of such Objections, and if he thinks the same well founded shall cause the Bill or Cross Bill to be altered and corrected in such Manner as the Steward shall think right, and after making such View such of the Grand Jury as shall concur in Opinion shall in answer to such Bill and Cross Bill, if any, write their Opinion and sign it, and such of the Grand Jury as shall not concur in Opinion with any of their fellow Jurymen shall write separate Opinions and sign them, so that the Signature of each of the Grand Jury shall be affixed either to his own separate Opinion or to that of himself and some other or others of the said Grand Jury; and the said Bill and Cross Bill, if any, with the Opinions, shall be delivered to the Steward, who shall thereupon openly read the same in the Presence of the Grand Jury and of the Person or Persons who shall have preferred such Bill or Cross Bill; and such Bill and Cross Bill, if any, and the Opinions thereon, shall be kept by the Steward with the Documents of the Barmote Courts, but the Steward shall, if required by the Plaintiff or Defendant in the Action in which the View shall have been had, permit such Bill and Cross Bill, if any, and the Opinions thereon, or either of them, to be used by such Plaintiff or Defendant for the Purpose of Evidence on the Trial of the Action: Provided always, that no Plaintiff or Defendant in any Action shall be entitled to require a View unless he shall have given Notice thereof in Writing to the Barmaster Six clear Days at the least before the Day appointed for the Trial; and the Expenses of Views shall be paid in manner herein-after mentioned, that is to say, in Cases where the Barmaster shall require such View the Expense shall be borne by the Owner of the Mine or other Matter to be viewed, provided the Steward shall consider that such View was properly required by the Barmaster, and shall allow such Expenses; and in Cases where the View shall be required by a Plaintiff or Defendant in any Action, the Expenses of such View shall be Costs in the Cause, and abide the Event of the Action; and in all other Cases the Expenses shall be paid by the Person requiring the View, if no Cross Bill is presented, and if a Cross Bill is presented, then in equal Proportions by the Person requiring the View and the Person presenting the Cross Bill. Any Person who may be affected by the Proceedings at any View may appoint a Shower to accompany the Grand Jury, and to show on his Behalf the Place to be viewed.

23. Any Person who may be affected by the Opinion of the Grand Jury on any View may, if he thinks fit, at the same View deliver a Bill of Directions to the said Grand Jury, which second Bill shall be called a Cross Bill of Directions, in similar Form to the original Bill, stating the Question on which their Opinion is requested, and the Steward shall in like Manner, immediately after reading the original Bill, read over such Cross Bill, and deliver the same to One of the Grand Jury to take to the Mine or Ground for the Guidance of himself and the rest of the Grand Jury.

24. When a Bill of Directions and also a Cross Bill shall be delivered to the Grand Jury at the same View, it shall not be requisite for them to write their Opinions until they have completed the View on the Cross Bill, unless they think proper to do so, and in no Case shall it be competent for the Grand Jury to examine any Evidence produced by either Party.

25. If any Person shall obstruct the Grand Jury in viewing any Mine or Works, the Grand Jury shall state such Fact in Writing, and return such Writing signed by any One or more of them, together with the Bill of Directions, and Cross Bill, if any, to the Steward, and the Person so obstructing shall forfeit by way of Penalty such Sum not exceeding Twenty Pounds as the Steward shall think fit to impose, and the Steward shall have Power to impose a fresh Penalty every Day on which such Obstruction is repeated; and if any such Penalty be not paid within Three Days after the same shall be imposed, the Steward shall issue his Warrant for levying the same. Before imposing any such Penalty, the Steward shall give to the Offender Seven clear Days Notice to show Cause, at a Time and Place situate within the Hundred of the High Peak, to be named in such Notice, why a Penalty should not be imposed.

26. If any Person shall, by virtue of any Sough Engine or other Means, unwater or give Relief to any Mine or Vein which may be under Water and the further working thereof be hindered, the Owner of any such Mine so relieved shall from Time to Time, so long as such Relief be continued, deliver to the Person giving such Relief as aforesaid such Part and Portion of all the Ore which at any Time thereafter shall be got and raised in such Mine or Vein under the Level at which such Relief was given, as the Barmaster and Grand Jury may from Time to Time fix and determine; such Part and Portion of the said Ore to be delivered and dressed and made merchantable by the Owner of such Mine, without any fraudulent Concealment or wilful Diminution, and to be discharged and free from all Charges in getting and dressing; and the Value of such Ore, if it shall not exceed Fifty Pounds, shall be recoverable in the County Court, or, if such Value shall exceed Fifty Pounds, in One of the Superior Courts at Westminster.

27. Any Person having Two or more Veins lying contiguous to each other, or connected by any Shafts, Gaits, or Ways, may, with the Consent in Writing of the Barmaster or Grand Jury, consolidate the Titles to such Veins, and an Entry shall be made in the Barmaster's Book to the Effect that the Titles to such Veins are thenceforth consolidated, and the said Veins shall from the Time of such Entry in the said Book be considered and treated as held under One; and the new Title of the said consolidated Veins, and nothing herein contained, shall prejudice or affect the Right or Title of any Person to any Mine or Vein which

may have been heretofore united to or consolidated with any other Mine or Vein, and that the Possession or working of any of the Mines or Veins in such consolidated Titles respectively shall be considered as the working of the whole thereof, and so long as any Part thereof be so worked the same shall not be liable to be operated upon by the Barmaster in pursuance of the Nineteenth Article.

28. If the Grand Jury shall be summoned to any View by any Person, not being Plaintiff or Defendant in any Action in the Small Barmote Court, for the Purpose of delivering their Opinion as to whether any other Person is working in any Mineral Ground belonging to the Persons so summoning the Grand Jury, and the Majority of the Grand Jury assembled at any such View, and give it as their Opinion that such is in all probability the Case, but that for Want of Workmanship the Fact does not yet clearly appear, it shall be lawful for the Steward to require such other Person to give to the Steward Security for the Value of all Ore which may be gotten in his Workings thenceforth, until such Time as sufficient Working shall have been done to make the Truth appear; and unless Security shall be given unto and to the Satisfaction of the Steward, it shall be lawful for him to direct and authorize the Barmaster to retain all Ore gotten in the Workings of such other Person so failing to give Security, until such Security shall be given, or until sufficient further Working shall have been done to enable the Grand Jury at any adjourned View to form a satisfactory Opinion; and if the Grand Jury assembled at any such adjourned View, or the Majority of those so assembled, shall state their Opinion to be that the Workings of the Person originally summoning the Grand Jury and of such other Person form one and the same Title, the Steward shall thereupon order the Barmaster to deliver to the Person who shall have originally summoned the Grand Jury the Ore which shall have been so retained as aforesaid, or, if Security shall have been given as aforesaid, then the Person who shall have originally summoned the Grand Jury shall be entitled to the Benefit of such Security, to the Extent of the Value of the Ore which shall have been gotten by such other Person as aforesaid since the original View, and shall be entitled to use the Name of the Steward, if necessary, for enforcing such Security, and if either Party feels himself aggrieved, such Party may prosecute his Claim in the Small Barmote Court.

SECOND SCHEDULE;

CONTAINING

FORMS OF PROCEEDINGS.

In the High Peak Small Barmote Court.

Form of Plaint.

Plaintiff's Name.	Plaintiff's Place of Abode and Calling.	Defendant's Name.	Defendant's Place of Abode and Calling.	Nature of Action.
John Smith -	Castleton - -	Richard Davis -	Hucklow - -	Action of Title, Trespass, *or* Debt, *as the Case may be.*

In the High Peak Small Barmote Court.

Summons in Title.

To *C.D.* (the Defendant).

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of at the Suit of *A.B.*, Plaintiff in an Action of Title in the High Peak Small Barmote Court, respecting, *&c.* [*describe the Mine claimed*].

Given under the Seal of the Court, this Day of

By the Court,
E. T., Steward.

In the High Peak Small Barmote Court.

Summons in Trespass or Debt.

To *C.D.*, the Defendant.

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of in an Action of Trespass in the Small Barmote Court, at the Suit of *A.B.*, for £ Damages for a Trespass committed by you at [*if in Debt, say,* "in an Action of Debt in the High Peak Small Barmote Court for the Sum of £ (*the Sum claimed*) for Goods sold and delivered," "Wages" *or, as the Case may be,* the Particulars whereof are hereto annexed].

Given under the Seal of the Court, this Day of

By the Court,
E. T., Steward.

Form of Particulars in an Action of Debt to be annexed to the Summons or written at the Foot thereof.

In the High Peak Small Barmote Court.

A.B., Plaintiff,
and
C.D., Defendant.

Particulars of the Debt for which this Action is commenced.

1850.	£	s.	d.
January 3. To One Barrel of Powder, 50 lbs. at 6*d.* per lb. - - - - -	1	5	0
[*Add all other Items making up Debt.*]			
[*If for Wages or Work done.*]			
To driving Seven Fathoms in West Forefield [*describe Work*], at 1*l.* 5*s.* per Fathom	8	15	0
5th to 15th. To working Nine Shifts, at 2*s.* 3*d.* per Shift - - - - -	1	0	3
30th. To Four Weeks Wages, at 12*s.* per Week - - - - - -	2	8	0
„ To Six Days Work, Man and Horse [*or* Cart] grinding [*or* leading] *describing Work*, at 5*s.* 6*d.* per Day - - - - - - -	1	13	0
£			

Above are the Particulars of Debt in this Action. As witness my Hand.

A.B., *or*
A.B. by *E.F.* his Attorney *or* Agent.

Judgment against Defendant for Payment of Debt or Damages.

In the High Peak Small Barmote Court, held at within the Hundred of High Peak in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After hearing this Cause, it is, on the Day of [*insert Day when Judgment is given*], adjudged that the said Plaintiff do recover against the said Defendant the Sum of £ for his Debt [*or* Damages by him sustained], together with the Costs of the Suit amounting to the Sum of £

Given under the Seal of the Court, this Day of

By the Court,
A.B., Steward.

Judgment against Plaintiff.

In the High Peak Small Barmote Court, held at within the Hundred of High Peak in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is, on the Day of adjudged that Judgment do pass against the said Plaintiff, and that the said Defendant do recover against the said Plaintiff £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,
A.B., Steward.

Judgment in case of Nonsuit.

In the High Peak Small Barmote Court, held at within the Hundred of High Peak in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is, on the Day of adjudged that Judgment by way of Nonsuit do pass against the said Plaintiff, and that the said Defendant do recover against the Plaintiff the Sum of £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,
A.B., Steward.

Judgment for Recovery of Possession.

In the High Peak Small Barmote Court, held at within the Hundred of High Peak in the County of Derby.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After the Hearing of this Cause, it is, on the Day of adjudged that the said Plaintiff do recover against the said Defendant Possession of a certain Mine at together with the Costs of the Suit amounting to the Sum of £

Given under the Seal of the Court, this Day of

By the Court,
A.B., Steward.

Execution against the Goods of Defendant.

In the High Peak Small Barmote Court.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court before the Steward of the said Court the said Plaintiff, by the Judgment of the said Court, on the Day of recovered against the said Defendant the Sum of £ for a certain Debt before that Time due and owing to the said Plaintiff [*or* for certain Damages by him sustained, *or* Possession of a certain Mine situate, *&c.*], together with the Sum of £ for Costs of the Suit by the said Plaintiff in that Behalf expended: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the Sum of £ *or* the Sum of £ being Part of the said Sum of £ has not been paid to the said Plaintiff: These are therefore to require and order you forthwith to make and levy the said Sum of £ , together with the lawful Fees and Expenses allowed by the "High Peak Mining Customs and Mineral Courts Act, 1851," by Distress and Sale of the Mineral Property of the said Defendant wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of

To the Barmaster of the High Peak.

By the Court,
A.B., Steward.

Execution against the Goods of Plaintiff.

In the High Peak Small Barmote Court.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court the said Defendant on the Day of by the Judgment of the said Court, recovered against the said Plaintiff £ for his Costs of Defence of an Action of Title, Trespass, or Debt: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the said Sum of £ has not been paid to the said Defendant: You are therefore required to make and levy the said Sum of £ , together with the lawful Fees and Expenses allowed by the High Peak Mining Customs and Mineral Courts Act, 1851, by Distress and Sale of the Mineral Property of the said Plaintiff wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of

To the Barmaster of the High Peak.

By the Court,
A.B., Steward.

Warrant for Recovery of Possession.

In the High Peak Small Barmote Court.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas after the Hearing of this Cause it was, on the Day of at a Court holden at within the Jurisdiction of this Court, adjudged that the said Plaintiff should recover against the said Defendant Possession of a certain Mine at And whereas the said Defendant has not delivered up Possession of the said Mine, and Three Days have elapsed since such Judgment was recovered: You are therefore required to give Possession of the said Mine to the said Plaintiff.

Given under the Seal of the Court, this Day of

To the Barmaster of the High Peak.

By the Court,
A.B., Steward.

Summons to Grand Jurors to attend the Great Barmote Court or on a View.

You are hereby required to attend the High Peak Great Barmote Court to be held at within the Hundred of High Peak in the County of Derby, *or* to attend the Barmaster on a View, to be held at on the Day of

Dated this Day of 185 .

A.B., Barmaster, *or* Deputy Barmaster.

To *C.D.*

Summons to Jurors to attend Small Barmote Court.

You are hereby required to attend the High Peak Small Barmote Court at at o'Clock in the Forenoon, to serve as a Juror on the Trial of Causes at the said Court; and if you fail herein you will be liable to a Penalty not exceeding £10, to be levied on your Mineral Property.

Dated this Day of 185 .

A.B., Barmaster, *or* Deputy Barmaster.

To *C.D.* [*add Residence.*]

Bill of Directions on a View.

To the Grand Jury for the High Peak Barmote Courts, met at within the Hundred of High Peak in the County of Derby, on the Day of 185 .

You are desired by *C.D.* [*Party calling the Jury*] to view, *&c.* [*describing the Mine, or particular Parts of the Mine, or the Works, or other Matters or Things, which the Jury are required to view*], and then give your Opinion whether, *&c., clearly stating the Question upon which the Opinions of the Grand Jury are required.*

If the Grand Jury are required to dial the Mine, add "and you are requested to dial the said Mine, commencing, *&c.* [*describing the Limits within which such Dialling is to be made*], and to lay out your Dialling on the Surface, and to deliver your Dial Card, with your Opinion, to the Steward."

Return of Grand Jury to a Bill or Cross Bill of Directions.

We the Grand Jury [*where all agree in Opinion, or,* We [*or* I] the undersigned Members [*or* Member] of the Grand Jury, *where there is Difference of Opinion*] for the High Peak Barmote Courts, assembled this Day of to view, *&c.*, having had a Bill [*or* Cross Bill] of Directions given to us, to declare, That we have proceeded to view, *&c.*, as directed by the said Bill [*or* Cross Bill], and do declare our [*or* my] Opinion to be that, *&c., giving their* [*or his*] *Opinion clearly on the Question proposed*].

As witness our [*or* my] Hands [*or* Hand].

Signatures.

Memorandum to be added after the Signatures of the Majority, where One or more of the Grand Jury do not concur in the Return.

We [*or* I] the undersigned do not concur in the above Return, and are [*or* am] of opinion that, *&c., stating their* [*or his*] *Opinion clearly on the Question proposed.*

As witness our [*or* my] Hands [*or* Hand].

Signatures.

Form of Notice in pursuance of the Twenty-fifth Article of the Customs.

You are hereby required to attend at on the Day of before the Steward of the High Peak Barmote Courts, to show Cause why a Penalty should not be imposed upon you for obstructing the Grand Jury on the Day of .

Given under the Seal of the Court, this Day of 185 .

A.B., Steward.

Form for imposing any Penalty which may be imposed under the Act.

I, Steward of the High Peak Barmote Courts, do hereby, by virtue of the High Peak Mining Customs and Mineral Courts Act, 1851, impose on *C.D.* the Sum of £ as a Penalty for an Offence by him committed against the said Act, and I order him to pay the said Sum to on or before the Day of in the Year of our Lord 185 .

Given under the Seal of the Court, this Day of 185 .

A.B., Steward.

Warrant to levy any Penalty or Sum of Money that may be imposed or ordered to be paid under the Act.

Whereas on the Day of a certain Sum of £ was ordered to be paid by *A.B.* to *C.D.* by the Steward of the High Peak Barmote Courts, *or* a certain Penalty of £ was imposed upon *A.B.* by the Steward of the High Peak Barmote Courts, for an Offence against the High Peak Mining Customs and Mineral Courts Act, 1851, and such Sum of £

or Penalty, was ordered to be paid to on or before the Day of and the same has not been paid.

You are therefore required to levy on the Mineral Property of the said *A.B.* within the Jurisdiction of the said Barmote Court the said Sum of £ *or* Penalty of £ together with the lawful Fees and Expenses allowed by the "High Peak Mining Customs and Mineral Courts Act, 1851."

Given under the Seal of the Court, this Day of in the Year 185 .

To the Barmaster of the High Peak.

A.B., Steward.

Barmaster's Return of Execution of any Warrant.

I *A.B.*, Barmaster of the High Peak, in obedience to the within-written Warrant, and by Authority of the same, did on the Day of 185 execute the same [by delivering to the Plaintiff within named Possession of, *&c.*], *or* [by levying the Sum of £ within mentioned, together with £ the Fees and Expenses allowed for the Execution thereof, by Sale of, *&c.*] and the said Sum of £ has been applied by me in discharging the Fees and Expenses of the said Levy, and the said Sum of £ has been paid by me to .

As witness my Hand, this Day of 185 .

Return that Barmaster has been unable to execute any Warrant.

I *A.B.*, Barmaster of the High Peak, do make this Return to the Steward of the High Peak Barmote Court within mentioned, and declare, that I have not yet been able to execute the within Warrant, by reason that the within-named Defendant hath no Mineral Property within the Jurisdiction of this Court, *or, if Part only has been levied,* that I have levied the Sum of £ and no more, by Sale of the Mineral Property of the within-named Plaintiff, *or* Defendant, and he hath no Mineral Property within the Jurisdiction whereof I can levy any Part of the Residue. As witness my Hand, this Day of 185 .

Subpœna.

A.B., Steward of the High Peak Barmote Courts, to greeting. You and every of you are hereby required personally to attend at the Small Barmote Court to be holden at on the Day of next, by of the Clock in the Forenoon of the same Day [*if the Witness is required to bring with him any Documents, describe them here*], to testify the Truth according to your Knowledge in a certain Action in the Barmote Court now depending between Plaintiff and Defendant in an Action of [Title, Trespass, *or* Debt, *as the Case may be*], at the said Court to be tried. Should you fail herein you will be liable to be proceeded against in like Manner as for Disobedience to a Subpœna issuing out of the Court of Queen's Bench at Westminster.

Given under the Seal of the Court, this Day of in the Year 185 .

A.B., Steward.

Order to adjourn Proceedings either in the Great or Small Barmote Court or before the Steward.

It is ordered, that the Proceeding in this Matter [*whatever it be, stating it*] be adjourned until [*add, if necessary,* and that do pay to Costs, *or other the Terms, if any, upon which the Adjournment is made*].

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
A.B., Steward.

Order to stay Proceedings.

In the High Peak Small Barmote Court.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, That all further Proceedings in this Action be stayed.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
A.B., Steward.

Order for a new Trial.

In the High Peak Small Barmote Court, held at the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, That the Judgment in this Case, and all subsequent Proceedings thereon, be set aside, and a new Trial had between the Parties [*here state the Terms and Conditions, if any, of such new Trial*].

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
A.B., Steward.

Summons on Interpleader.

In the High Peak Small Barmote Court.

Between *A.B.*, Plaintiff,

and

C.D., Defendant.

Whereas *E.F.* of hath made a Claim to certain Mineral Property which has been seized and taken in Execution under and by virtue of Process issuing out of this Court in this Action: You are therefore hereby summoned and required to be and appear before the Steward of the said Court at on the Day of at the Hour of , when the said Claim will be adjudicated upon, and such Order made thereupon as to the Steward shall seem fit.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,

A.B., Steward.

Note.—This Summons is to be served upon the Party claiming the Property seized, and upon the Plaintiff or Defendant in the Action, according as the Execution may have been issued on behalf of Plaintiff or Defendant. If the Execution has been issued to levy a Penalty, this Form must be altered to suit the Circumstances, and the Summons must in that Case be served upon the Party owing the Penalty and the Claimant.

THIRD SCHEDULE;

BEING

LIST OF FEES TO BE ALLOWED ON TAXATION UNDER THIS ACT.

To the Steward.

	£	s.	d.
For attending View by Grand Jury	1	1	0
For entering every Plaint, issuing every Summons or Subpœna	0	2	6
For swearing every Witness in a Cause	0	1	0
For every Warrant to deliver Possession, or to levy any Debt or Damages, or Money or Costs, or Penalty	0	2	6
For a certified Copy of any Proceeding in the Great or Small Barmote Court	0	5	0
For Copy of any Entry or Accounts	0	0	6
For any Search amongst or Examination of the Documents in the Custody of the Steward	0	1	0

Mileage, 1*s.* a Mile from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*

To Attornies.

	£	s.	d.
For attending every Witness examined in Court, and taking down his Evidence	0	6	8
Drawing Brief, 6*s.* 8*d.* per Sheet.			
Making fair Copy thereof. (Half Charge allowed for drawing.)			
For attending Court on the Trial, and conducting same	2	2	0
And also Mileage, 1*s.* per Mile, from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			
For every Copy of Subpœna	0	1	0
If Duces tecum, 6*d.* additional.			
For attending to serve every Witness with Subpœna	0	2	6
And 1*s.* per Mile from Attorney's Residence, if Witness resides within the Hundred of High Peak, such Mileage in no Case to exceed 1*l.*; if in any other Place, the Sum paid to any Agent employed to serve same, provided such Sum be approved and allowed by the Steward.			
Such Fees to Counsel as the Steward shall think reasonable, and allow on Taxation.			

To the Barmaster of the High Peak.

	£	s.	d.
For summoning the Jury to attend Small Barmote Court, 1*l.* 1*s.* for each Cause appointed to be heard at the Court for which the Jury is summoned; such Sums to be paid by the Plaintiff if the Cause do not proceed to the Taxation of Costs.			
For attending Small Barmote Court, 10*s.* 6*d.* for each Cause appointed to be heard thereat, to be paid by the Plaintiff if the Cause do not proceed to the Taxation of Costs.			
For attending a View, except where required by himself	0	10	6
Entering each Freeing	0	1	0
Copy of same	0	1	0
Entry of Gifts for each Vein	0	2	0
Entry of every Transfer for each Vein	0	1	0
Copy of same	0	1	0
Service of every Notice, Summons, or Order	0	2	0

For executing any Warrant issued by the Steward:

	£	s.	d.
1st. Where the Amount to be levied shall be less than 20*l*:			
Seizing the Property	0	3	0
Each Man in possession, per Day	0	2	6
All Expenses of Advertisements, if any	0	10	0
Catalogues, Sale and Commission, and Delivery of Goods, 1*s.* in the Pound on the Produce of the Sale.			
2d. Where the Amount to be levied shall exceed 20*l*.:			
Seizing the Property	0	10	0
Each Man in possession, per Day	0	2	6
All Expenses of Advertisements, if any	1	1	0
Catalogues, Sale and Commission, and Delivery of Goods, 1*s.* in the Pound on the Produce of the Sale.			

Deputy Barmasters.

For attending on a View by the Grand Jury, except where required by himself	0	10	0

To Grand Jury.

For attending on a View, each Man, when called to act within his own Liberty	0	4	0
When called to act out of his own Liberty	0	6	0

FOURTH SCHEDULE.

FEES allowed to the BARMASTER of the HIGH PEAK and DEPUTY BARMASTERS; such Fees to be a Debt due from the Person on whose Behalf the Duties shall be performed, and to be paid either to the Barmaster or his Deputy, according as the Duty shall be actually performed by him or by his Deputy.

	£	s.	d.
Setting out any Way under the 4th Article	0	5	0
Setting out Land under the 5th Article	0	5	0
Setting out Meers, for each Meer subsequent to the Third Meer under the Ninth Article	0	0	4

CAP. XCV.

An Act for transferring the Duties of paving, lighting, watering, and cleansing Parts of the Crown Estate in the District of the *Regent's Park* and certain Streets and Places in *Westminster* from the Commissioners acting under several Acts of Their late Majesties King *George* the Fourth and King *William* the Fourth to the Parishes; and for transferring the Jurisdiction of the said Commissioners over certain other Places in *Westminster* to the Commissioners of Her Majesty's Works and Public Buildings; and for other Purposes. [7th *August* 1851.]

5 G. 4. c. 100. ‘WHEREAS by an Act of the Fifth Year of the Reign of King *George* the Fourth, Chapter One hundred, the Lord High Treasurer and the Commissioners of His then Majesty's Treasury for the Time being, and the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, and such other Persons as should be elected and appointed under the Provisions of the said Act, were constituted Commissioners for the Purposes thereof; and Three several Plans made for defining the Limits within which their Jurisdiction should be exercisable, the First of such Plans marked No. 1. and intituled "Plan of the Crown Property in the *Regent's Park*," the Second marked No. II. and intituled "Plan of the new Street," and the Third marked No. III. and intituled "Plan of "the Crown Estate in the Neighbourhood of *Charing Cross Street, Whitehall, Privy Gardens*, and "*Richmond Terrace*," were required, after being authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, to be deposited with the Commissioners of His Majesty's Woods, Forests, and Land Revenues; and among the Authorities vested in the said Commissioners they were empowered to pave, maintain, light, water, cleanse, and regulate the Footways and Carriageways of all Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places respectively delineated in the said Plan marked No. I., and situate on the North Side of the new Road, with the Exception of the Carriageway of certain Roads round the *Regent's Park* coloured Purple on the said Plan, and of all the Streets and Portions of Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places delineated and distinguished by the Brown Colour on the said Plan marked No. II., and not situate within either of the Parishes of *Saint Marylebone* and *Saint Martin in the Fields*, and of all the Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places delineated on the said Plan marked No. III., and to levy Rates and to borrow Money for the said several Purposes; and the said Commissioners were thereby also constituted Commissioners of Sewers for maintaining a principal Sewer made from the *Regent's Park* to *Charing Cross*, and thence to the River *Thames*, and for maintaining and effecting the proper Sewerage and Drainage of all the Premises comprised in the said several Plans:

6 G. 4. c. 38. ‘And whereas by an Act of the Sixth Year of the Reign of King *George* the Fourth, Chapter Thirty-eight, such Parts of *New Palace Yard*, *Saint Margaret Street*, and *Old Palace Yard*, and the Streets and Places adjoining thereto, as were then, as to the paving, lighting, and cleansing thereof, under the

‘Charge

'Charge and Management of the Surveyor General of His then Majesty's Works, the same being delineated on a Plan marked No. IV. and authenticated and deposited in the same Manner with the said former Plans, and so much also of the Street in front of the Admiralty Office, and its Appurtenances, as was then or had been vested in the Lord High Admiral or the Commissioners of the Admiralty, or his or their Secretary on their Behalf, were placed, as to the paving, lighting, and cleansing thereof, respectively under the Charge and Management of the Commissioners acting in execution of the first-recited Act, who were empowered to levy Rates and borrow Money also for the last-mentioned Purposes; and it was enacted that the Commissioners of the Admiralty and their Secretaries for the Time being should, conjointly with the before-mentioned Commissioners, be Commissioners for executing both the said Acts: And whereas by an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Sixty-four, certain other Plans respectively marked with the Numbers 5, 6, and 7 were directed to be authenticated and deposited in the same Manner with the said former Plans, and the Streets called *Parliament Street* and *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, respectively delineated on the said Plan No. 7, and which were then, as to the paving, lighting, watering, and cleansing thereof, under the Charge and Management of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist*, were for the same Purposes placed under the Charge and Management of the Commissioners acting in execution of the Two first-recited Acts; and the Carriageway also of the Road called "The *Albany Road*," extending from the North Side of the *New Road* to the Western End of the Bridge over the *Regent's* Canal called the *Collateral Cut Bridge*, and being Part of the Roads coloured Purple on the Plan No. I. referred to in the first-recited Act, was, as to the Maintenance, Cleansing, and Regulation thereof, placed under the Charge and Management of the same Commissioners, and they were further authorized to pave, maintain, light, water, cleanse, and regulate all the Streets, Squares, Terraces, Passages, and Places made and laid out or to be made and laid out on the Site of *Carlton Palace* and of the Gardens thereof, coloured Blue on the said Plan marked No. 5, and the Carriageway of *Pall Mall* extending from the Eastern to the Western Side of *Waterloo Place*, and the Foot and Carriage Ways of any Street or Streets to be made on the Site of Two Houses then numbered 92 and 93 in *Pall Mall*, and they were authorized to levy Rates, and to borrow Money for defraying the consolidated Expenses of paving, repairing, cleansing, lighting, and watering all the Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places by the said former Acts and that Act respectively directed to be paved, repaired, cleansed, lighted, and watered by them, except certain Mews, called the *Westminster Mews*, delineated on the said Plan No. 6, and the Expenses whereof incurred for the Purposes aforesaid were to be separately provided for by Rates to be laid thereon; and it was enacted, that His then Majesty, His Heirs and Successors, in respect of any public Buildings situate within the Limits of either of the Two first-recited Acts or of that Act, should be liable to be rated and assessed for the Purposes of such Acts in like Manner as the Owners of other public Buildings within the like Limits, and the said Commissioners were appointed Commissioners of Sewers for maintaining also other Sewers and Drains thereby subjected to their Charge and Jurisdictions: And whereas by an Act of the Second Year of the Reign of King *William* the Fourth, Chapter Fifty-six, the Streets called *Great George Street*, *Little Bridge Street*, and Part of the Street leading from *Great George Street* to *Saint Margaret's* Churchyard, as to the paving, lighting, cleansing, and watering thereof, and the Carriageways of *Cockspur Street* and *Charing Cross Street*, as to the paving, watering, and cleansing thereof, were placed under the Charge and Management of the Commissioners executing the before-recited Acts, and Two several Plans made for ascertaining the Streets and Places, and Parts of Streets and Places, to be placed for the several Purposes aforesaid under the Charge and Management of the said Commissioners, the One of such Plans marked No. 8, and comprising the Carriageways of *Cockspur Street* and *Charing Cross Street*, thereon coloured Yellow, and the other marked No. 9, comprising *Great George Street*, *Little Bridge Street*, and the said Portion of the Street leading from *Great George Street* to *Saint Margaret's* Churchyard respectively, thereon coloured Pink, were required to be authenticated and deposited in the same Manner with the said former Plans, and the said Commissioners were further authorized to levy Rates for defraying the consolidated Expenses of paving, repairing, cleansing, lighting, and watering all the several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places comprised in the several before-recited Acts or that Act, except the said Mews called *Westminster Mews*, and for other the Purposes of that Act; and it was enacted, that His then Majesty, His Heirs and Successors, as Owner or Owners of any public Buildings within the Limits of any of the said former Acts or that Act, should be liable to be rated and assessed for the Purposes of such Acts in like Manner as the Owners of other public Buildings within the same Limits, but the Committee for lighting and paving the Parish of *Saint Martin in the Fields* were thereby required to pay to the said Commissioners the clear annual Sum of Six hundred and fifty-three Pounds, by equal half-yearly Portions, on the Twenty-fourth Day of *June* and the Twenty-fourth Day of *December* in every Year, in aid of the said Rates, in consideration whereof it was provided that the said Commissioners should not lay any Rates under the foregoing Power upon any Buildings or Spaces of Ground abutting on or fronting the Footways of *Cockspur Street* and *Charing Cross Street*, unless the said annual Sum should be in arrear; and it was enacted, that the Monies to be collected and received by the Commissioners for executing the said Act from the Rates thereby directed to be laid and assessed by them for the Purposes aforesaid, and in respect of the said annual Sum of Six hundred and fifty-three Pounds, should be applied by them, after discharging thereout the Expenses attending the obtaining and passing of that Act, in the next place, in paying the

9 G. 4. c. 64.

2 & 3 W. 4. c. 56.

'Interest

'Interest of all Principal Monies which had been borrowed under the said former Acts or any of them, or 'to be borrowed under the Powers of that Act, and subject thereto in defraying the consolidated Expenses 'of paving, repairing, cleansing, lighting, watering, and regulating the several Streets and Places by the said 'former Acts and that Act respectively directed or authorized to be paved, formed, repaired, cleansed, 'lighted, and watered by the said Commissioners, except the said Mews called *Westminster Mews*, and in 'paying off the Principal Monies borrowed or to be borrowed as aforesaid; and the said Commissioners 'were authorized to borrow Money on the Credit of the said Rates and annual Sum for any of the Purposes 'to which the Monies to arise from the said Rates were thereby made applicable: And whereas the Com-'missioners executing the several recited Acts have from Time to Time raised for the herein-before stated 'Purposes thereof various Sums of Money by way of Loan, in addition to the Rates received by them for 'the same Purposes, and they are subject to a Debt of Fourteen thousand Pounds, the Balance (which has 'not yet been discharged) of such Loans: And whereas it is expedient to transfer the paving, maintaining, 'lighting, watering, and cleansing of certain of the Streets and other Places subjected for those Purposes 'by the said several Acts to the Jurisdiction of the said Commissioners to the Charge and Management 'of the Parishes within which the same Streets and other Places are respectively situate, or of the Persons 'having the like Charge and Management of other Streets and Places within such Parishes respec-'tively, and to transfer the like Jurisdiction of the said Commissioners over other Parts of the said 'Streets and Places in the Neighbourhood of the Houses of Parliament to the Commissioners of Her 'Majesty's Works and Public Buildings, and to amend the Provisions of the said Acts:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Expedient to transfer the Powers of paving, &c. Regent Street to the Parishes.

Of the Streets in Neighbourhood of Houses of Parliament to the Commissioners of Works, &c.

Appointment of Commissioners.

I. The Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and the Commissioners of Her Majesty's Works and Public Buildings, for the Time being, and such Persons as shall from Time to Time be appointed for this Purpose under the Provisions of this Act, shall be the Commissioners for carrying the several recited Acts, so far as the subsisting Provisions thereof respectively are not hereby repealed or altered, and this Act, into execution, and the Powers vested in any other Commissioners by or under the Authority of the recited Acts or any of them shall cease.

Meetings of Commissioners.

II. The First Meeting of the Commissioners acting under the Authority of this Act may be convened by Notice or Summons in the Manner provided by the first-recited Act for the calling of a Meeting of Commissioners where there should have been no Adjournment of a preceding Meeting; and all other the Provisions of the said Acts relating to General or Special Meetings of the Commissioners executing the same, and to the Proceedings of such Meetings, shall be applicable, as nearly as the Circumstances will require or permit, to the Meetings of the Commissioners acting under the Authority of this Act, and to their Proceedings at such Meetings.

Power to appoint additional Commissioners.

III. It shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, and the Commissioners of Woods, Forests, and Land Revenues, and the Commissioners of Works and Public Buildings, for the Time being, present at any Meeting of the Commissioners executing this Act, and not being less than Three in Number, to appoint any Person or Persons to be a Commissioner or Commissioners, and every such Appointment shall be entered among the Proceedings of the Meeting at which the same shall be made, and every such appointed Commissioner shall have the same Powers and Authorities as if he had been appointed a Commissioner by this Act for carrying this Act and the subsisting Provisions of the recited Acts into execution, but shall be subject also to the like eventual Disqualifications and to the like eventual Penalties as any Commissioner to be elected and appointed under the Authority of the firstly-recited Act was under the like Circumstances eventually subjected to by virtue of the Fourth and Fifth Sections of that Act.

Commissioners to have all the Powers and Property, and to be liable to all the Debts and Engagements, of old Commissioners.

IV. All the Powers, Authorities, Monies, Property, Rights, and Credits of the Commissioners executing the several recited Acts, and the Benefit of all Securities, Contracts, and Engagements made to them, or to any of their Officers on their Behalf, and all the Debts, Duties, Engagements, Contracts, and Liabilities of the same Commissioners, shall stand transferred by virtue of this Act to the Commissioners for the Time being acting in execution hereof, and shall respectively be recoverable and enforceable accordingly by or against the last-mentioned Commissioners, by themselves or their Officers respectively, as fully and effectually as if they were the Commissioners appointed by or under the Authority only of the recited Acts, and continuing to execute the same Acts; and all Actions, Suits, and Proceedings commenced by or against the said former Commissioners, or any of their Officers on their Behalf, may be continued by or against the Commissioners executing this Act, or their like Officers, as if there were no Change of Commissioners, except only so far as any such Rights, Credits, Securities, Contracts, Debts, Duties, Engagements, and Liabilities respectively are by this Act expressly determined.

Short Title of Act.

V. This Act may be cited in all other Acts and Instruments and in all legal Proceedings by the short Title of "The Crown Estate Paving Act, 1851."

Jurisdiction of Commissioners and of Parishes, and of Commissioners of Woods, &c.

VI. The following Plans which have been prepared for the Purposes of this Act, namely, a Plan, marked A, being of the Crown Estate in and near the present *Regent's Park*, and comprising the same Area, now distinguished by different Colours, with that comprised in the Plan No. 1, referred to in the firstly-recited Act; and secondly, a Plan, marked B, comprising all the Streets and other Places comprised in the Plan No. II., referred to in the firstly-recited Act, and of which the Streets coloured Brown in the Centre thereof

upon

upon the same Plan were as to the paving, lighting, watering, and cleansing thereof subjected to the Charge and Management of the said former Commissioners, and all the Streets and other Places comprised in the said Plan No. 5, referred to in the thirdly-recited Act, and of which the Streets coloured Blue upon the same Plan were as to the paving, lighting, watering, and cleansing thereof subjected to the Charge and Management of the same Commissioners, and the Carriageway of *Pall Mall* extending from the Eastern to the Western Side of *Waterloo Place*, and the Street formed on the Site of the said Two Houses, formerly numbered 92 and 93 in *Pall Mall;* and thirdly, a Plan, marked C, comprising the Carriageways of *Cockspur Street* and *Charing Cross Street*, coloured Yellow on the Plan No. 8, referred to in the fourthly-recited Act, and all the Streets and other Places comprised in the Plan No. 3, referred to in the firstly-recited Act, and also the Street in front of the Admiralty Office and its Appurtenances referred to in the secondly-recited Act, and also *Parliament Street* and *Bridge Street*, Part of the Streets and Places comprised in the said Plan No. 7, referred to in the thirdly-recited Act, and also *Great George Street* and *Little Bridge Street*, and Part of the Street leading from *Great George Street* to *Saint Margaret's* Churchyard, respectively coloured Pink on the Plan No. 9, referred to in the said fourthly-recited Act, all which said Streets and Parts of Streets were by the several last-mentioned Acts subjected as to the Charge and Management of the said Commissioners for the Purposes aforesaid; and fourthly, a Plan, marked D, comprising the said Mews called *Westminster Mews*, and being similar of Extent to the said Plan No. 6, referred to in the said thirdly-recited Act; and lastly, a Plan, marked E, comprising all such Parts of *New Palace Yard*, *Saint Margaret Street*, and *Old Palace Yard*, and the adjoining Streets and Places, as were comprised in the said Plan No. 4, referred to in the secondly-recited Act, and also *Abingdon Street* and *Little Abingdon Street*, and the Terrace or Foot Pavement of *New Palace Yard*, Part of the Places comprised in the said Plan No. 7, referred to in the said thirdly-recited Act, all which said several Streets and Places are coloured Pink in the said Plan marked E, shall be authenticated each by the Signature of the Right Honourable the Speaker of the House of Commons, and shall be deposited with and remain in the Custody of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and One Copy of each of the said Plans, signed by the said Speaker, shall be deposited in the Parliament Office, and One other Copy, so signed, shall be deposited with the Clerk of the Peace for the County of *Middlesex*, and that all Persons shall at all seasonable Times have Liberty to inspect the Copy of the said Plans so deposited with the Clerk of the Peace at their Pleasure, paying the Sum of One Shilling for each such Inspection, and to take Copies from the said Plans or either of them, or of any Part or Parts thereof, paying the Sum of One Shilling for every Copy so taken; and the said Plans or the Copies thereof, authenticated as aforesaid, shall be received in Evidence in all Proceedings relating to the Jurisdiction of the said Commissioners and the Execution and Provisions of this Act.

defined by Plans.

VII. All the Power and Duty of the Commissioners appointed by or under the Authority of the recited Acts or any of them, or this Act, to pave, repair, light, water, and cleanse the several Carriageways and Footways now subsisting, or which may hereafter be made on the Ground or Area distinguished by the Brown Colour on the said Plan A, or for the sinking or maintaining of Wells or Pumps for the Purposes of such watering, or to levy, assess, or recover any future Rates upon or from any Houses, Shops, Buildings, Ground, or Properties comprised within the Limits coloured Brown upon the said Plan, or the Occupiers or Owners thereof, for defraying the Expenses of paving, repairing, lighting, watering, or cleansing any Streets or other Places thereon or elsewhere, or for paying the said Debt of Fourteen thousand Pounds, or the Interest thereof, shall cease and determine, but without Prejudice to any Rights or Remedies of the said Commissioners or their Officers for the Recovery of any Rates which may be due and in arrear when this Act shall come into operation, or any Damages or Costs relating to such Arrears, which Rights and Remedies shall be available to and enforceable by the Commissioners executing this Act, or their Officers, as fully and effectually as the same would have been available or enforceable by the Commissioners executing the recited Acts, or their Officers respectively, if this Act had not been passed; and the Authorities limited by the Twenty-second Section of the firstly-recited Act to the Lord High Treasurer, or the Lords Commissioners of the Treasury, and the Commissioners of Woods, Forests, and Land Revenues, shall not enable them to subject any other Streets or Places within the Limits coloured Brown on the said Plan A. to the Charge or Management of the Commissioners executing this and the recited Acts, so far as relates to the paving, lighting, watering, and cleansing thereof, or for any of the said Purposes.

Power of Commissioners acting under 5 G. 4. c. 100. to cease.

VIII. The paving, repairing, lighting, watering, and cleansing of all the present and future Carriageways and Footways on so much of the Ground or Area coloured Brown on the said Plan A. as is situate in the Parish of *Saint Pancras* shall be under the Charge or Management of the Commissioners of the *Southampton* Paving Trust, in whom the general Duty of paving, repairing, lighting, watering, and cleansing the public Carriageways and Footways of the adjoining Portion of the said Parish is vested, and who are authorized and required to cause the said Carriageways and Footways hereby transferred to their Charge and Management to be paved, repaired, lighted, watered, and cleansed accordingly; and all the Powers and Authorities vested or to be vested in the said Commissioners for the paving, repairing, lighting, watering, and cleansing of the other Carriageways and Footways under their Management, and for raising Funds for those Purposes by Rates to be assessed on the Houses, Shops, Buildings, Ground, and Properties within their Jurisdiction or otherwise, shall extend and be applicable to the Streets and other Places hereby subjected for the like Purposes to their Charge and Management, and to the Houses, Shops, Buildings, Ground, and Properties on the Area or Site coloured Brown on the said Plan A, and situate within the same Parish, and shall be exerciseable accordingly; and so much of the said Ground or Area coloured Brown shall to all Intents and Purposes form Part of the said *Southampton* Paving Trust,

Defining the Jurisdiction of the Commissioners of the Southampton Paving Trust.

Trust, and be subject to the Provisions of any Act or Acts for the Regulation or Management of such Trust.

Property of Pavements, Lamps, and Lamp Irons in District transferred to Southampton Paving Trust to belong to that Trust.

IX. The Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the said last-mentioned Commissioners, and of all the Lamps, Lamp Irons, Posts, and Rails, Wells and Pumps thereon, now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the said Commissioners of the *Southampton* Paving Trust, who shall have all the same Remedies for the Protection and Recovery thereof and against Injury thereto as are or shall be available to them for the Protection and Recovery of or against Injuries to any Materials or Articles of the like Nature belonging to any other Carriageways and Footways under their Management.

Southampton Paving Trust to pay 2,435*l.* in part Discharge of existing Debt of 14,000*l.*

X. The said last-mentioned Commissioners shall nevertheless pay to the Commissioners executing this Act, as a proportionate Contribution towards the said remaining Debt of Fourteen thousand Pounds incurred for the general Purposes of the said former Acts and the Interest thereof, the Principal Sum of Two thousand four hundred and thirty-five Pounds on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime, to be computed from the Day on which this Act shall come into operation up to the Payment of the said Principal Sum at the Rate of Four Pounds *per Centum per Annum*, which said Principal and Interest Monies shall respectively be applied forthwith, or as soon as shall be practicable after the Receipt thereof by the said Commissioners, towards Payment of the said Debt of Fourteen thousand Pounds and the Interest thereof.

Jurisdiction of the Vestry of Saint Marylebone.

XI. The paving, repairing, lighting, watering, and cleansing of all Carriageways or Footways now subsisting or hereafter to be made, or so much of the said Ground or Area coloured Brown on the said Plan A. as is situate in the Parish of *Saint Marylebone*, shall be under the Charge and Management of the Vestrymen of that Parish, who shall provide for the due paving, repairing, lighting, watering, and cleansing thereof accordingly, and shall have the same Authorities for those Purposes, and for raising the Funds to be therefore required, as would have been vested in them if the last-mentioned Carriageways and Footways had been within the Application of the Twenty-sixth Section of the firstly-recited Act, and the Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Care and Management of the last-mentioned Vestrymen, and of all the Lamps, Lamp Irons, Posts, Rails, Wells, and Pumps thereon now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the same Vestrymen, who shall have all the same Powers and Remedies for the Protection and Recovery thereof and against Injury thereto as are or shall be available to them for the Protection or Recovery of or against Injury to any Materials or Articles of the like Nature belonging to any other Carriageways or Footways under their Management.

Saint Marylebone to pay 82*l.* in part Discharge of existing Debt of 14,000*l.*

XII. The said Vestrymen shall nevertheless pay to the Commissioners executing this Act, as a proportionate Contribution towards the said remaining Debt of Fourteen thousand Pounds incurred for the general Purposes of the said former Acts and the Interest thereof, the Principal Sum of Eighty-two Pounds on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime, to be computed from the Day on which this Act shall come into operation up to the Payment of the said Principal Sum, at the Rate of Four Pounds *per Centum per Annum*, which said Principal and Interest Monies shall respectively be applied forthwith, or as soon as shall be practicable after the Receipt thereof by the said Commissioners, towards Payment of the said Debt of Fourteen thousand Pounds, and the Interest thereof.

Powers of Commissioners acting under 5 G. 4. c. 100. to cease as to Pavements, &c. in Plans B, C, and E.

XIII. All the Power and Duty of the Commissioners appointed by or under the Authority of the recited Acts or any of them, or this Act, to pave, repair, light, water, and cleanse the several Carriageways and Footways now subsisting, or which may hereafter be made upon the Ground comprised in any of the said Plans respectively marked B, C, and E, and now subjected for those Purposes to the Charge and Management of the said Commissioners, or to sink or maintain Wells or Pumps for the Purposes of such watering, or to levy, assess, or recover any future Rates upon or from any Houses, Shops, Buildings, Ground, or Properties within the Limits comprised in the last-mentioned Plans or either of them, for defraying the Expenses of paving, repairing, lighting, watering, or cleansing any Streets or other Places thereon or elsewhere, or for paying the said Debt of Fourteen thousand Pounds or the Interest thereof, or to pave, light, water, or cleanse any other Streets or Places which might otherwise be subjected to their Charge and Management for those Purposes under the Fifty-fifth Section of the thirdly-recited Act, or to levy Rates or raise Funds for those Purposes, shall cease and determine; and upon Payment of a proportionate Part only, to be computed up to and inclusively of the Day on which this Act shall come into operation, of the said yearly Sum of Six hundred and fifty-three Pounds payable to the said Commissioners by the Committee for lighting, paving, and cleansing the Parish of *Saint Martin in the Fields* under the Provisions of the fourthly-recited Act, and all Arrears thereof, if any, the said yearly Sum shall also cease and be no longer payable, but without Prejudice to any Rights or Remedies of the said Commissioners or their Officers for the Recovery of any Rates or any Sums on account of the said yearly Sum of Six hundred and fifty-three Pounds which respectively may be in arrear, or any Damages or Costs relating to such Arrears, which Rights and Remedies shall be available to and enforceable by the Commissioners executing this Act, and their Officers respectively, as fully and effectually as the same might have been available to or enforceable by the Commissioners executing the recited Acts, or their Officers respectively, if this Act had not been passed.

Jurisdiction of Commissioners for paving Saint

XIV. The paving, repairing, lighting, watering, and cleansing of all such of the present and future Carriageways and Footways within the Limits of either of the said Plans B and C as are or shall be made within

within the Parish of *Saint George Hanover Square*, and which respectively are or would otherwise be under the Charge and Management of the Commissioners executing the recited Acts and this Act, and of all such of the present and future Carriageways and Footways within the Limits of either of the said Plans B and C as are or shall be made within the Parish of *Saint James Westminster*, and which respectively are or would otherwise be under the Charge and Management of the said Commissioners, shall be under the Charge and Management of the Commissioners for paving and improving the Parish of *Saint James Westminster;* and the paving, repairing, lighting, watering, and cleansing of all such of the present and future Carriage and Foot Ways within the Limits of either of the said Plans B and C as are or shall be within the Parish of *Saint Martin in the Fields*, and which are or would otherwise be under the Charge and Management of the said Commissioners executing the recited Acts and this Act, shall be under the Charge and Management of the Committee for paving, lighting, and cleansing the Parish of *Saint Martin in the Fields;* and the paving, repairing, lighting, watering, and cleansing of all such of the present and future Carriageways and Footways within the Limits of either of the said Plans B and C as are or shall be within the Parish of *Saint Margaret Westminster*, and which are or would otherwise be under the Charge and Management of the said Commissioners executing the recited Acts and this Act, shall be under the Charge and Management of the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist Westminster;* and the said Committee and Parochial Commissioners respectively are hereby authorized and required to cause the Carriageways and Footways hereby transferred to their Charge and Management respectively to be paved, repaired, lighted, watered, and cleansed accordingly; and all the Powers and Authorities vested in the said Committee and Parochial Commissioners respectively for paving, repairing, lighting, watering, and cleansing the other Carriageways and Footways under their Management, and for raising Funds for those Purposes by Rates to be assessed on the Houses, Shops, Buildings, Ground, and Properties within their Jurisdiction or otherwise, shall extend and be applicable to the Carriageways and Footways, and to such of the Houses, Shops, Buildings, Ground, and Properties respectively comprised in either of the said Plans B and C as are hereby subjected for the like Purposes to their Charge and Management.

James Westminster;

of Committee for paving Saint Martin in the Fields;

and of Commissioners for paving Saint Margaret and Saint John Westminster.

XV. The Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the Commissioners for paving and improving the Parish of *Saint James Westminster*, and of all the Lamps, Lamp Irons, Posts, Rails, Wells, and Pumps and other Things thereon now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the said Parochial Commissioners.

Property of Pavements, &c. in Saint James Westminster,

XVI. And the Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the Committee for paving, lighting, and cleansing the Parish of *Saint Martin in the Fields*, and of all the Lamps, Lamp Irons, Posts, Rails, Wells, and Pumps and other Things thereon now respectively belonging to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the same Committee.

in Saint Martin's in the Fields,

XVII. And the Property of all the subsisting Pavements of the Carriageways and Footways transferred by this Act to the Charge and Management of the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist Westminster* shall be vested by virtue of this Act in the last-mentioned Commissioners.

and in Saint Margaret and Saint John Westminster, respectively, to belong to those Parishes.

XVIII. The several proportionate Contributions following shall be paid by or on behalf of the Three last-named Parishes respectively to the Commissioners executing this Act towards the Discharge of the said remaining Debt of Fourteen thousand Pounds incurred for the general Purposes of the said former Acts as aforesaid; that is to say, the Sum of Three thousand three hundred Pounds by the Commissioners for paving and improving the Parish of *Saint James Westminster*, the Sum of Two thousand four hundred and forty-three Pounds by the Committee for paving, lighting, and cleansing the Parish of *Saint Martin's in the Fields*, and the Sum of One thousand five hundred and forty-nine Pounds by the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist Westminster;* and the said several Payments shall be severally made on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Day on which this Act shall come into operation up to Payment of the Principal Sums respectively, which said Principal and Interest Monies shall respectively be applied by the said Commissioners for executing the said recited Acts and this Act, forthwith or as soon as practicable after the Receipt thereof, towards Payment of the said Debt of Fourteen thousand Pounds, and the Interest thereof.

Saint James's Parish to pay 3,300*l.* towards Discharge of existing Debt of Commissioners acting under 5 G. 4. c. 100., Saint Martin's in the Fields to pay 2,443*l.*, and Saint Margaret and Saint John Westminster to pay 1,549*l.*

XIX. That it shall be lawful for the Vestrymen, Committees, or other local Authorities respectively upon whom the Payment of any such proportionate Contributions as aforesaid is imposed by this Act from Time to Time to make, assess, and levy a special Rate upon the Occupiers of the Houses, Shops, Buildings, Grounds, and Properties hereby made subject to the Jurisdiction of such Vestrymen, Committees, or other local Authorities as aforesaid, for the Amount of the several Contributions to the Payment of which such Vestrymen, Committees, or other local Authorities as aforesaid are hereby made liable, and also for the Amount of any Interest or Expenses which may become payable by them respectively by reason of the deferred Repayment of such respective Contributions; and that every such special Rate shall be made and levied in such and the same Way as the said Vestrymen, Committees, or other local Authorities are by their respective Local Acts empowered to levy Rates for the general Purposes of their said respective Acts, and shall be of such an Amount from Time to Time as will be sufficient to discharge the whole of such several Contributions, with such Interest and Expenses as aforesaid, within such Period not exceeding

Vestrymen may make and levy Rates to pay proportionate Contributions.

ing Twenty Years as to the said several local Authorities as aforesaid shall seem fit; and that the Produce of every such Rate shall be carried to a separate Account and be applied accordingly.

Special Rate not to be levied upon Houses, &c. fronting Footways of Cockspur Street and Charing Cross Street.

XX. Provided always, That nothing in this Act contained shall be construed to compel or authorize the Committee for paving, lighting, and cleansing the said Parish of *Saint Martin in the Fields* to make, assess, or levy upon the Occupiers of any Houses, Shops, Buildings, Yards, or Properties abutting upon or fronting the Footways of *Cockspur Street* and *Charing Cross Street* the said Special Rate by this Act authorized to be assessed and levied upon the Occupiers of the Houses, Shops, Buildings, Yards, and Properties hereby made subject to the Jurisdiction of such Vestrymen, Committees, or other local Authorities as aforesaid, for the Amount of the several Contributions or Monies in respect of the said Debt of Fourteen thousand Pounds, to Payment of which such Vestrymen, Committees, or other local Authorities as aforesaid are hereby made liable.

Vestrymen may borrow Money on Credit of the Rates.

XXI. That it shall be lawful for such Vestrymen, Committees, or other local Authorities as aforesaid to borrow and take up at Interest, on the Credit of any Rates and Assessments made and levied or to be made and levied by virtue of their respective Local Acts of Parliament, and upon the Credit of any Rates which may be made and levied under the Authority of this Act, or on the Credit of any Part or Portion of any such Rates respectively, such Sum or Sums of Money as they shall respectively be called upon to pay to the said Commissioners under the Provisions herein-before contained as and for their respective proportional Contributions towards the said Debt or Sum of Fourteen thousand Pounds; and that the Amount so respectively borrowed shall be secured by a Charge or respective Charges on such Rates respectively, to be made and executed in such and the same Way as such local Authorities respectively are now authorized and enabled to borrow Money for the Purposes of the said Acts under which they are respectively constituted, and shall be in addition to the Sum of Money which such local Authorities respectively are now enabled to borrow under the Powers of their said respective Acts of Parliament.

Local Authorities of the Parish of Saint James Westminster to levy an extra Rate, to be called "The Regent Street Rate."

XXII. That it shall be lawful for the local Authorities in the Parish of *Saint James Westminster*, to whom the Control of such Carriageways and Footways as aforesaid shall have been transferred by this Act, when and as they may respectively consider it necessary or proper during such Time as the said Carriageways, or any Part thereof, shall continue macadamized, to make, assess, and levy from Time to Time a further separate Rate, to be called "The *Regent Street* Rate," upon the Occupiers of the Houses, Shops, Buildings, Ground, and Properties hereby made subject to their Jurisdiction, for the Purpose of defraying any extra Expense which may have been occasioned by the paving, lighting, cleansing, watering, or repairing of such Carriageways and Footways beyond the average Cost of the other Carriageways and Footways then subject to their Jurisdiction, such Rate to be made, assessed, and levied from Time to Time by the said local Authorities in like Manner as by their Local Act or Acts they are empowered to levy Rates for the general Purposes of such Act or Acts; but the total Rate to which such Houses, Shops, Buildings, Ground, and Property shall be liable shall not exceed in any One Year by more than One Third the Rate to which the other Houses, Shops, Buildings, Ground, and Properties within the said Parish of *Saint James Westminster* shall be liable for similar Objects.

Present Breadth of Foot Pavements to remain.

XXIII. All the subsisting Foot Pavements comprised in the said Plans B and C, and of which respectively the Breadth, exclusive of the Areas to the adjoining Houses, is stated on the said Plans, shall be always maintained of the same Breadth at the least, unless the Commissioners executing this Act shall by their written Permission, signed by their Clerk, authorize the Contraction thereof, and then shall be reduced only according to such Permission or Authority; and that if the Breadth of the said Foot Pavements, or of any Part or Parts thereof, shall at any Time or Times be contracted without such Permission and Authority of the Commissioners executing this Act, the Surveyor or other Officer having the Superintendence of such contracted Foot Pavements shall, upon Proof of such Contraction before any Justice of the Peace for the City of *Westminster*, or if there shall be no such Surveyor or Officer then the Committee or Commissioners for paving and improving, under whose Charge and Management the said Footpath shall be, shall be convicted by such Justice in any Penalty not exceeding the Sum of Five Pounds or less than Two Pounds, and upon Proof before any such Justice of the Continuance of such Contraction after such First Conviction shall be convicted by him as often as the Case may occur in any Penalty not exceeding Five Pounds or less than Two Pounds for every Week subsequent to the said First Conviction during which the same Contraction shall continue; and all such Penalties shall be paid to the Commissioners executing this Act, and shall be applied by them to the general Purposes thereof hereby directed to be performed by the said Commissioners.

Lamps and Lamp Posts to remain of the same Designs.

XXIV. And all the Pavements within the said Plans B and C, hereby transferred from the Superintendence of the said Commissioners, and all the Lamps and Lamp Posts and Irons thereon, shall be maintained by the Committee or Commissioners for paving and improving to whose Charge and Management the same are transferred, in conformity to the Plans and Designs in which respectively the same have been laid out and fixed, unless the said Commissioners executing this Act shall in manner aforesaid authorize any Deviation from such Plans or Designs.

Powers of Commissioners under 5 G. 4. c. 100. vested in Commissioners of Works, &c.

XXV. All the Powers, Duties, and Authorities whatsoever of the Commissioners appointed by or under the Authority of the recited Acts, or any of them, for the paving, repairing, lighting, watering, cleansing, and regulating the Carriageways and Footways of all the Streets, Squares, and other Places comprised in the said Plan E, shall be vested in and exercisable by the Commissioners of Her Majesty's Works and Public Buildings for the Time being.

Property of Pavements, &c.

XXVI. And the Property of all the subsisting Pavements of the same Carriageways and Footways, and of all Lamps, Lamp Irons, Posts and Rails, and Wells and Pumps thereon, now respectively belonging

to

to the Commissioners executing the recited Acts, shall be vested by virtue of this Act in the Commissioners of Her Majesty's Works and Public Buildings, who shall have all the same Powers and Remedies for the Protection and Recovery thereof respectively, and against Injuries thereto, as are vested by virtue of the recited Acts or any of them in the Commissioners executing the same. vested in Commissioners of Works, &c.

XXVII. The Commissioners of Her Majesty's Works and Public Buildings shall nevertheless pay to the Commissioners executing this Act, as a proportionate Contribution towards the Discharge of the said remaining Debt of Fourteen thousand Pounds and the Interest thereof, the Principal Sum of Eight hundred and thirty-six Pounds on or before the Twenty-fourth Day of *June* One thousand eight hundred and fifty-two, with Interest thereon in the meantime, to be computed at the Rate of Four Pounds *per Centum per Annum*, from the Day on which this Act shall come into operation to the Day on which the said Principal Sum shall be discharged, which Principal and Interest Monies shall be applied by the last-mentioned Commissioners, upon or as soon as may be after their Receipt thereof, towards the Discharge of the said Sum of Fourteen thousand Pounds and the Interest thereof. Commissioners of Works to pay 836*l.* in part of existing Debt.

XXVIII. The Twenty-third Section of the thirdly-recited Act and the Sixth Section of the fourthly-recited Act, by virtue whereof respectively Her Majesty as Owner of any public Buildings within the Limits referred to in the same Sections repectively, Her Heirs and Successors, is and are liable to be rated and assessed for the Purposes also therein referred to, shall be and the same are hereby repealed; and in respect of any Building or Portion of a Building used and occupied exclusively for the Public Service of Her Majesty, Her Heirs or Successors, the Commissioners for the Time being of Her Majesty's Works and Public Buildings shall and they are hereby required, by and out of such Monies as may from Time to Time be placed at their Disposal for that Purpose by Parliament, to pay to the said Committee for paving the Parishes of *Saint Martin in the Fields* and *Saint Margaret* and *Saint John Westminster* respectively such Sum or Sums of Money as such Building or Portion of a Building, or the Owner or Occupier thereof, might from Time to Time have been lawfully charged with the Payment of by the said Committees of the said respective Parishes under the Authority of this Act if such Building or Portion of a Building had not been used or occupied for the Public Service of Her Majesty exclusively. Repeal of s. 23. 9 G. 4. c. 64. and s. 6. 2 W. 4. c. 56.

XXIX. Provided always, That nothing contained in this Act shall operate to determine, limit, alter, or impair the Jurisdiction, or any of the Powers and Authorities given by the several recited Acts or any of them, to the Commissioners executing the same over or with respect to so much of the Crown Estate in or near the *Regent's Park* as is coloured Red on the said Plan A., or over or with respect to any Part of the said Estate not distinguished by the Brown Colour on the same Plan, or over or with respect to any Carriageways or Footways now subsisting or hereafter to be made on any Part of the said Estate not distinguished by the Brown Colour on the last-mentioned Plan, or over or with respect to any Gardens, Shrubberies, or ornamental Inclosures comprised in any Part of the said Plan, or in any of the Plans authenticated and deposited under the several Provisions of the recited Acts, or by the said Acts or any of them authorized to be placed under the Jurisdiction and Management of the same Commissioners, or over or with respect to the Construction, ornamenting, colouring, painting, or defacing of any Streets, Houses, or Buildings, or over or with respect to the said Mews called *Westminster Mews*, comprised in the said Plan D, or any Authorities or Rights whatsoever given by the said Acts or any of them to the Commissioners executing the same as Commissioners of Sewers, or for making or maintaining any Sewers or Drains, or for raising the Expenses thereof, or any other Jurisdiction, Powers, or Authorities whatsoever by the said Acts or any of them vested in the Commissioners executing the same, and not hereby expressly determined, limited, altered, or transferred to other Parties than the Commissioners appointed to execute this Act and the subsisting Provisions of the recited Acts, but that all the Jurisdiction, Authorities, and Powers whatsoever by the recited Acts or any of them given to the Commissioners executing the same shall be vested in and exercisable by the Commissioners appointed and to be appointed by virtue of this Act, so far as shall not be inconsistent with the express Provisions hereof, as fully and effectually as the same respectively would have been vested in or exercisable by the Commissioners executing the recited Acts if this Act had not been made. Jurisdiction of Commissioners executing the recited Acts to remain over so much of the Crown Estate as will continue under their Jurisdiction.

XXX. And for removing Question as to the Extent of Authority which by virtue of the fourthly-recited Act and this Act will be vested in the Commissioners executing this Act, for undertaking from Time to Time and causing to be executed the cleaning and colouring of the outside Stucco and Stone Work of any Houses, Buildings, or Walls within the Purview of the same Acts, be it enacted, That it shall be lawful for the said Commissioners from Time to Time to cause such colouring to be effected by means of Oil Painting in all or any Cases in which they shall consider that Method the most expedient, and that the Thirty-first Section of the said fourthly-recited Act, by which Provision is made for answering the Expense of cleaning and colouring the Stucco and Stone Work authorized to be cleaned and coloured by the Commissioners acting in execution of the same Act, and the Thirty-second and Thirty-third Sections of the same Act, shall henceforth be construed and operate with this Act, as if the Commissioners acting in execution of that Act had been originally or expressly authorized to effect or cause to be effected by means of Oil Painting all the colouring which they were thereby authorized to undertake, but that the Thirtieth Section of the same Act, restricting the said Commissioners for undertaking the cleaning and colouring of the outside Stucco or Stone Work of any Houses, Buildings, or Walls, without such Consent as therein specified, shall be and the same is hereby repealed. Power to Commissioners to colour the outside Stucco and Stone Work of Houses and Buildings by Oil Painting.

XXXI. The several Commissioners, Committees, or other Parties in whom any Pavements, Lamps, Irons, Posts, Rails, Wells, Pumps, or other Materials shall be vested by virtue of this Act, or to whose Management or Charge any Carriageways or Footways are hereby transferred, shall respectively have all the same Remedies and Authorities for the Protection and Recovery of the Articles so vested in them, and The general Powers of the Vestries and Parochial Committees extended to the Car-

riage and Foot Ways transferred to them by this Act.

and against Injuries thereto, and for the Prevention of Nuisances and Obstructions to any such Carriageways or Footways, and the Punishment of Parties causing any such Nuisances or Obstructions, as are or shall be available to them for the Protection and Recovery of or against Injuries to any like Articles vested in them respectively for parochial or public Purposes, and for the Prevention of Nuisances and Obstructions to any other Carriageways or Footways under their Management or Charge, and for the Punishment of Parties causing the same Nuisances or Obstructions.

Existing Contracts transferred to Parties having future Charge of Carriageways, &c.

XXXII. Any Contract or Engagement entered into by the Commissioners for executing the several recited Acts, or by any of their Officers on their Behalf, for paving, repairing, lighting, watering, or cleansing the several Carriageways and Footways by such Acts subjected to the Jurisdiction of such Commissioners, shall, on the Provisions of this Act coming into operation, be respectively transferred to the Parties and Persons to whom the Charge and Management of the several and respective Carriageways and Footways are by this Act transferred, and to the Parties and Persons who are thereafter respectively authorized to pave, repair, light, water, or cleanse the same Carriageways and Footways; and such several and respective Parties and Persons are hereby respectively authorized and required to perform the Conditions of every such Contract or Agreement, and are hereby entitled to all the Benefits and Advantages of, and are authorized to enforce, every such Contract or Agreement, in such and the like Way and Manner, and to the same Extent, as if they had respectively entered into the same instead of the Commissioners for executing the several recited Acts, or any of the Officers of such Commissioners on their Behalf.

Original Contracts to be apportioned.

XXXIII. Every such Contract or Engagement originally entered into with respect to more than One of the several Parishes to which this Act applies shall be apportionable and apportioned by the Commissioners acting in execution of the said recited Acts, so as to be after the Commencement of this Act enforced in all respects as if the same had originally been several, distinct, and separate Contracts or Engagements, and One of such Contracts or Engagements had accordingly been originally entered into with respect to each Parish.

Costs of the Act and Recovery of Contributions from the Commissioners of Works and Public Buildings and the Parishes respectively.

XXXIV. That all the Costs, Charges, and Expenses of obtaining and passing this Act, or incident thereto, the Amount whereof shall be conclusively ascertained and settled by the Certificate of the Solicitor to the Treasury, shall be borne, paid, and defrayed by the Commissioners executing the said recited Acts or this Act, and shall be repaid to them, or to their Treasurer, by the Commissioners of Her Majesty's Works and Public Buildings, the Commissioners of the *Southampton* Paving Trust, the Vestrymen of the Parish of *Saint Marylebone*, the Committee for paving, cleansing, and lighting the Parish of *Saint James Westminster*, the Committee for paving, lighting, and cleansing the Parish of *Saint Martin in the Fields*, and the Commissioners for paving and improving the Parishes of *Saint Margaret* and *Saint John the Evangelist Westminster*, respectively, in the same Proportions in which such last-mentioned Commissioners and several Vestrymen and Committees are respectively required by this Act to contribute and pay to the Commissioners executing this Act the said remaining Debt of Fourteen thousand Pounds, and that such Proportions shall be added to the Amount of Debt herein-before charged on each Parish respectively, and shall be repaid to the local Authorities in the same Way as their respective Contributions to the said Debt of Fourteen thousand Pounds are hereby directed to be repaid; and that in case Default shall be made by the Commissioners of Works and Public Buildings, or the said several Vestrymen and Committees, or any of the said Parties respectively, in the due Payment of any Principal or Interest Monies which shall be due from them respectively or any of them, by way of Contribution to or on account of the said Sum of Fourteen thousand Pounds, or the Interest thereof, or the Costs, Charges, and Expenses lastly herein-before referred to, the Commissioners executing this Act, by themselves, or their Clerk or Treasurer, shall be competent to recover from the Parties making such Default the Monies due from them respectively by Action in any of Her Majesty's Superior Courts of Law at *Westminster*, with Costs of Suit.

Exemption as regards Her Majesty the Queen and the Land Revenues of the Crown.

XXXV. Provided always, That nothing in this Act or the said recited Acts contained shall subject or charge the Queen's most Excellent Majesty, Her Heirs or Successors, or the Capital or Income of the Possessions or Land Revenues of Her Majesty in right of Her Crown, to or with the Payment of any Rate or Assessment, Sum of Money, Debt, or Liability, or the Performance of any Contract or Engagement made, entered into, or incurred, or which may be made, entered into, or incurred, in relation to paving, lighting, cleansing, or watering under the Authority of this Act, or the said recited Acts or any of them.

Act to take effect from 10th Oct. 1851.

XXXVI. And lastly this Act shall come into operation and shall take effect on and from the Tenth Day of *October* One thousand eight hundred and fifty-one.

CAP. XCVI.

An Act to amend the Mercantile Marine Act, 1850. [7th *August* 1851.]

'WHEREAS it is expedient to amend The Mercantile Marine Act, 1850:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Mercantile Marine Act Amendment Act, 1851," and shall come into operation immediately on the passing thereof.

To be taken as Part of 13 & 14 Vict. c. 93.

II. This Act shall, so far as is consistent with the Contents and Subject Matter thereof, be taken as Part of and construed with the said Mercantile Marine Act, 1850.

III. If

On Failure of Local Marine Board, Board of Trade may assume its Duties, or direct a new Election.

III. If any Local Marine Board, by reason of any Election not taking place, or of the simultaneous Resignation or constant Non-attendance of all or the greater Part of the Members, or from any other Cause, fails to meet or to discharge its Duties, the Board of Trade may in its Discretion either take into its own Hands the Performance of the Duties of such Local Marine Board until the next triennial Appointment and Election thereof, or direct that a new Appointment and Election of such Local Marine Board shall take place immediately.

Increased Powers of cancelling or suspending Certificates.

IV. If any Master or Mate is convicted of Felony, or is convicted and sentenced to Imprisonment either summarily or otherwise under any of the Provisions of the Act of the Eighth Year of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, or of the Mercantile Marine Act, 1850, the Board of Trade may cancel or suspend his Certificate, whether of Competency or Service; and if upon any Investigation held under the Twenty-eighth Section of the said Mercantile Marine Act the Report of the Board or Persons making the same is to the Effect that such Master or Mate has been guilty of any gross and repeated Acts of Dishonesty, or of Drunkenness, or of Tyranny, the Board of Trade may cancel or suspend his Certificate, whether of Competency or Service, and any such Cancellation or Suspension shall have the same Effect as any Cancellation or Suspension made under the said Twenty-eighth Section of the Mercantile Marine Act, 1850; provided that the Powers hereby given shall not affect or diminish the Powers given by the said Twenty-eighth Section of the Mercantile Marine Act, 1850.

Certificates of Masters, &c. may be as to present Station or superior.

V. In any Case in which Masters or Mates of Merchant Ships are required to possess or produce Certificates of Competency or Service, such Certificates may be either of a Grade appropriate to the Stations held by them for the Time being, or of any superior Grade.

Certificates of Masters and Mates to be produced to Shipping Masters, who are to certify the same, and the proper Execution of the Agreement, for the Satisfaction of the Officers of Customs.

VI. After the First Day of *September* One thousand eight hundred and fifty-one, the Master of every Foreign-going Ship shall, on signing the Agreement with his Crew as required by the Mercantile Marine Act, 1850, produce to the Shipping Master before whom the same is signed the Certificate of Competency or Service which the said Master and his First and Second Mate or only Mate, as the Case may be, are by the said Act required to possess; and upon such Production being duly made, and the Agreement being duly executed, as by the said Act is required, the Shipping Master shall sign and give to the Master a Certificate to that Effect; and in the Case of running Agreements herein-after provided for, the Shipping Master shall before the Second and every subsequent Voyage made after the First Commencement of the Agreement sign and give to the Master, on his complying with the Provisions herein-after contained with respect to such Agreements, and producing to the Shipping Master the Certificate of Competency or Service of any First, Second, or only Mate then first engaged by him, a Certificate to that Effect; and the Master of every Foreign-going Ship shall before proceeding to Sea produce the Certificate so to be given to him by the Shipping Master as aforesaid to the Collector or Comptroller of Customs, and the Collector or Comptroller may thereupon, notwithstanding any Provision to the contrary in the said Mercantile Marine Act, 1850, contained, allow such Ship to proceed to Sea without requiring the Production of the Certificates of Competency or Service or the Agreement with the Crew; and no Officer of Customs shall clear any Foreign-going Ship Outwards or permit her to proceed to Sea without the Production of such Certificate from the Shipping Master as aforesaid.

As to Engagements &c. for Colonial Ships made before Shipping Masters.

Provisions of 7 & 8 Vict. c. 112. as relate to the Transmission of Accounts, &c. referred to in Schedule C. to apply to all Ships, &c.

VII. Such Provisions of the Mercantile Marine Act, 1850, as relate to the Engagement and Discharge of Seamen in the Presence of a Shipping Master, shall extend to all Engagements and Discharges of Seamen made within the Limits of the United Kingdom in and from Foreign-going *British* Ships, in whatever Part of Her Majesty's Dominions such Ships may be registered or licensed, and in whatever Trade or Occupation (other than the Trade or Occupation of Home Trade Ships) they may be employed, and whether the same have or have not previously been within the Limits of the United Kingdom; and such Provisions of the said Act of the Eighth Year of Her Majesty Queen *Victoria* as relate to the Transmission or Delivery of the Account or List referred to in the said Act as Schedule C. shall apply to all Ships as aforesaid when discharging their Crews in the United Kingdom; provided that if the Master of any Ship not belonging to the United Kingdom who engages Seamen in the United Kingdom is furnished with an Agreement made in due Form according to the Law of the Territory or Colony to which such Ship belongs, the Seamen so engaged in the United Kingdom may sign such Agreement in the Presence of the Shipping Master, and the Master shall not be compelled to enter into an Agreement with them in the Form required by the Mercantile Marine Act, 1850.

Colonial Ships merely touching in the United Kingdom not to fall within the 13 & 14 Vict. c. 93, s. 4.

VIII. If the Crew of any Ship registered in any Territory or Colony being Part of Her Majesty's Dominions abroad is engaged within the Limits of such Territory or Colony according to the Laws for the Time being in force there for a Voyage which is to terminate in such Territory or Colony, and is so expressed in the Agreement, such Ship shall not, by reason of her touching in the course of such Voyage at any Place or Places in the United Kingdom, and likewise at other Places not situate in such Territory or Colony as aforesaid, be construed to be a Ship to which the said Mercantile Marine Act, 1850, or this Act, applies, except so far as relates to the Engagement or Discharge of any Seaman engaged in or discharged from such Ship within the Limits of the United Kingdom.

Foreign-going Ships making short Voyages may have running Agreements.

IX. In the Case of Foreign-going Ships making Voyages averaging less than Six Months in Duration, Agreements with the Crew may be made to extend over Two or more Voyages in the Manner and subject to the Conditions herein-after mentioned; (that is to say,) no such Agreement shall extend beyond the next following Thirtieth of *June* or Thirty-first of *December*, or the First Arrival of the Ship at her Port of Destination in the United Kingdom after such Date; and every Person entering into such Agreement, whether engaged upon the First Commencement thereof or otherwise, (except Seamen engaged out of the United

Manner of commencing

and terminating such Agreements.

United Kingdom and such Substitutes as herein-after mentioned,) shall enter into and sign the same in the Manner required by the said Mercantile Marine Act, 1850, in the Case of Foreign-going Ships; and every Person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the Manner required by the said Act for the Discharge of Seamen belonging to Foreign-going Ships; and Seamen engaged out of the United Kingdom, and Substitutes engaged in the Place of Seamen who have duly signed this Agreement, and whose Services are lost within Twenty-four Hours before the Ship puts to Sea, by Death, Desertion, or other unforeseen Cause, may be engaged in the Manner provided for such Cases by the Forty-seventh Section of the said Mercantile Marine Act, 1850.

Engagement and Discharge of Seamen in the meantime.

X. The Master of every Foreign-going Ship for which such a running Agreement as aforesaid is made shall, upon every Return to any Port in the United Kingdom before the final Termination of the Agreement, discharge or engage before the Shipping Master there any Seaman whom he is required by Law so to discharge and engage, and shall indorse on the Agreement a Statement (as the Case may be), either that no such Discharges or Engagements have been made or are intended to be made before the Ship again leaves Port, or that all such Discharges or Engagements have been duly made as herein-before required; and any Master who wilfully makes a false Statement in such Indorsement shall be liable to a Penalty not exceeding Twenty Pounds; and the Shipping Master shall also sign an Indorsement on the Agreement to the Effect that the Provisions of this Act relating to such Agreement have been complied with, and shall re-deliver the Agreement so indorsed to the Master, when signed and attested.

Duplicates of Agreements may be kept by Shipping Master, or returned.

XI. In Cases in which such running Agreements are made, the Duplicate Agreement retained by the Shipping Master upon the First Engagement of the Crew shall either be returned to the Registrar of Seamen immediately, or be kept by the Shipping Master until the Expiration of the Agreement, as the Board of Trade may direct.

Fees to be paid on such running Agreements.

XII. For the Purpose of determining the Fees to be paid upon the Engagement and Discharge of Seamen belonging to such Ships as aforesaid, the Crews shall be considered to be engaged when the Agreement is first signed, and to be discharged when the Agreement finally terminates, and all intermediate Engagements and Discharges shall be considered to be Engagements and Discharges of single Seamen: Provided that nothing herein contained shall affect the Power of reducing Fees which the Board of Trade possesses under the said Mercantile Marine Act, 1850.

Enactments as to Agreements continued.

XIII. Except as herein-before provided, all Enactments relating to Agreements or to Discharges which are contained in the said Act shall apply to Agreements and Discharges effected in the Manner herein-before mentioned.

Shipping Masters are to assist in binding Apprentices, and may receive Fees.

XIV. All Shipping Masters appointed under the said Mercantile Marine Act, 1850, shall, if applied to for the Purpose, give to any Boards of Guardians or other Persons desirous of apprenticing Boys to the Sea Service, and to Masters and Owners of Ships requiring Apprentices, such Assistance as is in their Power, and is consistent with their other Duties, for facilitating the making of such Apprenticeships, and shall, notwithstanding anything in the Act of the Ninth Year of Her Majesty Queen *Victoria*, Chapter One hundred and sixteen, or in the Mercantile Marine Act, 1850, contained, be entitled to demand and receive from Persons availing themselves of such Assistance such Fees as may be determined in that Behalf by the Board of Trade, with the Concurrence, so far as relates to Parish Apprentices, of the Poor Law Board; and such Fees shall be accounted for and applied in the same Manner as Fees received under the Mercantile Marine Act, 1850.

Coasters need not carry Official Logs, nor Agreements if under Eighty Tons.

XV. Such Provisions of the Mercantile Marine Act, 1850, as require the Masters or Owners of Ships of less than Eighty Tons Burden, employed exclusively in trading between different Places on the Coast of the United Kingdom, to keep, use, produce, or deliver Agreements with their Crews, and such Provisions of the same Act as require the Masters or Owners of any such Ships as last aforesaid, of whatever Burden, to keep, use, produce, or deliver Official Log Books, shall be repealed.

Advance Notes may be given when Agreement signed.

XVI. So much of the Fifty-ninth Section of the said Mercantile Marine Act, 1850, as provides that Advance Notes shall not be given to Seamen who sign the Agreement before a Shipping Master until Four Hours after the Agreement has been so signed, shall be repealed; and so much of the Sixtieth Section of the same Act as relates to the Breach of such Provision shall also be repealed.

Section 61. of 13 & 14 Vict. c. 93. repealed

Advance Notes to be receipted when discounted.

XVII. The Sixty-first Section of the Mercantile Marine Act, 1850, shall be repealed; and in lieu thereof, be it enacted, That whenever any Advance Note is discounted for any Seaman, such Seaman shall sign or set his Mark to a Receipt indorsed on the Note, stating the Sum actually paid or accounted for to him by the Person discounting the same; and if the Seaman sails in the Ship from the Port of Departure mentioned in the Note, and is then duly earning his Wages, or is previously discharged with the Consent of the Master, but not otherwise, the Person discounting the Note may, Ten Days after the final Departure of the Ship from the said Port of Departure mentioned in the Note, sue for and recover the Amount promised by the Note, with Costs, either from the Owner or from any Agent who has drawn or authorized the drawing of the Note, either in the County Court or in the summary Manner in which Seamen are by the General Merchant Seamen's Act enabled to sue for and recover Wages not exceeding Twenty Pounds; and in any such Proceeding it shall be sufficient for such Person to prove that the Note was given by the Owner or Master or some other authorized Agent, and that the same was discounted to and receipted by the Seaman, and the Seaman shall be presumed to have sailed in the Ship from such Port as aforesaid, and to be duly earning his Wages, unless the contrary is proved, either by the Production of his Register Ticket, or by the official Statement of the Change in the Crew caused by his Absence, made and signed by the Master, as by the Mercantile Marine Act, 1850, required, or in some other Manner.

Certain Evidence to be sufficient.

XVIII. The

Power of dispensing with Lime Juice, &c. extended.

XVIII. The Power of dispensing with so much of the Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, as relates to Lime or Lemon Juice, Sugar and Vinegar, which is by the Sixty-fifth Section of the said Mercantile Marine Act, 1850, given to the Board of Trade, shall extend to Ships bound to any Port on the Eastern Coast of *North America* North of the Thirty-fifth Degree of North Latitude, and to any Islands or Places in the *Atlantic Ocean* North of the same Limits.

Power to substitute other Articles for Lime Juice.

XIX. The Board of Trade may direct that Citric Acid, or any other Article of a similar Nature, may, at the Discretion of Masters or Owners of Ships, be substituted for the Lime or Lemon Juice required by the Eighteenth Section of the Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, and may impose any Conditions it thinks fit upon any such Substitution, and may revoke any such Directions; and no Master or Owner who complies with such Directions shall be compelled to carry or serve out Lime or Lemon Juice, or be liable to any Penalty for not carrying or serving out the same.

Penalty for harbouring Men who refuse to join same as to Deserters.

XX. Such Provisions of the Tenth Section of the Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, as relate to the harbouring or secreting of Deserters, shall extend to the harbouring or secreting of any Seaman who after duly signing the Agreement wilfully neglects or refuses to join his Ship, or of any Apprentice who so neglects or refuses.

Misconduct in Pilots, endangering Ship, Life, or Limb, to be a Misdemeanor.

XXI. Any Pilot in charge of any Ship who by wilful Breach of Duty or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such Ship, or tending immediately to endanger the Life or Limb of any Person on board of such Ship, or who by wilful Breach of Duty or Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such Ship from Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such Ship from Danger to Life or Limb, shall for each such Offence be deemed guilty of a Misdemeanor.

Costs of procuring Imprisonment may to the Extent of 3*l.* be deducted from Wages.

XXII. Whenever in any Proceeding relating to Seamen's Wages it is shown that any Seaman or Apprentice has in the course of the Voyage been convicted of any Offence by any competent Tribunal, and rightfully punished therefor by Imprisonment or otherwise, the Court or Justice hearing the Case may, if they or he think fit, direct a Part of the Wages due to such Seaman, not exceeding Three Pounds, to be applied in reimbursing any Costs properly incurred by the Master in procuring such Conviction and Punishment.

Naval Courts, constituted under 13 & 14 Vict. c. 93. s. 82., to have Power to make certain Decisions as to Wages.

XXIII. Any Court duly constituted according to the Eighty-second Section of the Mercantile Marine Act, 1850, shall, in addition to the Powers given to it by that Act, have the Power of ordering that the Wages of any Seaman whom it discharges from his Ship or any Part of such Wages shall be forfeited, and may direct either that such forfeited Wages be retained by way of Compensation to the Owner, or that they be paid to the Board of Trade, in the same Manner as Fines payable under the said Mercantile Marine Act, 1850, and shall also have the Power of deciding any Questions as to Wages, or Fines or Forfeitures, either of Wages or Effects, arising between any of the Parties to the Proceedings before it; and all such Decisions and Directions as aforesaid shall in any subsequent legal Proceedings be deemed to be conclusive as to the Rights of the Parties.

Such Courts to have the Powers given to Consuls by 7 & 8 Vict. c. 112. ss. 59, 60.

XXIV. Every such Court as aforesaid shall have and may exercise the same Powers with respect to Persons charged with the Commission of Offences at Sea or abroad as are by the Fifty-ninth and Sixtieth Sections of the Act of the Eighth Year of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, or any of them, given to Her Majesty's Consuls and Vice-Consuls; provided that nothing herein contained shall diminish or affect the said Powers so given to Consuls and Vice-Consuls in any Case in which no such Court as aforesaid is constituted.

Their Orders to be entered in Official Log.

XXV. All Orders made by any such Court as last aforesaid shall be entered in the Official Log Book of the Ship to which the Parties to the Proceeding before it belong, and shall be signed by the President of the Court or by One of its Members.

In case of Wreck or Abandonment, a Naval Court may be summoned to investigate the Case, &c.

XXVI. Whenever any Merchant Ship is wrecked or abandoned abroad, any Naval Officer in command of any of Her Majesty's Ships, or any Consular Officer who may be at or near the Place of such Wreck or Abandonment, or at any Place at which the Crew of the Ship so wrecked or abandoned arrives, may, if he thinks the Case requires Investigation, summon a Court, which shall be constituted in the same Manner as Courts constituted under the Eighty-second Section of the Mercantile Marine Act, 1850; and such Court shall investigate the Cause of the Wreck or Abandonment, and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths and Affirmations, and order the Production of Documents, and shall make a Report containing the Statement of the Proceedings and of the Evidence, and shall send it to the Board of Trade; and if such Report is to the Effect that the Wreck or Abandonment has been caused by the Misconduct or Incompetency of the Master or any certificated Mate, the Board of Trade may cancel or suspend his Certificate, whether of Competency or Service; and any such Report, if purporting to be signed by the Senior Naval Officer or to be sealed with the Consular Seal, and if produced out of the Custody of the Board of Trade or its Officers, shall be admitted in Evidence in any legal Proceeding.

If Loss caused by Misconduct, &c. in Master or Mate, his Certificate may be cancelled, &c.

Entry of Offences in Log to be read over to Offenders.

XXVII. Except in the Case of Desertion and in other Cases in which it is impossible so to do, every Entry of any Offence made in the Official Log Book of any Ship which leaves the United Kingdom after the First Day of *September* One thousand eight hundred and fifty-one shall at the Time when the same is made, or as soon afterwards as possible, be read over distinctly and audibly to the Offender or upon the Quarter Deck of the Ship, and a Statement to the Effect that the same has been so read thall be added to such

such Entry, and signed as required for the Signature of such Entry; and, except in the Cases aforesaid, no such Entry shall be admissible in Evidence on the Part of the Master or Owner, or otherwise available for the Purposes of such Master or Owner, if not so stated to have been read over as herein-before required.

Schedule in lieu of Sched. C. of 13 & 14 Vict. c. 93.

XXVIII. The Schedule hereunto annexed shall be substituted for Schedule C. annexed to the Mercantile Marine Act, 1850, and the Thirty-ninth Section of the Mercantile Marine Act shall be construed accordingly.

Accountant to Naval Department of Board of Trade.

XXIX. The Person acting for the Time being as Accountant to the Naval Department of the Board of Trade shall be the Person who is to render the Accounts of that Department to the Commissioners of Audit or other Persons undertaking the Audit thereof.

Delivery of Lists, &c. to be made to Shipping Masters.

XXX. In all Cases in which Masters or Owners of Ships are required by the Act of the Ninth Year of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, or by the Mercantile Marine Act, 1850, to deliver or transmit any Agreements, Lists, or Schedules to any Officer of Customs, such Masters and Owners shall henceforth in lieu thereof deliver or transmit the same to the Shipping Masters appointed under the Mercantile Marine Act, 1850, and all Provisions of the said Acts heretofore applicable to such Delivery and Transmission thereof as therein required shall henceforth apply to such Delivery or Transmission thereof as herein required.

Clerks to Justices, &c. to account to Board of Trade for Penalties received by them.

XXXI. All Clerks to Justices or other Officers receiving any Penalties inflicted under the said Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter One hundred and twelve, the said Act of the Ninth Year of Her Majesty Queen *Victoria*, Chapter One hundred and sixteen, the said Mercantile Marine Act, 1850, or this Act, shall give Accounts thereof to the Board of Trade in such Form as the said Board may direct.

SCHEDULE.

Sums to be deducted from Wages by way of partial Repayment of Fees in Schedule B. annexed to the Mercantile Marine Act.

1. In respect of Engagements and Discharges of Crews, upon each Engagement and each Discharge,

	s.	d.
From Wages of any Mate, Purser, Engineer, Surgeon, Carpenter, or Steward - -	1	6
„ all others, except Apprentices - - - -	1	0

2. In respect of Engagements and Discharges of Seamen separately, upon each Engagement and each Discharge,

One Shilling.

CAP. XCVII.

An Act to amend the Church Building Acts. [7th *August* 1851.]

58 G. 3. c. 45.
59 G. 3. c. 134.
3 G. 4. c. 72.
5 G. 4. c. 103.
7 & 8 G. 4. c. 72.
1 & 2 W. 4. c. 38.
2 & 3 W. 4. c. 61.
7 W. 4. & 1 Vict. c. 75.
1 & 2 Vict. c. 107.
2 & 3 Vict. c. 49.
3 & 4 Vict. c. 60.
7 & 8 Vict. c. 56.
8 & 9 Vict. c. 70.
9 & 10 Vict. c. 88.
9 & 10 Vict. c. 68.
11 & 12 Vict. c. 37.
11 & 12 Vict. c. 71.

'WHEREAS the following Acts have been passed for building and promoting the building of additional Churches in populous Parishes in *England*, and are commonly referred to as the Church Building Acts; (that is to say,) an Act of the Fifty-eighth Year of King *George* the Third, Chapter Forty-five; an Act of the Fifty-ninth Year of King *George* the Third, Chapter One hundred and thirty-four; an Act of the Third Year of King *George* the Fourth, Chapter Seventy-two; an Act of the Fifth Year of King *George* the Fourth, Chapter One hundred and three; an Act of the Session holden in the Seventh and Eighth Years of King *George* the Fourth, Chapter Seventy-two; an Act of the Session holden in the First and Second Years of King *William* the Fourth, Chapter Thirty-eight; an Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter Sixty-one; an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Seventy-five; an Act of the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-nine; an Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Sixty; an Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Fifty-six; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Seventy; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Eighty-eight; an Act of the same Session, Chapter Sixty-eight; an Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Thirty-seven; and an Act of the same Session of Parliament, Chapter Seventy-one: And whereas it is expedient that the said Acts should be amended:' Be it thefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where a permanent Provision satisfactory to the Commissioners is secured in lieu of Pew Rents, Commissioners, with Consent of Bishop, may

I. Where any Body or Person endows with such permanent Provision in Land or Money as is satisfactory to Her Majesty's Commissioners for building new Churches and the Bishop of the Diocese any Church for which Pew Rents have been previously fixed by the said Commissioners under the Provisions of the Church Building Acts, and where such Pew Rents have not been assigned or appropriated under any Local Act, such Endowment or Provision being made in lieu of and as a Substitute for such Pew Rents, in whole or in part, it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consent of such Bishop under his Hand and Seal, setting forth the Nature of such Endowment, and that it was made for the Object aforesaid, to order and declare that such Pew Rents shall

shall with respect to such Church cease and determine, and the same shall, according to such Order and Declaration, cease and determine in whole or in part, and the Seats or Pews so exempted from Rent shall thenceforth be at the Disposal of the Churchwardens of such Church in like Manner as the Seats or Pews of an ancient Parish Church, but the Pew Rents then due and payable shall nevertheless be payable and recoverable in the same Manner as if such Order had not been made.

direct such Pew Rents to cease.

II. In all Cases where any District Chapelry has already been or is hereafter formed under the Authority of the Church Building Acts, and where, by the Order in Council forming such District Chapelry, the Fees or any Part thereof arising from the Performance of such of the Offices of the Church as are performed in the Church of such District Chapelry have been reserved or such Fees otherwise belong to the then Incumbent of the original Parish or District (out of which such District Chapelry is taken) during his Incumbency, or to such Incumbent and his Successors, it shall be lawful for the said Commissioners, out of any Monies hereafter placed at their Disposal for that Purpose (not being Monies placed at their Disposal for the building or contributing to the building of new Churches), to assign to such Incumbent during his Incumbency, if he still remain Incumbent, or to such Incumbent, as the Case may require, such an annual Sum as may appear to the said Commissioners a just and reasonable Compensation for the Loss of any Fees, Dues, Oblations, or Offerings which such Incumbent may sustain by reason of the Transfer thereof, under the Provision herein-after contained, to the Incumbent of the District Chapelry.

Loss of Fees and Offerings may be compensated for by Commissioners out of the First Monies coming to them for that Purpose in respect to the Assignment of District Chapelries.

III. Where the Fees arising from the Performance of the Offices of the Church of a Consolidated Chapelry already or hereafter formed under the Church Building Acts are under such Acts reserved to the Incumbents of the Parishes out of which such Consolidated Chapelry is formed during their respective Incumbencies, unless voluntarily relinquished by them or either of them, Compensation may be made as aforesaid by the said Commissioners to such Incumbents, if still entitled to such Fees, for the Loss of any Fees, Dues, Oblations, or Offerings which such Incumbents may sustain by reason of the Transfer thereof, under the Provision herein-after contained, to the Incumbent of such Consolidated Chapelry.

Compensation for Loss of Fees, &c. in respect of Formation of the Consolidated Chapelries.

IV. Where the Fees or a Portion thereof arising from the Performance of Offices of the Church in the Church, with a particular District thereto, already or hereafter built and endowed, and the Patronage thereof specially declared under the Provisions of the Church Building Acts or this Act, are reserved or belong to the Incumbent of the original Parish or District out of which such particular District is taken, Compensation may be made as aforesaid by the said Commissioners to the then Incumbent, or to such Incumbent, as the Case may require, for the Loss of any Fees, Dues, Oblations, or Offerings by reason of the Transfer thereof, under the Provision herein-after contained, to the Incumbent of such Church.

Compensation for Loss of Fees in respect to a Church built and endowed under 1 & 2 W. 4. c. 38.

V. After such Compensation as aforesaid has been awarded by the said Commissioners or otherwise to the then Incumbent, or to such Incumbent, as the Case may require, of the original Parish or District, and such Compensation has been certified by the said Commissioners (which Certificate shall be registered in the Registry of the Diocese), all the Fees or Portion of Fees reserved by the Order in Council, or otherwise belonging to the Incumbent of the original Parish or District during his Incumbency, or to the Incumbent thereof for the Time being and his Successors, shall, notwithstanding such Reservation or Claim, together with all Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within such District Chapelry, Consolidated Chapelry, or particular District, belong and be paid to the Incumbent for the Time being of such District Chapelry, Consolidated Chapelry, or particular District, for his own Use and Benefit.

After Compensation, Fees, &c. to belong to Minister of the District Chapelry, &c., notwithstanding any former Reservation.

VI. Where the Fees or any Part thereof arising from the Performance of the Offices of the Church, or any of them, are not reserved or do not otherwise belong to the Incumbent of the original Parish or District out of which the District Chapelry, Consolidated Chapelry, or particular District is taken, all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within such District Chapelry, Consolidated Chapelry, or particular District shall from and after the passing of this Act belong and be paid to the Incumbent for the Time being of such District Chapelry, Consolidated Chapelry, or particular District, notwithstanding no Compensation for the Loss thereof has been made to the Incumbent of the original Parish or District.

Where Fees not reserved, same to belong to Incumbent of District Chapelry, &c.

VII. In all Cases in which any Body or Person hereafter endows in manner herein-after mentioned, to the Satisfaction of the said Commissioners, any Church or any Building intended to be consecrated as a Church which has been or hereafter shall be erected, purchased, or acquired by such Body or Person, and where also in any Case such Body or Person hereafter provides a competent Fund, as herein-after mentioned, for the Repairs of such Church or Building, it shall be lawful for the said Commissioners, subject to no Restriction in consequence of the Amount of the Population of the ancient Parish, or new Parish or District, or Extra-parochial Place, or of the Church Accommodation therein, or Distance of such Church or Building from any existing Church, or otherwise, (except as to Notices to Patron and Incumbent as herein-after mentioned,) with the Consent of the Bishop of the Diocese, if under all the Circumstances it appear to them fit and proper so to do, to declare by an Instrument under their Common Seal the Right of nominating a Minister to such Church or Building to be for ever after the due Consecration thereof in the Body or Person so having erected or procured and endowed the same, their or his Successors, Heirs, or Assigns, or in such other Body or Persons as is herein-after provided: Provided always, that nothing herein contained shall deprive the Patron of such Parish or District as aforesaid of the Option given him by the said Act of the First and Second Years of King *William* the Fourth, Chapter Thirty-eight, to build an additional Church or purchase a Building for that Purpose, and endow the same to the Satisfaction of the Bishop of the Diocese, as mentioned in the said Act, or of the Preference in that Case given him by the said Act over any other Person or Persons so intending to build such new Church or purchase such Building as aforesaid.

With Consent of Bishop, Commissioners may in all Cases, subject to Notices to Patron and Incumbent, declare perpetual Right of Patronage to be in the Body or Person building and endowing a new Church, or in certain other Persons.

Commissioners may accept, for the Purpose of an Endowment and a Repair Fund, Lands, &c. and Money.

VIII. The Exemption from the Provisions of the Mortmain Acts, and the Restrictions applicable to such Exemption, contained in the said Act of the Third and Fourth Years of Her Majesty, shall be applicable to any Endowment or Grant or Conveyance for the Purpose of a Repair Fund of any such Church or Building; and, subject as aforesaid, the said Commissioners may accept by way of Endowment, and for the Purpose of a Repair Fund, for such Church or Building, such permanent Provision as they may consider satisfactory, consisting of all or any of the following Descriptions of Property, namely, Land, Tithes, Rentcharges, and other Tenements or Hereditaments, Money charged on Land or invested in the Funds; and such Endowment and Repair Fund shall be exclusive of and in addition to the Pew Rents (if any) of such Church or Building; and as regards any Endowments to be made for the Purpose of obtaining the Patronage as aforesaid, the same may be vested in such Trustees, not exceeding Five, as the said Commissioners direct; and such Trusts thereof, and for the Sale or Conversion thereof, and Re-investment of the Produce either in Land or in Government Securities, with Powers of granting Building or other Leases, and all other Powers for the due Administration of such Endowments and Repair Fund, and Appointment of new Trustees, may be declared as the said Commissioners think fit.

In whom Right of Patronage may be vested.

IX. The Right of perpetual Nomination may, under the Instrument declaring the same as aforesaid, be vested in the Body or Person so having erected or procured and endowed such Church or Building, their or his Successors, Heirs, and Assigns, or in their or his Nominee, or such Trustees to be named in the said Instrument as they or he may signify to the said Commissioners before the Execution of such Instrument by the said Commissioners, or in case such Church or Building has been or shall be built or purchased and endowed by Subscription, then in such Body or Person, their or his Successors, Heirs, or Assigns, or such Trustees to be named in such Instrument, as the major Part in Value of the Subscribers of not less than Fifty Pounds each may signify to the said Commissioners before the Execution of such Instrument by the said Commissioners.

Appointment of Trustees.

X. If any of the Trustees to whom the Right of Nomination to any such Church or Building is in the first instance granted under such Instrument as aforesaid die, resign, or become incapable of acting, or be desirous of retiring from such Trust, the surviving or continuing Trustees or Trustee, or the Majority of the surviving or continuing Trustees where more than Two, shall appoint new Trustees or a new Trustee in the Place of the Trustees or Trustee so dying, resigning, or becoming incapable as aforesaid, unless a different Mode of electing or Power of nominating new Trustees have been agreed upon in the first instance between the said Commissioners and the Body or Person building or purchasing, or obtaining, acquiring, and endowing, such Church or Building, or in case of the same being or having been built or purchased and endowed by Subscription then between the said Commissioners and the major Part in Value of the Subscribers thereto of not less than Fifty Pounds each, such Agreement to be signed by such Body or Person, or by the Majority in Value of such Subscribers, and sealed by the said Commissioners, and in each such Case such new Trustees or Trustee shall be appointed in conformity to such Agreement; and every Trustee on his Nomination, and also so often as he exercises or concurs in exercising the Right of Nomination of which he is a Trustee, shall sign a Declaration that he is a Member of the United Church of *England* and *Ireland*; and on the Appointment of a Trustee it shall not be necessary to make any Conveyance of the Right of Nomination to the said Church; and when any Trustee or Trustees may have died, resigned, or become incapable of acting, the surviving or continuing Trustee or Trustees may continue to act, notwithstanding new Trustees may not have been appointed, unless the contrary have been directed in any such Agreement as aforesaid: Provided always, that if it should happen that all the Trustees for the Time being of such Church should die without having appointed any other Trustee or Trustees to supply the Vacancy or Vacancies, it shall in each such Case be lawful for the Bishop of the Diocese, under his Hand and Seal to appoint any requisite Number of Trustees, not exceeding Five: Provided also, that the Patronage of any Church shall not at any Time be vested in or held in trust by more than Five Persons, except where such Patronage passes by Descent to Coparceners, or by the Custom of Gavelkind to more than Five Persons, or is conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

Certain Information to be sent by the Commissioners to Patron and Incumbent before they declare Right of Patronage.

XI. Previous to such Declaration of the Right of Nomination being made by the said Commissioners, Application in Writing shall be made by the Body or Person having built or purchased or acquired, or proposing to build or purchase or acquire and endow as aforesaid, such Church or Building, or by the major Part in Value of the Subscribers thereto of not less than Fifty Pounds each, or by some Person authorized on his or their Behalf, to the said Commissioners, setting forth the estimated Amount of the Population of the ancient Parish, or new Parish or District or Extra-parochial Place in which such Church so built or proposed to be built, or such Building so purchased or proposed to be purchased or acquired, is situated, together with the estimated Amount of Accommodation provided in the several consecrated Churches within such ancient Parish or new Parish or District or Extra-parochial Place, together with the estimated Amount of the Population of the District (if any District is proposed) for which such Church or Building is intended to provide, and the Accommodation provided or proposed to be provided in such Church or Building, and its Distance from the consecrated Church or Churches in such ancient Parish or new Parish or District or Extra-parochial Place; and Copies of such Application or Notices containing the like Information shall in every such Case be sent by the said Commissioners to the Patron and Incumbent respectively of such ancient Parish or new Parish or District or Extra-parochial Place, in order to afford such Patron and Incumbent respectively the Opportunity of laying before the said Commissioners, for their Consideration, any Statement or Objections relating thereto; and if the District proposed for such Church or Building is to be taken out of any other ancient Parish or new Parish or District than the Parish

or District in which it is situate, such Copies or Notices as aforesaid shall also be sent by the said Commissioners to the Patron and Incumbent of each such other Parish or District; and the said Commissioners shall not declare, or signify their Intention of declaring, such Right of Nomination, until after the Expiration of Three Months next after such Copies or Notices have been so sent (unless each such Patron and Incumbent in the meantime consent thereto); and such Copies or Notices may be served personally on or directed and sent by Post to such Parties respectively: Provided always, that the District proposed in such Application may be subsequently varied, with the Consent of the Patron and Incumbent of the ancient Parish or new Parish or District from which such District is to be taken, at any Time before the Consecration of such Church or Building, without any fresh Copies of Application or Notices being required to be served on or sent to such Parties respectively.

How Notices shall be sent when Patrons are numerous.

XII. In any Case in which the Patronage of any ancient Parish or new Parish or District is vested in and exercised by the Inhabitants generally of such ancient Parish or new Parish or District, or by any Body or Class of Persons exceeding Five in Number, it shall be and be deemed to be a sufficient Compliance with the Provisions herein-before mentioned as to Notices to Patrons to deliver or transmit the before-mentioned Copies of Applications or Notices to Two or more of such Patrons, and to the Churchwardens of such ancient Parish or new Parish or District; and the said Commissioners shall not declare, or signify their Intention of declaring, such Right of Nomination, until after the Expiration of Three Months next after such Copies or Notices have been so delivered or transmitted, unless such Patrons in the meantime consent thereto.

Instrument declaring Right of Nomination may be executed after Completion of new Church; and after Execution of such Instrument, and Consecration, Right may be exercised.

XIII. After the Church or Building built or purchased or acquired and endowed as aforesaid has been completely finished, and fitted up for the Performance of Divine Service, such Instrument as aforesaid declaring the Right of Nomination may be executed by the said Commissioners under their Common Seal, and by the Bishop of the Diocese, as a consenting Party thereto; and after the due Execution of such Instrument, and the Consecration of such Church or Building, such Right of Nomination may be exercised by the Body, Person or Persons, in whom the same may be vested thereby, or by virtue of this Act, without requiring the Consent either of the Patron or the Incumbent of the ancient Parish or new Parish or District or Extra-parochial Place in which such Church or Building is situate, and notwithstanding no Compensation has been made to them or either of them, and notwithstanding any Local Act of Parliament may have specially reserved such Right of Nomination; and such Right of Nomination, when vested in more than Two Persons, shall in every such Case be exercised by the Majority, unless otherwise particularly specified and agreed upon; and the Body or Person or Trustees in whom the said Right of Nomination is so vested shall in every such Case, after the Consecration of such Church or Building, be Patrons of the said Church, by the Name and Style specified in the Sentence of Consecration; and such Right shall be of the Nature of Real Property; and every such Instrument of Nomination shall be registered in the Registry of the Bishop of the Diocese.

Sole Jurisdiction of Bishop to declare such Patronage, under Circumstances, to cease.

XIV. After the passing of this Act the sole Jurisdiction of the Bishop of the Diocese, under certain Circumstances conferred on him by the Church Building Acts, to declare under his Hand and Seal the perpetual Patronage of any new Church or Building, or to assign a District thereto, shall cease and determine; provided that nothing herein contained shall restrict or be construed to restrict any Bishop from exercising, if he think fit, such Jurisdiction with respect to any Application in Writing made to him under the Church Building Acts before the passing of this Act, or to interfere with the Progress or Completion of any Proceedings, or the Jurisdiction of the said Commissioners, or of such Bishop therein, which have been taken with respect to any Case which before the passing of this Act has been brought before them or him under such Acts, but they and he respectively shall have in such Cases the same Jurisdiction therein as they or he would have had if this Act had not been passed.

Existing Powers of Commissioners as to Patronage not to be affected, except, &c.

XV. The existing Powers and Authorities vested in the said Commissioners under the Provisions of the said Acts of the First and Second Years of King *William* the Fourth, the First and Second Years of Her Majesty, or of any other of the Church Building Acts, and the existing Provisions thereof with respect to any Church or Building built or acquired and endowed, and the Patronage thereof specially declared, and the Assignment of a District thereto, under such Acts or any of them, or any Matters or Things relating to such Church or Building or District, or the Incumbent or Minister thereof, shall apply to and be in force with respect to any Church or Building built or acquired and endowed, and the Patronage thereof specially declared, under the Provisions of this Act, and with respect to the Assignment of a District thereto, and the Incumbent or Minister thereof, except so far as such Powers, Authorities, and Provisions are altered, enlarged, or varied by or are repugnant to or inconsistent with the Provisions of this Act.

Powers of Church Building Acts to apply to new Parishes.

XVI. The Powers and Provisions of the Church Building Acts or this Act relative to the Formation of any Parish or District shall be applicable to the Formation of any Parish or District out of any new Parish formed or hereafter to be constituted by or under the Proceedings of the Ecclesiastical Commissioners for *England*.

Supplemental Order in Council for Performance of Baptisms, Churchings, and Burials.

XVII. Where a District Chapelry has been already or is hereafter assigned to any Church under the Provisions of the Church Building Acts, and the Order in Council assigning such District Chapelry does not direct that the Offices of Baptisms, Churchings, and Burials shall be performed in such Church, or only directs that One or Two of such Offices should be performed therein, it shall be lawful for Her Majesty, by any Supplemental Order in Council, on a Representation to be made to Her Majesty by the said Commissioners, with the Consent of the Bishop of the Diocese, to order that all or any of the Offices of Baptisms,

Baptisms, Churchings, and Burials, not included in such First Order in Council as aforesaid, shall be thereafter performed in such Church, and that all the Fees arising from the Performance of the Offices so authorized, or a Part thereof, shall thereafter belong and be paid to the Minister of such Church, or after the next Avoidance of the Parish or District out of which such District Chapelry is formed, or that all or a Portion of such Fees shall belong and be paid to the Incumbent of such Parish Church or District; and all the Laws in force relating to the Performance of such Offices, and the Registration thereof, shall apply to such Offices as may be performed under such Supplemental Order in Council; provided that nothing herein contained shall authorize receiving Fees for Baptisms.

Commissioners, with Consent of Bishop, may order Fees, &c. for Marriages in any new Church to belong, after next Avoidance of Parish Church or District, to Incumbent of new Church.

XVIII. Anything in the said Act of the Seventh and Eighth of Her Majesty to the contrary notwithstanding, it shall be lawful for the said Commissioners, if they think fit, with the Consent in Writing of the Bishop of the Diocese, to order and direct that all or a Portion of the Fees, Dues, Offerings, and other Emoluments arising from the Publication of Banns or the Solemnization of Marriages in any new Church already or hereafter built, acquired, and endowed, and the Patronage thereof specially declared, under the Provisions of the said Act of the First and Second Years of King *William* the Fourth, or this Act, by the said Commissioners or the Bishop of the Diocese, and in which Church Banns of Matrimony may be published and Marriages solemnized, under the Provisions of the said Act of the Seventh and Eighth Years of Her Majesty, shall, from and after the next Avoidance, from the Time of such Order and Direction of the Parish Church or District out of which the District of the new Church is taken, or of the Parish Churches or Districts (if the District be taken out of more than One Parish or District), belong and be paid to the Incumbent for the Time being of such new Church, for his own Use and Benefit.

Provisions of 8 & 9 Vict. c. 70. as to Formation of Consolidated Chapelries extended.

XIX. The Provisions contained in the said Act of the Eighth and Ninth Year of Her Majesty, Chapter Seventy, relative to the Formation of a Consolidated Chapelry out of Parishes or Extra-parochial Places the Boundaries of which are contiguous to each other, and the vesting the Patronage of the Church thereof in the Body or Person mentioned in such Act, shall extend and apply to the Formation of any Consolidated Chapelry out of any Parishes or Districts already formed or hereafter to be formed the Boundaries of which are contiguous to each other.

Chapelry may be formed and Patronage vested according to Agreement of major Part of Patrons.

XX. If the major Part in Number of the Patrons of the respective Parishes or Districts or Extra-parochial Places out of which any Consolidated Chapelry is to be formed by virtue of the said Act or this Act concur as to the Formation of such Consolidated Chapelry, and as to the Body or Person in whom the Right of Patronage to the Church of such Consolidated Chapelry shall belong, the Formation of such Consolidated Chapelry, and the vesting of the Patronage of the Church thereof accordingly, under the Provisions of the said Act or this Act, shall be as valid as if the Patron of each such respective Parish or District or Extra-parochial Place had severally agreed to the same.

Church Building Acts, as to the Formation of a Parish or District, to apply to a Parish regulated by a Local Act, on Application to the Church Building Commissioners by Patron, Incumbent, and Vestry.

XXI. Whenever, under and by virtue of any Local Act now in force, any Parish cannot be brought within the Provisions of the Church Building Acts touching the Formation thereout of a Parish or District, and whenever a Representation is made to the said Commissioners by the Patron and Incumbent of such Parish, and by the Vestry or Select Vestry, or Persons exercising the Powers of Vestry in Ecclesiastical Matters, in such Parish, that it will be for the Spiritual Benefit of such Parish that it should be brought within such Provisions, it shall be lawful for the said Commissioners, if they think fit, with the Consent of the Bishop of the Diocese, to apply and put in execution with respect to such Parish the Powers and Provisions of the Church Building Acts and this Act relative to the Formation of any Parish or District, and such Provisions shall thereupon be applicable to such Parish, any Local Act of Parliament to the contrary notwithstanding; provided that if the Patronage of such Church is vested in or exercised by the Inhabitants thereof generally, or by any Body or Class of Persons exceeding Thirty in Number, such Application to the said Commissioners shall be sufficient if signed by the Incumbent of such Parish and by the Vestry or Select Vestry, or Persons exercising the Powers of Vestry; and such Vestry or Select Vestry, or Persons exercising the Powers of Vestry, as aforesaid, in such Parish, may meet for the Purpose of considering and deciding whether it is expedient to make such Representation as aforesaid to the said Commissioners, and if the Majority in Number of those present at such Meeting be in favour thereof the Churchwardens of such Vestry, or the Chairman of such Meeting, may and shall sign such Representation on behalf of such Vestry or Meeting.

Saving of the Manchester Division Act, 1850.

XXII. Provided, That nothing in this Act contained shall alter or affect the Provisions of the Parish of *Manchester* Division Act, 1850.

Abolition of Select Vestries formed under the Church Building Acts.

XXIII. From and after the passing of this Act no Select Vestry shall be formed under the Provisions of the Church Building Act, and every such Select Vestry already formed under such Provisions shall be and is hereby declared to be abolished, and all the Powers and Provisions therein enacted relative to such Select Vestries shall henceforth cease and determine; provided that all Matters and Things done by any such Select Vestry in pursuance of any Powers given them by such Acts or any of them shall be and remain as valid as if such Select Vestry had not been abolished.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to an Ecclesiastical Corporation, Aggregate or Sole,

XXIV. The Powers and Provisions contained in an Act passed in the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, Section Twenty-two, enabling Persons and Bodies Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical Corporation, Aggregate or Sole, to give or grant any Land or Tithes belonging to such Corporation in the Manner and for the Purposes in the said Act mentioned: Provided always, that the Power hereby given shall only be exercised with the following

following Consents in Writing; that is to say, in the Case of a College, with the Consent of the Visitor; in the Case of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Dean, with the Consent of the Dean and Chapter; in the Case of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively; in the Case of the Incumbent of a Benefice, with the Consents of the Bishop of the Diocese and the Patron of such Benefice; and that the Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, respecting the Party or Parties to be deemed Patron or Patrons, and also respecting the Manner in which and the Party by whom any such Consent is to be given, shall be held to apply to the Consents hereby required. with certain Consents.

XXV. Where by Error, and without Fraud, Banns of Matrimony have been published or Marriages solemnized in the Church of any Parish or District in which Church Banns could not legally be published nor Marriages legally solemnized, the Banns of Matrimony already published and Marriages already solemnized in such Church as aforesaid shall not, except where any Action, Suit, or other Proceeding in relation to the Validity of any such Marriage was pending on the Nineteenth Day of *June* One thousand eight hundred and fifty-one, be questioned on account of the said Banns having been published or the said Marriages solemnized in any such Church as aforesaid, and the Minister or Ministers who solemnized the same shall not be liable to any Ecclesiastical Censure or to any other Proceedings or Penalties whatsoever by reason thereof; and the Registers of all Marriages so solemnized as aforesaid, except as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively. Validity of certain Marriages performed in Error, and without Fraud, not to be questioned, except where any Action pending on 19th June 1851.

XXVI. When a new Church is built in an Extra-parochial Place the Right of Nomination to such Church, if not vested elsewhere, shall belong to the Bishop of the Diocese in which such Church is situate, and his Successors; and when an Extra-parochial Place has been formed into a distinct and separate Parish, or District Parish or District Chapelry, under the Provisions of the Church Building Acts, the Right of Nomination to the Church of such distinct and separate Parish, or District Parish or District Chapelry, shall belong to and be exercised by the Bishop of the Diocese and his Successors: Provided nevertheless, that nothing herein-before contained shall be construed to interfere with the Powers given by this Act to the said Commissioners, with the Consent of the Bishop of the Diocese, specially to declare the Patronage of a new Church built in an Extra-parochial Place, and endowed to their Satisfaction. To whom the Nomination to the Church of a distinct and separate Parish, &c., formed out of an Extra-parochial Place, shall belong.

XXVII. When any Rent or other annual or recurring Charge shall be payable out of any Hereditaments a Part whereof is hereafter acquired under any of the Provisions contained in the Church Building Acts, it shall be lawful for the Persons or Bodies giving or selling the said Hereditaments, or for the said Commissioners, if they take the said Lands under the Powers of the Church Building Acts, but in either Case with the Consent in Writing of the Person in the actual and lawful Receipt of such Rent or annual or recurring Charge at the Time of its Apportionment, to apportion the said Rent or Charge in such Manner as the said Commissioners see fit, and to charge One Part thereof on the Hereditaments to be conveyed to the said Commissioners, and the other Part thereof on the Remainder of the Hereditaments charged therewith; and the several Portions of the said Rent or Charge so apportioned which may be charged on the Hereditaments so conveyed to the said Commissioners and the Remainder of the Hereditaments originally charged respectively shall in all respects, as far as Circumstances will admit, be recoverable from or out of the Hereditaments so conveyed and the Remainder of the Hereditaments originally charged respectively, in the same Manner as the original Rent or Charge was recoverable from or out of the whole of the said Hereditaments or any Part thereof; but if the Part of the Hereditaments so charged which is not acquired under the Provisions contained in any of the Church Building Acts be, in the Opinion of the said Commissioners and of the Body or Person having Power under the said Acts or otherwise to sell or give the other Part of the said Hereditaments to said Commissioners, of ample Value to bear the whole of the said Rent or Charge, then such Part of the Hereditaments as may be conveyed to the said Commissioners may be conveyed free from such Rent or Charge, and the Remainder of the Hereditaments shall continue liable to the whole thereof, in the same Manner as the whole of the Hereditaments were originally liable, and the said Commissioners are hereby authorized to do all Acts necessary for giving full Effect to such Apportionment or Discharge and Charge. Apportionment or Release of Quit Rents, &c.

XXVIII. The Freehold of any Chapel already or to be hereafter built under the Provisions of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter Sixty-eight, as a Chapel for the Burial Service, when such Chapel has been consecrated, and the Freehold of any Lodge, Walks, or Gates already or hereafter erected or made under such Act on any Part of such Burial Ground as aforesaid, shall vest in the Bishop of the Diocese for the Time being in which the same is situate; and the Preservation and Custody thereof shall belong to the Trustees for the Time being of the Repair Fund, appointed under the Provisions of the said last-mentioned Act, who shall have Power to make such Orders and Regulations from Time to Time as may to them in that Behalf seem proper. Freehold Chapel Lodge, &c. erected under 9 & 10 Vict. c. 68. shall vest in the Bishop.

XXIX. In the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the Word "Church" shall mean and include any consecrated Church or Chapel belonging to the United Church of *England* and *Ireland*; the Word "Bishop" shall be construed to comprehend Archbishop, and the Word "Diocese" shall be construed to comprehend all Places to which the Jurisdiction of any Bishop extends under and for the Purposes of an Act passed in the Second Year of Her present Majesty, Chapter One hundred and six; the Word "Tithes" shall mean and include all commuted or uncommuted Tithes, Rentcharges in lieu of Tithe, Portions and Parcels of Tithes, and all Moduses, Compositions real and prescriptive, and Customary Payments; Interpretation of Terms.

Payments; the Words "Church Building Acts" shall mean and include all or any of the Acts mentioned in the Preamble of this Act; the Words "Parish or District" or "new Parish or District" shall mean and include any distinct and separate Parish, District Parish, District Chapelry, Consolidated Chapelry, or particular District already or hereafter formed under the Provisions of the Church Building Acts; the Word "Churchwarden" shall mean and include Churchwarden and Chapelwarden; and the Words "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, or any Corporation Aggregate or Sole, as well as One Individual.

Extent of this Act.

XXX. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

CAP. XCVIII.

An Act for confirming certain Provisional Orders of the General Board of Health.

[7th *August* 1851.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of the Act, certain Provisional Orders mentioned in the Schedule to this Act annexed, and it is expedient that the said Orders should be confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Confirming Provisional Orders of the General Board of Health.

I. That the Provisional Orders of the General Board of Health referred to in the Schedule to this Act annexed shall be and the same are hereby confirmed, so far as they are authorized by the Public Health Act, and shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Provisional Order as to Hastings not to extend to St. Leonard.

II. Provided always, and be it enacted, That nothing in this Act or in the Schedule thereto contained shall be construed, deemed, and taken to confirm or give effect to any Part of the Provisional Order made for the Borough of *Hastings*, so far as such Order extends to or includes or purports to affect and embrace the Town of *Saint Leonard*, or any Part of the District comprised in and under the Jurisdiction of the Commissioners appointed by and acting in the Execution of an Act (Local and Personal) of the Second Year of King *William* the Fourth, Chapter Forty-five, intituled *An Act for better paving, lighting, watching, and otherwise improving the Town of* Saint Leonard *in the County of* Sussex; and, notwithstanding anything in the said Provisional Order contained, the Mayor, Aldermen, and Burgesses of the said Borough shall be, by the Council of the said Borough, the Local Board of Health under the Public Health Act, 1848, for the District of *Hastings* as defined by this Act, instead of the Local Board of Health named or described in the said Provisional Order.

Number of Members of Local Board of Health of Morpeth.

III. And be it enacted, That the Number of Persons to be elected Members of the Local Board of Health for the District of *Morpeth* under the Provisional Order applying the Public Health Act, 1848, to that District, and this Act, by Owners of and Ratepayers in respect of Property situate within the Parish of *Bedlington*, being Part of the said District, shall be Six, instead of Three as fixed by the said Provisional Order, and that One Third of such Members shall go out of Office annually, as provided by the said Public Health Act, and that the said Provisional Order shall be altered accordingly.

First Election of Local Board for Morpeth.

IV. And be it enacted, That the First Election of the Local Board of Health for the Parliamentary Borough of *Morpeth*, for the Purposes of the said Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for Sherborne.

V. And be it enacted, That the First Election of the Local Board of Health for the District of *Sherborne*, for the Purposes of the said Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for Bridgend.

VI. And be it enacted, That the First Election of the Local Board of Health for the District of *Bridgend*, for the Purposes of the said Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for Bryn Mawr.

VII. And be it enacted, That the First Election of the Local Board of Health for the District of *Bryn Mawr*, for the Purposes of the said Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for Margate.

VIII. And be it enacted, That the First Election of the Local Board of Health for the District of *Margate*, for the Purposes of the said Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for Newmarket.

IX. And be it enacted, That the First Election of the Local Board of Health for the District of *Newmarket*, for the Purposes of the said Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for Romford.

X. And be it enacted, That the First Election of the Local Board of Health for the District of *Romford*, for the Purposes of the Public Health Act, shall take place on the Seventeenth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for West Cowes.

XI. And be it enacted, That the First Election of the Local Board of Health for the Town of *West Cowes*, for the Purposes of the said Public Health Act, shall take place on the Fourth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

Compensation to Officers under Local

XII. And be it enacted, That every Treasurer, Clerk, Surveyor, and other Officer acting under any Local Act recited in the Provisional Order for the City and County of *Bristol*, referred to in the Schedule

of

of this Act, any Part of which is repealed by the said Order, whose Office shall, by reason of the Transfer of the Powers of the Commissioners to the Local Board, be wholly or in part superseded and rendered unnecessary, or who shall at any Time within the Space of Three Years next after the passing of this Act, except for Misconduct, be removed wholly or in part from such Office, and not be employed and retained in an Office of equal Value by the Local Board of Health for the said City and County of *Bristol*, shall be entitled to have an adequate Compensation for the Profits, Salary, and Emoluments of his Office which he shall cease to hold; the said Compensation to be by way of Annuity or otherwise, and to be assessed by the Commissioners of Her Majesty's Treasury upon the Report of the said Local Board of Health, to be made within Three Months after any such Person shall have been superseded in his Office, founded upon a Declaration made by such Person, setting forth the Salary, Profits, and Emoluments derived by him and his Predecessors for every Year during a Period of Five Years next before the Day when he shall have ceased to hold such Office, and such other Evidence as the said Local Board of Health may require as to the Amount, Nature, and Particulars of such Profits; and in assessing the same regard shall be had to the Manner of his Appointment to such Office, and his Term therein; and the said Local Board of Health shall from Time to Time pay to the Person entitled to Compensation, out of any Special or General District Rates, in their Discretion, the Money which shall upon such Report, and any Appeal or Reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury as the same shall become due and be payable.

Acts of City and County of Bristol who may be removed.

XIII. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were One Act.

Incorporation with Public Health Act.

XIV. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1851, No. 2."

Short Title of this Act.

SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD of HEALTH submitted for the Confirmation of Parliament.

PLACES to which the ORDERS refer.

Morpeth.	Gateshead.	Newmarket.
Bristol.	Doncaster.	Romford.
Beverley.	West Cowes.	Tenby.
Sherborne.	Margate.	Kingston-upon-Hull.
Bridgend.	The Borough of Weymouth and Melcombe Regis.	Hartlepool.
Bryn Mawr.		Hastings.
Norwich.		

CAP. XCIX.

An Act to amend the Law of Evidence. [7th *August* 1851.]

'WHEREAS it is expedient to amend the Law of Evidence in divers Particulars:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. So much of Section One of the Act of the Sixth and Seventh Years of Her present Majesty, Chapter Eighty-five, as provides that the said Act shall "not render competent any Party to any Suit, "Action, or Proceeding individually named in the Record, or any Lessor of the Plaintiff, or Tenant of "Premises sought to be recovered in Ejectment, or the Landlord or other Person in whose Right any "Defendant in Replevin may make Cognizance, or any Person in whose immediate and individual Behalf "any Action may be brought or defended, either wholly or in part," is hereby repealed.

Recited Proviso in s. 1. of 6 & 7 Vict. c. 85. repealed.

II. On the Trial of any Issue joined, or of any Matter or Question, or on any Inquiry arising in any Suit, Action, or other Proceeding in any Court of Justice, or before any Person having by Law, or by Consent of Parties, Authority to hear, receive, and examine Evidence, the Parties thereto, and the Persons in whose Behalf any such Suit, Action, or other Proceeding may be brought or defended, shall, except as herein-after excepted, be competent and compellable to give Evidence, either *vivâ voce* or by Deposition, according to the Practice of the Court, on behalf of either or any of the Parties to the said Suit, Action, or other Proceeding.

Parties to be admissible Witnesses.

III. But nothing herein contained shall render any Person who in any criminal Proceeding is charged with the Commission of any indictable Offence, or any Offence punishable on summary Conviction, competent or compellable to give Evidence for or against himself or herself, or shall render any Person compellable to answer any Question tending to criminate himself or herself, or shall in any criminal Proceeding render any Husband competent or compellable to give Evidence for or against his Wife, or any Wife competent or compellable to give Evidence for or against her Husband.

Person charged with criminal Offence not compellable to criminate himself, &c.

IV. Nothing herein contained shall apply to any Action, Suit, Proceeding, or Bill in any Court of Common Law, or in any Ecclesiastical Court, or in either House of Parliament, instituted in consequence of Adultery, or to any Action for Breach of Promise of Marriage.

Not to apply to Proceedings in Adultery, &c.

V. Nothing herein contained shall repeal any Provision contained in Chapter Twenty-six of the Statute passed in the Session of Parliament holden in the Seventh Year of the Reign of King *William* the Fourth and the First Year of the Reign of Her present Majesty.

Not to repeal 7 W. 4. & 1 Vict. c. 26.

Common Law Courts authorized to compel Inspection of Documents whenever Equity would grant Discovery.

VI. Whenever any Action or other legal Proceeding shall henceforth be pending in any of the Superior Courts of Common Law at *Westminster* or *Dublin*, or the Court of Common Pleas for the County Palatine of *Lancaster*, or the Court of Pleas for the County of *Durham*, such Court and each of the Judges thereof may respectively, on Application made for such Purpose by either of the Litigants, compel the opposite Party to allow the Party making the Application to inspect all Documents in the Custody or under the Control of such opposite Party relating to such Action or other legal Proceeding, and, if necessary, to take examined Copies of the same, or to procure the same to be duly stamped, in all Cases in which previous to the passing of this Act a Discovery might have been obtained by filing a Bill or by any other Proceeding in a Court of Equity at the Instance of the Party so making Application as aforesaid to the said Court or Judge.

Foreign and Colonial Acts of State, Judgments, &c. provable by certified Copies, without Proof of Seal or Signature, or judicial Character of Person signing the same.

VII. All Proclamations, Treaties, and other Acts of State of any Foreign State or of any *British* Colony, and all Judgments, Decrees, Orders, and other judicial Proceedings of any Court of Justice in any Foreign State or in any *British* Colony, and all Affidavits, Pleadings, and other legal Documents filed or deposited in any such Court, may be proved in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, either by examined Copies or by Copies authenticated as herein-after mentioned; that is to say, if the Document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated Copy to be admissible in Evidence must purport to be sealed with the Seal of the Foreign State or *British* Colony to which the original Document belongs; and if the Document sought to be proved be a Judgment, Decree, Order, or other judicial Proceeding of any Foreign or Colonial Court, or an Affidavit, Pleading, or other legal Document filed or deposited in any such Court, the authenticated Copy to be admissible in Evidence must purport either to be sealed with the Seal of the Foreign or Colonial Court to which the original Document belongs, or, in the event of such Court having no Seal, to be signed by the Judge, or, if there be more than One Judge, by any One of the Judges of the said Court, and such Judge shall attach to his Signature a Statement in Writing on the said Copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated Copies shall purport to be sealed or signed as herein-before respectively directed, the same shall respectively be admitted in Evidence in every Case in which the original Document could have been received in Evidence, without any Proof of the Seal where a Seal is necessary, or of the Signature, or of the Truth of the Statement attached thereto, where such Signature and Statement are necessary, or of the judicial Character of the Person appearing to have made such Signature and Statement.

Apothecaries Certificates admissible without Proof of Seal.

VIII. Every Certificate of the Qualification of an Apothecary which shall purport to be under the Common Seal of the Society of the Art and Mystery of Apothecaries of the City of *London* shall be received in Evidence in any Court of Justice, and before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without any Proof of the said Seal or of the Authenticity of the said Certificate, and shall be deemed sufficient Proof that the Person named therein has been from the Date of the said Certificate duly qualified to practise as an Apothecary in any Part of *England* or *Wales*.

Documents admissible without Proof of Seal, &c. in England or Wales equally admissible in Ireland.

IX. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any Particular in any Court of Justice in *England* or *Wales* without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice in *Ireland*, or before any Person having in *Ireland* by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same.

Documents admissible without Proof of Seal, &c. in Ireland equally admissible in England and Wales.

X. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any Particular in any Court of Justice in *Ireland* without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice in *England* or *Wales*, or before any Person having in *England* or *Wales* by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same.

Documents thus admissible equally admissible in the Colonies.

XI. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any Particular in any Court of Justice in *England* or *Wales* or *Ireland* without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice of any of the *British* Colonies, or before any Person having in any of such Colonies by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same.

Registers of British Vessels and Certificates of Registry admissible as primâ facie

XII. Every Register of a Vessel kept under any of the Acts relating to the Registry of *British* Vessels may be proved in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, either by the Production of the Original or by an examined Copy thereof, or by a Copy thereof purporting to be certified under the Hand of the Person having the Charge of the Original, and which Person is hereby required to furnish such certified Copy to any

any Person applying at a reasonable Time for the same, upon Payment of the Sum of One Shilling; and every such Register or such Copy of a Register, and also every Certificate of Registry, granted under any of the Acts relating to the Registry of *British* Vessels, and purporting to be signed as required by Law, shall be received in Evidence in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, as *primâ facie* Proof of all the Matters contained or recited in such Register when the Register or such Copy thereof as aforesaid is produced, and of all the Matters contained or recited in or endorsed on such Certificate of Registry when the said Certificate is produced.

Evidence of their Contents, without Proof of Signature, &c.

XIII. 'And whereas it is expedient, as far as possible, to reduce the Expense attendant upon the Proof 'of Criminal Proceedings:' Be it enacted, That whenever in any Proceeding whatever it may be necessary to prove the Trial and Conviction or Acquittal of any Person charged with any indictable Offence, it shall not be necessary to produce the Record of the Conviction or Acquittal of such Person, or a Copy thereof, but it shall be sufficient that it be certified or purport to be certified under the Hand of the Clerk of the Court or other Officer having the Custody of the Records of the Court where such Conviction or Acquittal took place, or by the Deputy of such Clerk or other Officer, that the Paper produced is a Copy of the Record of the Indictment, Trial, Conviction, and Judgment or Acquittal, as the Case may be, omitting the formal Parts thereof.

Conviction or Acquittal of Person charged may be certified under Hand of Clerk of Court, where Proof necessary.

XIV. Whenever any Book or other Document is of such a public Nature as to be admissible in Evidence on its mere Production from the proper Custody, and no Statute exists which renders its Contents provable by means of a Copy, any Copy thereof or Extract therefrom shall be admissible in Evidence in any Court of Justice, or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, provided it be proved to be an examined Copy or Extract, or provided it purport to be signed and certified as a true Copy or Extract by the Officer to whose Custody the Original is intrusted, and which Officer is hereby required to furnish such certified Copy or Extract to any Person applying at a reasonable Time for the same, upon Payment of a reasonable Sum for the same, not exceeding Fourpence for every Folio of Ninety Words.

Examined or certified Copies of Documents admissible in Evidence.

XV. If any Officer authorized or required by this Act to furnish any certified Copies or Extracts shall wilfully certify any Document as being a true Copy or Extract, knowing that the same is not a true Copy or Extract, as the Case may be, he shall be guilty of a Misdemeanor, and be liable, upon Conviction, to Imprisonment for any Term not exceeding Eighteen Months.

Certifying a false Document a Misdemeanor.

XVI. Every Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other Person, now or hereafter having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, is hereby empowered to administer an Oath to all such Witnesses as are legally called before them respectively.

Court, &c. may administer Oaths.

XVII. If any Person shall forge the Seal, Stamp, or Signature of any Document in this Act mentioned or referred to, or shall tender in Evidence any such Document with a false or counterfeit Seal, Stamp, or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Transportation for Seven Years, or to Imprisonment for any Term not exceeding Three Years nor less than One Year, with Hard Labour; and whenever any such Document shall have been admitted in Evidence by virtue of this Act, the Court or the Person who shall have admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person who shall be charged with committing any Felony under this Act, or under the Act of the Eighth and Ninth Years of Her present Majesty, Chapter One hundred and thirteen, may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he shall be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons forging Seal, Stamp, or Signature of certain Documents, or wilfully uttering same, guilty of Felony.

XVIII. This Act shall not extend to *Scotland*.

Not to extend to Scotland.

XIX. The Words "*British* Colony" as used in this Act shall apply to all the *British* Territories under the Government of the *East India* Company, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and to all other Possessions of the *British* Crown, wheresoever and whatsoever.

Interpretation of "British Colony."

XX. This Act shall come into operation on the First Day of *November* in the present Year.

Commencement of Act.

CAP. C.

An Act for further improving the Administration of Criminal Justice. [7th *August* 1851.]

'WHEREAS Offenders frequently escape Conviction on their Trials by reason of the technical 'Strictness of Criminal Proceedings in Matters not material to the Merits of the Case: And 'whereas such technical Strictness may safely be relaxed in many Instances, so as to ensure the Punish- 'ment of the Guilty, without depriving the Accused of any just Means of Defence: And whereas a 'Failure of Justice often takes place on the Trial of Persons charged with Felony and Misdemeanor by 'reason of Variances between the Statement in the Indictment on which the Trial is had and the Proof 'of Names, Dates, Matters, and Circumstances therein mentioned, not material to the Merits of the 'Case, and by the Mis-statement whereof the Person on Trial cannot have been prejudiced in his

'Defence:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Court may amend certain Variances not material to the Merits of the Case, and by which the Defendant cannot be prejudiced in his Defence, and may either proceed with or postpone the Trial to be had before the same or another Jury.

I. From and after the coming of this Act into operation, whenever on the Trial of any Indictment for any Felony or Misdemeanor there shall appear to be any Variance between the Statement in such Indictment and the Evidence offered in Proof thereof, in the Name of any County, Riding, Division, City, Borough, Town Corporate, Parish, Township, or Place mentioned or described in any such Indictment, or in the Name or Description of any Person or Persons, or Body Politic or Corporate, therein stated or alleged to be the Owner or Owners of any Property, Real or Personal, which shall form the Subject of any Offence charged therein, or in the Name or Description of any Person or Persons, Body Politic or Corporate, therein stated or alleged to be injured or damaged, or intended to be injured or damaged by the Commission of such Offence, or in the Christian Name or Surname, or both Christian Name and Surname, or other Description whatsoever, of any Person or Persons whomsoever therein named or described, or in the Name or Description of any Matter or Thing whatsoever therein named or described, or in the Ownership of any Property named or described therein, it shall and may be lawful for the Court before which the Trial shall be had, if it shall consider such Variance not material to the Merits of the Case, and that the Defendant cannot be prejudiced thereby in his Defence on such Merits, to order such Indictment to be amended, according to the Proof, by some Officer of the Court or other Person, both in that Part of the Indictment where such Variance occurs and in every other Part of the Indictment which it may become necessary to amend, on such Terms as to postponing the Trial to be had before the same or another Jury, as such Court shall think reasonable; and after any such Amendment the Trial shall proceed, whenever the same shall be proceeded with, in the same Manner in all respects, and with the same Consequences, both with respect to the Liability of Witnesses to be indicted for Perjury and otherwise, as if no such Variance had occurred; and in case such Trial shall be had at Nisi Prius the Order for the Amendment shall be endorsed on the Postea, and returned together with the Record, and thereupon such Papers, Rolls, or other Records of the Court from which such Record issued as it may be necessary to amend shall be amended accordingly by the proper Officer, and in all other Cases the Order for the Amendment shall either be endorsed on the Indictment or shall be engrossed on Parchment, and filed, together with the Indictment, among the Records of the Court: Provided that in all such Cases where the Trial shall be so postponed as aforesaid it shall be lawful for such Court to respite the Recognizances of the Prosecutor and Witnesses, and of the Defendant, and his Surety or Sureties, if any, accordingly, in which Case the Prosecutor and Witnesses shall be bound to attend to prosecute and give Evidence respectively, and the Defendant shall be bound to attend to be tried, at the Time and Place to which such Trial shall be postponed, without entering into any fresh Recognizances for that Purpose, in such and the same Manner as if they were originally bound by their Recognizances to appear and prosecute or give Evidence at the Time and Place to which such Trial shall have been so postponed: Provided also, that where any such Trial shall be to be had before another Jury the Crown and the Defendant shall respectively be entitled to the same Challenges as they were respectively entitled to before the First Jury was sworn.

Verdicts and Judgments valid after Amendments.

II. Every Verdict and Judgment which shall be given after the making of any Amendment under the Provisions of this Act shall be of the same Force and Effect in all respects as if the Indictment had originally been in the same Form in which it was after such Amendment was made.

Amended Records to be drawn up without noticing the Amendments.

III. If it shall become necessary at any Time for any Purpose whatsoever to draw up a formal Record in any Case where any Amendment shall have been made under the Provisions of this Act, such Record shall be drawn up in the Form in which the Indictment was after such Amendment was made, without taking any Notice of the Fact of such Amendment having been made.

Indictments for Murder and Manslaughter need not specify Infliction.

IV. In any Indictment for Murder or Manslaughter preferred after the coming of this Act into operation it shall not be necessary to set forth the Manner in which or the Means by which the Death of the Deceased was caused, but it shall be sufficient in every Indictment for Murder to charge that the Defendant did feloniously, wilfully, and of his Malice aforethought kill and murder the Deceased, and it shall be sufficient in every Indictment for Manslaughter to charge that the Defendant did feloniously kill and slay the Deceased.

Forms of Indictment in Cases of forging, &c.

V. In any Indictment for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false Pretences, any Instrument, it shall be sufficient to describe such Instrument by any Name or Designation by which the same may be usually known, or by the Purport thereof, without setting out any Copy or Fac-simile thereof, or otherwise describing the same or the Value thereof.

In engraving Plates, &c.

VI. In any Indictment for engraving or making the whole or any Part of any Instrument, Matter, or Thing whatsoever, or for using or having the unlawful Possession of any Plate or other Material upon which the whole or any Part of any Instrument, Matter, or Thing whatsoever shall have been engraved or made, or for having the unlawful Possession of any Paper upon which the whole or any Part of any Instrument, Matter, or Thing whatsoever shall have been made or printed, it shall be sufficient to describe such Instrument, Matter, or Thing by any Name or Designation by which the same may be usually known, without setting out any Copy or Fac-simile of the whole or any Part of such Instrument, Matter, or Thing.

In other Cases.

VII. In all other Cases wherever it shall be necessary to make any Averment in any Indictment as to any Instrument, whether the same consists wholly or in part of Writing, Print, or Figures, it shall be sufficient to describe such Instrument by any Name or Designation by which the same may be usually known

known, or by the Purport thereof, without setting out any Copy or Fac-simile of the whole or any Part thereof.

General Intent to defraud need only be alleged or proved in Cases of Forgery, &c.

VIII. From and after the coming of this Act into operation, it shall be sufficient in any Indictment for forging, uttering, offering, disposing of, or putting off any Instrument whatsoever, or for obtaining or attempting to obtain any Property by false Pretences, to allege that the Defendant did the Act with Intent to defraud, without alleging the Intent of the Defendant to be to defraud any particular Person; and on the Trial of any of the Offences in this Section mentioned it shall not be necessary to prove an Intent on the Part of the Defendant to defraud any particular Person, but it shall be sufficient to prove that the Defendant did the Act charged with an Intent to defraud.

Party indicted for Felony or Misdemeanor may be found guilty of an Attempt, and punished accordingly.

IX. 'And whereas Offenders often escape Conviction by reason that such Persons ought to have been 'charged with attempting to commit Offences, and not with the actual Commission thereof:' For Remedy thereof be it enacted, That if on the Trial of any Person charged with any Felony or Misdemeanor it shall appear to the Jury upon the Evidence that the Defendant did not complete the Offence charged, but that he was guilty only of an Attempt to commit the same, such Person shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is not guilty of the Felony or Misdemeanor charged, but is guilty of an Attempt to commit the same, and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for attempting to commit the particular Felony or Misdemeanor charged in the said Indictment; and no Person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an Attempt to commit the Felony or Misdemeanor for which he was so tried.

Not liable to Prosecution again.

Repeal of s. 11. of 7 W. 4. & 1 Vict. c. 85.

X. 'And whereas it is enacted by a certain Act of Parliament passed in the First Year of the Reign of 'Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws relating to Offences against 'the Person*, that "on the Trial of any Person for any of the Offences therein-before mentioned, or for any '"Felony whatever where the Crime charged shall include an Assault against the Person, it shall be '"lawful for the Jury to acquit of the Felony, and to find a Verdict of guilty of Assault against the '"Person indicted, if the Evidence shall warrant such Finding:" And whereas great Difficulties 'have arisen in the Construction of such Enactment:' For Remedy thereof be it enacted, That the said Enactment shall be and the same is hereby repealed.

On the Trial of an Indictment for Robbery the Jury may convict of an Assault with Intent to rob.

Non-liability to be again prosecuted.

XI. If upon the Trial of any Person upon any Indictment for Robbery it shall appear to the Jury upon the Evidence that the Defendant did not commit the Crime of Robbery, but that he did commit an Assault with Intent to rob, the Defendant shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is guilty of an Assault with Intent to rob, and thereupon such Defendant shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for feloniously assaulting with Intent to rob; and no Person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an Assault with Intent to commit the Robbery for which he was so tried.

Person tried for Misdemeanor not to be acquitted if the Offence turn out to be Felony.

XII. If upon the Trial of any Person for any Misdemeanor it shall appear that the Facts given in Evidence amount in Law to a Felony, such Person shall not by reason thereof be entitled to be acquitted of such Misdemeanor; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Felony on the same Facts, unless the Court before which such Trial may be had shall think fit, in its Discretion, to discharge the Jury from giving any Verdict upon such Trial, and to direct such Person to be indicted for Felony, in which Case such Person may be dealt with in all respects as if he had not been put upon his Trial for such Misdemeanor.

Person indicted for Embezzlement as a Clerk, &c. not to be acquitted if the Offence turn out to be Larceny, and vice versâ.

XIII. If upon the Trial of any Person indicted for Embezzlement as a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, it shall be proved that he took the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Embezzlement, but is guilty of Simple Larceny, or of Larceny as a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, as the Case may be, and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Larceny; and if upon the Trial of any Person indicted for Larceny it shall be proved that he took the Property in question in any such Manner as to amount in Law to Embezzlement, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Larceny, but is guilty of Embezzlement, and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Embezzlement; and no Person so tried for Embezzlement or Larceny as aforesaid shall be liable to be afterwards prosecuted for Larceny or Embezzlement upon the same Facts.

On Indictment for jointly receiving, separately receiving punishable.

XIV. If upon the Trial of Two or more Persons indicted for jointly receiving any Property it shall be proved that One or more of such Persons separately received any Part of such Property, it shall be lawful for the Jury to convict upon such Indictment such of the said Persons as shall be proved to have received any Part of such Property.

Separate Accessaries and Receivers may be included, in Absence of principal Felon.

XV. 'And whereas it frequently happens that the Principal in a Felony is not in Custody or amenable 'to Justice, although several Accessaries to such Felony or Receivers at different Times of stolen Property 'the Subject of such Felony may be in Custody or amenable to Justice:' For the Prevention of several Trials be it enacted, That any Number of such Accessaries or Receivers may be charged with substantive Felonies in the same Indictment, notwithstanding the principal Felon shall not be included in the same Indictment, or shall not be in Custody or amenable to Justice.

XVI. It

Three Larcenies in Six Months from same Person.

XVI. It shall be lawful to insert several Counts in the same Indictment against the same Person for any Number of distinct Acts of stealing, not exceeding Three, which may have been committed by him against the same Person within the Space of Six Calendar Months from the first to the last of such Acts, and to proceed thereon for all or any of them.

Where a single Taking is charged, the Prosecutor need not elect, unless in certain Cases.

XVII. If upon the Trial of any Indictment for Larceny it shall appear that the Property alleged in such Indictment to have been stolen at One Time was taken at different Times, the Prosecutor shall not by reason thereof be required to elect upon which Taking he will proceed, unless it shall appear that there were more than Three Takings, or that more than the Space of Six Calendar Months elapsed between the first and the last of such Takings; and in either of such last-mentioned Cases the Prosecutor shall be required to elect to proceed for such Number of Takings, not exceeding Three, as appear to have taken place within the Period of Six Calendar Months from the first to the last of such Takings.

Coin and Bank Notes may be described simply as Money.

XVIII. In every Indictment in which it shall be necessary to make any Averment as to any Money or any Note of the Bank of *England* or any other Bank it shall be sufficient to describe such Money or Bank Note simply as Money, without specifying any particular Coin or Bank Note; and such Allegation, so far as regards the Description of the Property, shall be sustained by Proof of any Amount of Coin or of any Bank Note, although the particular Species of Coin of which such Amount was composed, or the particular Nature of the Bank Note, shall not be proved, and in Cases of Embezzlement and obtaining Money or Bank Notes by false Pretences, by Proof that the Offender embezzled or obtained any Piece of Coin or any Bank Note, or any Portion of the Value thereof, although such Piece of Coin or Bank Note may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, or to any other Person, and such Part shall have been returned accordingly.

Certain Provisions of 23 G. 2. c. 11. and 31 G. 3. (I.) extended.

XIX. 'Whereas by an Act of Parliament passed in *England* in the Twenty-third Year of the Reign 'of His late Majesty King *George* the Second, intituled *An Act to render Prosecutions for Perjury and* '*Subornation of Perjury more easy and effectual*, and by a certain other Act of Parliament made in '*Ireland* in the Thirty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An* '*Act to render Prosecutions for Perjury and Subornation of Perjury more easy and effectual, and for* '*affirming the Jurisdiction of the Quarter Sessions in Cases of Perjury*, certain Provisions were made 'to prevent Persons guilty of Perjury and Subornation of Perjury from escaping Punishment by reason 'of the Difficulties attending such Prosecutions: And whereas it is expedient to amend and extend the 'same:' Be it enacted, That it shall and may be lawful for the Judges or Judge of any of the Superior Courts of Common Law or Equity, or for any of Her Majesty's Justices or Commissioners of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or for any Justices of the Peace, Recorder or Deputy Recorder, Chairman, or other Judge, holding any General or Quarter Sessions of the Peace, or for any Commissioner of Bankruptcy or Insolvency, or for any Judge or Deputy Judge of any County Court or any Court of Record, or for any Justices of the Peace in Special or Petty Sessions, or for any Sheriff or his lawful Deputy before whom any Writ of Inquiry or Writ of Trial from any of the Superior Courts shall be executed, in case it shall appear to him or them that any Person has been guilty of wilful and corrupt Perjury in any Evidence given, or in any Affidavit, Deposition, Examination, Answer, or other Proceeding made or taken before him or them, to direct such Person to be prosecuted for such Perjury, in case there shall appear to him or them a reasonable Cause for such Prosecution, and to commit such Person so directed to be prosecuted until the next Session of Oyer and Terminer or Gaol Delivery for the County or other District within which such Perjury was committed, unless such Person shall enter into a Recognizance, with One or more sufficient Surety or Sureties, conditioned for the Appearance of such Person at such next Session of Oyer and Terminer or Gaol Delivery, and that he will then surrender and take his Trial, and not depart the Court without Leave, and to require any Person he or they may think fit to enter into a Recognizance, conditioned to prosecute or give Evidence against such Person so directed to be prosecuted as aforesaid, and to give to the Party so bound to prosecute a Certificate of the same being directed, which Certificate shall be given without any Fee or Charge, and shall be deemed sufficient Proof of such Prosecution having been directed as aforesaid; and upon the Production thereof the Costs of such Prosecution shall and are hereby required to be allowed by the Court before which any Person shall be prosecuted or tried in pursuance of such Direction as aforesaid, unless such last-mentioned Court shall specially otherwise direct; and when allowed by any such Court in *Ireland* such Sum as shall be so allowed shall be ordered by the said Court to be paid to the Prosecutor by the Treasurer of the County in which such Offence shall be alleged to have been committed, and the same shall be presented for, raised, and levied in the same Manner as the Expenses of Prosecutions for Felonies are now presented for, raised, and levied in *Ireland*: Provided always, that no such Direction or Certificate shall be given in Evidence upon any Trial to be had against any Person upon a Prosecution so directed as aforesaid.

Any Court, Judge, Justice, &c. may direct a Person guilty of Perjury in any Evidence, &c. to be prosecuted;

and commit the Party, unless he enter into Recognizance to appear and take his Trial, and bind Persons to give Evidence;

and give Certificate of Prosecution being directed, which shall be sufficient Evidence of the same.

Extending 23 G. 2. c. 11. s. 1., and simplifying Indictments for Perjury, &c.

XX. In every Indictment for Perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any Oath, Affirmation, Declaration, Affidavit, Deposition, Bill, Answer, Notice, Certificate, or other Writing, it shall be sufficient to set forth the Substance of the Offence charged upon the Defendant, and by what Court or before whom the Oath, Affirmation, Declaration, Affidavit, Deposition, Bill, Answer, Notice, Certificate, or other Writing, was taken, made, signed, or subscribed, without setting forth the Bill, Answer, Information, Indictment, Declaration, or any Part of any Proceeding either in Law or in Equity, and without setting forth the Commission or Authority of the Court or Person before whom such Offence was committed.

Extending 23 G. 2. c. 11. s. 2. as to Form

XXI. In every Indictment for Subornation of Perjury, or for corrupt bargaining or contracting with any Person to commit wilful and corrupt Perjury, or for inciting, causing, or procuring any Person unlawfully,

unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any Oath, Affirmation, Declaration, Affidavit, Deposition, Bill, Answer, Notice, Certificate, or other Writing, it shall be sufficient, wherever such Perjury or other Offence aforesaid shall have been actually committed, to allege the Offence of the Person who actually committed such Perjury or other Offence in the Manner herein-before mentioned, and then to allege that the Defendant unlawfully, wilfully, and corruptly did cause and procure the said Person the said Offence, in Manner and Form aforesaid, to do and commit; and wherever such Perjury or other Offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the Substance of the Offence charged upon the Defendant, without setting forth or averring any of the Matters or Things herein-before rendered unnecessary to be set forth or averred in the Case of wilful and corrupt Perjury.

Of Indictments for Subornation of Perjury and other like Offences.

XXII. A Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Trial for any Felony or Misdemeanor, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where such Indictment was tried, or by the Deputy of such Clerk or other Officer, (for which Certificate a Fee of Six Shillings and Eightpence and no more shall be demanded or taken,) shall, upon the Trial of any Indictment for Perjury or Subornation of Perjury be sufficient Evidence of the Trial of such Indictment for Felony or Misdemeanor, without Proof of the Signature or official Character of the Person appearing to have signed the same.

On such Indictments, Certificate of Trial, where Perjury committed, sufficient.

XXIII. It shall not be necessary to state any Venue in the Body of any Indictment, but the County, City, or other Jurisdiction named in the Margin thereof shall be taken to be the Venue for all the Facts stated in the Body of such Indictment; provided that in Cases where local Description is or hereafter shall be required, such local Description shall be given in the Body of the Indictment; and provided also, that where an Indictment for an Offence committed in the County of any City or Town Corporate shall be preferred at the Assizes of the adjoining County, such County of the City or Town shall be deemed the Venue, and may either be stated in the Margin of the Indictment, with or without the Name of the County in which the Offender is to be tried, or be stated in the Body of the Indictment by way of Venue.

Venue in the Margin sufficient, except where local Description is necessary.

XXIV. No Indictment for any Offence shall be held insufficient for Want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words "as appears by the Record," or of the Words "with Force and Arms," or of the Words "against the Peace," nor for the Insertion of the Words "against the Form of the Statute" instead of "against the Form of the Statutes," or *vice versâ*, nor for that any Person mentioned in the Indictment is designated by a Name of Office, or other descriptive Appellation, instead of his proper Name, nor for omitting to state the Time at which the Offence was committed in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment, or on an impossible Day, or on a Day that never happened, nor for Want of a proper or perfect Venue, nor for Want of a proper or formal Conclusion, nor for Want of or Imperfection in the Addition of any Defendant, nor for Want of the Statement of the Value or Price of any Matter or Thing, or the Amount of Damage, Injury, or Spoil, in any Case where the Value or Price, or the Amount of Damage, Injury, or Spoil, is not of the Essence of the Offence.

What Defects shall not vitiate an Indictment.

XXV. Every Objection to any Indictment for any formal Defect apparent on the Face thereof shall be taken, by Demurrer or Motion to quash such Indictment, before the Jury shall be sworn, and not afterwards; and every Court before which any such Objection shall be taken for any formal Defect may, if it be thought necessary, cause the Indictment to be forthwith amended in such Particular by some Officer of the Court or other Person, and thereupon the Trial shall proceed as if no such Defect had appeared.

Formal Objections before Jury sworn.
Court may amend Defects.

XXVI. So much of a certain Act of Parliament passed in the Sixtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent Delay in the Administration of Justice in Cases of Misdemeanor*, as provides that "where any Person shall be prosecuted for any Misdemeanor "by Indictment at any Session of the Peace, Session of Oyer and Terminer, Great Session, or Session of "Gaol Delivery, within that Part of *Great Britain* called *England*, or in *Ireland*, having been committed "to Custody or held to Bail to appear to answer for such Offence Twenty Days at the least before the "Session at which such Indictment shall be found, he or she shall plead to such Indictment, and Trial "shall proceed thereupon, at such same Session of the Peace, Session of Oyer and Terminer, Great "Session, or Session of Gaol Delivery respectively, unless a Writ of Certiorari for removing such "Indictment into His Majesty's Court of King's Bench at *Westminster* or in *Dublin* shall be delivered "at such Session before the Jury shall be sworn for such Trial," shall be and the same is hereby repealed.

Repealing Part of 60 G. 3. & 1 G. 4. c. 4. as to the Traverse of Indictments in Misdemeanor.

XXVII. No Person prosecuted shall be entitled to traverse or postpone the Trial of any Indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery: Provided always, that if the Court, upon the Application of the Person so indicted or otherwise, shall be of opinion that he ought to be allowed a further Time, either to prepare for his Defence or otherwise, such Court may adjourn the Trial of such Person to the next subsequent Session, upon such Terms as to Bail or otherwise as to such Court shall seem meet, and may respite the Recognizances of the Prosecutor and Witnesses accordingly, in which Case the Prosecutor and Witnesses shall be bound to attend to prosecute and give Evidence at such subsequent Session without entering into any fresh Recognizance for that Purpose.

Provision as to traversing Indictments.

XXVIII. In any Plea of autrefois convict or autrefois acquit it shall be sufficient for any Defendant to state that he has been lawfully convicted or acquitted (as the Case may be) of the said Offence charged in the Indictment.

Plea of autrefois convict or autrefois acquit.

XXIX. Whenever

Punishment for certain indictable Misdemeanors.

XXIX. Whenever any Person shall be convicted of any One of the Offences following, as an Indictable Misdemeanor, that is to say, any Cheat or Fraud punishable at Common Law; any Conspiracy to cheat or defraud, or to extort Money or Goods, or falsely to accuse of any Crime, or to obstruct, prevent, pervert, or defeat the Course of public Justice; any Escape or Rescue from lawful Custody on a Criminal Charge; any public and indecent Exposure of the Person; any indecent Assault, or any Assault occasioning actual bodily Harm; any attempt to have carnal Knowledge of a Girl under Twelve Years of Age; any public selling, or exposing for public Sale or to public View, of any obscene Book, Print, Picture, or other indecent Exhibition; it shall be lawful for the Court to sentence the Offender to be imprisoned for any Term now warranted by Law, and also to be kept to Hard Labour during the whole or any Part of such Term of Imprisonment.

Interpretation of Terms.

XXX. In the Construction of this Act the Word "Indictment" shall be understood to include "Information," "Inquisition," and "Presentment," as well as Indictment, and also any "Plea," "Replication," or other Pleading, and any Nisi Prius Record; and the Terms "finding of the Indictment" shall be understood to include "the taking of an Inquisition," "the exhibiting of an Information," and "the making a Presentment;" and wherever in this Act, in describing or referring to any Person or Party, Matter or Thing, any Word importing the Singular Number or Masculine Gender is used, the same shall be understood to include and shall be applied to several Persons and Parties as well as One Person or Party, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Matters and Things as well as One Matter or Thing; and the Word "Property" shall be understood to include Goods, Chattels, Money, valuable Securities, and every other Matter or Thing, whether real or personal, upon or with respect to which any Offence may be committed.

Commencement of Act.

XXXI. This Act shall come into operation on the First Day of *September* One thousand eight hundred and fifty-one.

Not to extend to Scotland.

XXXII. Nothing in this Act shall extend to *Scotland*.

CAP. CI.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-one; and to appropriate the Supplies granted in this Session of Parliament. [8th *August* 1851.]

§ I. There shall be applied, for the Service of the Year 1851, £11,706,835 17*s.* 3*d.* out of the Consolidated Fund.

II. The Treasury may cause £11,706,835 17*s.* 3*d.* of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of England may advance £11,706,835 17*s.* 3*d.* on the Credit of this Act, notwithstanding 5 & 6 *W.* & *M. c.* 20.

VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. Treasury may issue £443,105 2*s.* 9*d.* Surplus of Ways and Means, and Monies in the Exchequer, for Service of 1851.

X. Monies coming into the Exchequer by 14 & 15 *Vict. c.* 3.—£17,756,600 by Exchequer Bills, 14 & 15 *Vict. c.* 9.—and £11,706,835 17*s.* 3*d.*, £443,105 2*s.* 9*d.*, and £500,000 by this Act granted, to be applied as hereafter expressed.

XI. There shall be issued,

£6,543,255	0	0	For Naval Services; *viz.*	
1,435,723	0	0	For Wages to 39,000 Seamen and Marines	For the Year ending 31st *March* 1852.
500,632	0	0	For Victuals, &c. in the Navy	
138,625	0	0	For Salaries, &c. of the Admiralty Office	
48,635	0	0	For the Navy Scientific Departments	
134,699	0	0	For Naval Establishments at home	
23,654	0	0	For Naval Establishments abroad	
676,416	0	0	For Wages of Artificers, &c. at home	
35,956	0	0	For Wages of Artificers, &c. abroad	
718,647	0	0	For Naval Half Pay, &c.	
842,193	0	0	For Naval Stores, &c.	
298,389	0	0	For new Works in Naval Establishments	
26,000	0	0	For Medicines, &c.	
62,949	0	0	For Naval Miscellaneous Services	
488,452	0	0	For Military Pensions	
159,589	0	0	For Civil Pensions	
143,200	0	0	For Freight of Ships, &c. for Army and Ordnance Services	
809,496	0	0	For Packet Service	

§ XII.	£ 6,544,087	0	0	For Army Services, *viz.*	
	3,521,070	0	0	For Forces in the United Kingdom and Stations abroad (except the *East Indies*) - -	From 1st *April* 1851 to 31st *March* 1852.
	159,932	0	0	For General Staff Officers, &c. - - -	
	92,747	0	0	For Allowances to Officers, &c. of public Military Departments - - - -	
	16,901	0	0	For Royal Military College - - -	
	18,016	0	0	For Royal Military Asylum, &c. - -	
	65,000	0	0	For Volunteer Corps - - - -	
	14,606	0	0	For Rewards for distinguished Military Services -	
	52,000	0	0	For Pay of General Officers - -	
	52,500	0	0	For Full Pay for Retired Officers - -	
	377,000	0	0	For Half Pay for Retired Officers - -	
	38,993	0	0	For Half Pay for Officers of disbanded Foreign Corps, &c. - - - -	
	122,717	0	0	For Pensions to Widows - - -	
	88,500	0	0	For Compassionate List, &c. - - -	
	35,413	0	0	For In-Pensioners of *Chelsea* and *Kilmainham* Hospitals - - - -	
	1,233,050	0	0	For Out-Pensioners of *Chelsea* Hospital, &c. -	
	37,500	0	0	For Superannuations in Military public Departments	
	469,829	0	0	For Commissariat Department - - -	For the Year ending 31st *March* 1852.
	44,613	0	0	For Half Pay of Commissariat Department -	
	103,700	0	0	For Disembodied Militia - - -	
XIII.	2,411,497	0	0	For Ordnance Services; *viz.*	
	712,582	0	0	For Pay of Ordnance Military Corps - -	
	268,257	0	0	For Commissariat and Barrack Supplies, &c. -	
	75,950	0	0	For Expense of Ordnance Office - -	
	295,750	0	0	For Establishments at home and abroad - -	
	122,800	0	0	For Wages of Artificers, &c. - -	
	194,909	0	0	For Ordnance Stores for Land and Sea Service -	
	470,347	0	0	For Works and Repairs - - -	
	97,654	0	0	For Scientific Branch - - -	
	173,248	0	0	For Non-effective Services - - -	
XIV.	300,000	0	0	For the *Kaffir* War.	
XV.	17,756,600	0	0	For paying off Exchequer Bills of 1850.	
	500,000	0	0	For discharging Supplies for 1850 or for any preceding Year.	
XVI.	100,000	0	0	For Civil Contingencies - - - -	To 31st *March* 1852.
	97,747	0	0	For Repair of Royal Palaces, &c. - -	
	41,829	0	3	For Repair of Lodges, Footpaths, &c. of Royal Parks, &c. - - - -	
	3,529	0	0	For temporary Accommodation for Houses of Parliament, &c. - - - -	
	116,385	0	0	For New Houses of Parliament - -	
	7,000	0	0	For General Repository for Records, for 1851.	
	61,481	0	0	For *Holyhead* Harbour - - -	To 31st *March* 1852.
	2,783	0	0	For *Port Patrick* Harbour - - -	
	23,239	0	0	For Public Buildings in Department of Public Works in *Ireland*, &c. - - -	
	10,660	0	0	For *Kingstown* Harbour - - -	
	144,000	0	0	For Harbours of Refuge, for 1851.	
				CIVIL SERVICES.—*Class* 2.	
XVII.	92,300	0	0	For Salaries, &c. of Houses of Parliament - -	To 31st *March* 1852.
	53,700	0	0	For the Treasury - - - -	
	25,270	0	0	For the Home Department - - -	
	37,100	0	0	For the Colonial Department - -	
	71,100	0	0	For the Foreign Department - - -	
	53,600	0	0	For the Privy Council, Privy Council for Trade, Education Office, &c. - - -	
	2,000	0	0	For Lord Privy Seal - - - -	
	24,700	0	0	For Office of Paymaster General - -	
	6,279	0	0	For Department of Comptroller General of Exchequer - - - - -	
	2,700	0	0	For State Paper Office - - -	
	2,230	0	0	Part Expenses of Ecclesiastical Commissioners for *England* - - - -	

	£211,500	0	0	For Administration of Poor Laws	
	47,000	0	0	For the Mint	
	8,062	0	0	For Commissioners of Railways	
	11,960	0	0	For Public Records, &c.	
	14,583	0	0	For Salaries, &c. of Inspectors of Factories, &c.	
	1,700	0	0	For Civil Charges, *Scotland*, &c.	
	6,464	0	0	For Officers, &c. of Lord Lieutenant of *Ireland*	
	24,152	0	0	For Salaries of Chief Secretary, &c., *Ireland*	
	6,055	0	0	For Paymaster of Civil Services, *Ireland*	
	34,834	0	0	For Board of Public Works, *Ireland*	
	32,000	0	0	For Foreign and Secret Services	
	226,566	0	0	For Stationery, &c. for Public Departments	
				CIVIL SERVICES.— *Class* 3.	
§ XVIII.	13,000	0	0	For Office of Solicitor to the Treasury	To 31st *March* 1852.
	8,670	0	0	For Prosecutions under Laws relating to Coin	
	17,700	0	0	For Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c.	
	9,080	0	0	For Insolvent Debtors Court	
	87,840	0	0	For Law Expenses, *Scotland*	
	60,000	0	0	For Criminal Prosecutions and Law Charges, *Ireland*	
	35,500	0	0	For Metropolitan Police, *Dublin*	
	200,000	0	0	For Charges formerly paid out of County Rates	
	15,472	0	0	For General Superintendence of Prisons, &c.	
	251,269	0	0	For Government Prisons and Convict Establishments at home	
	117,190	0	0	For Maintenance of Prisoners and Removal of Convicts	
	98,860	0	0	For Transportation of Convicts	
	183,030	0	0	For Convict Establishments in the Colonies	
				CIVIL SERVICES.—*Class* 4.	
XIX.	46,824	0	0	For *British Museum*, to 25th *March* 1852.	
	31,221	0	0	For new Buildings, &c. at ditto, to 31st *March* 1852.	
	3,500	0	0	For Antiquities for ditto.	
	150,000	0	0	For Public Education in *Great Britain*	To 31st *March* 1852.
	134,560	0	0	For Education, *Ireland*	
	15,055	0	0	For School of Design, &c.	
	2,006	0	0	For certain Professors at *Oxford* and *Cambridge*	
	3,920	0	0	For *London* University	
	7,610	0	0	For Grants to *Scottish* Universities	
	300	0	0	For Royal *Irish* Academy	
	300	0	0	For Royal *Hibernian* Academy	
	6,260	0	0	For Royal *Dublin* Society	
	3,000	0	0	For Royal *Belfast* Academical Institution	
	1,620	0	0	For Queen's University, *Ireland*	
	1,700	0	0	For National Gallery, in 1851.	
	15,623	0	0	For Geological Survey, &c.	To 31st *March* 1852.
	2,421	0	0	For Magnetic Observatories, &c.	
	10,000	0	0	For National Gallery, *Scotland*, in 1851.	
				CIVIL SERVICES.— *Class* 5.	
XX.	4,049	0	0	For Civil Establishment of the *Bermudas*	To 31st *March* 1852.
	1,500	0	0	For *Prince Edward's Island*	
	7,677	0	0	For Ecclesiastical Establishment of *British North American* Provinces	
	13,660	0	0	For *Indian* Department in *Canada*	
	70	0	0	For *Bahama* Islands	
	18,028	0	0	For Salaries of Governors, &c. of *West India* Colonies	
	36,075	0	0	For Salaries, &c. of Stipendiary Justices in *West India* Colonies and the *Mauritius*	
	13,780	0	0	For Civil Establishments on the *Western* Coast of *Africa*, &c.	
	10,875	0	0	For *St. Helena*	

	£6,359	0	0	For *Western Australia* - - -	To 31st *March* 1852.
	1,103	0	0	For *Port Essington* - - - -	
	20,000	0	0	For *New Zealand* - - - -	
	986	0	0	For *Heligoland* - - - -	
	5,000	0	0	For *Falkland Islands* - - -	
	15,500	0	0	For *British* Settlement at *Hong Kong* - -	
	5,500	0	0	For *Labuan* - - - -	
	25,331	0	0	For Colonial Land and Emigration Board, &c. -	
	60,000	0	0	For Support of captured Negroes, &c. - -	
	14,650	0	0	For Commissions for suppressing the Slave Trade	
	148,490	0	0	For the Consular Establishments abroad - -	
	16,000	0	0	For Missions abroad - - -	
				CIVIL SERVICES.—*Class* 6.	
§ XXI.	108,205	0	0	For Superannuations, &c. to Public Officers -	
	3,750	0	0	For *Toulonese* and *Corsican* Emigrants, &c. -	
	2,000	0	0	For National Vaccine Institution, in 1851.	
	325	0	0	For Refuge for Destitute, in 1851.	
	4,450	0	0	For *Polish* Refugees, &c. - - - -	To 31st *March* 1852.
	6,166	0	0	For Miscellaneous Allowances - -	
	650	0	0	For Foundling Hospital Department, House of Industry, *Dublin* - - - -	
	9,883	0	0	For House of Industry, *Dublin* - -	
	600	0	0	For Female Orphan House, *Dublin* - -	
	1,750	0	0	For *Westmoreland* Lock Hospital, *Dublin* -	
	600	0	0	For Lying-in Hospital, *Dublin* - - -	
	1,200	0	0	For Dr. *Stevens'* Hospital, *Dublin* - -	
	3,040	0	0	For House of Recovery, &c., *Dublin* - -	
	400	0	0	For Hospital for Incurables, *Dublin* - -	
	88,160	0	0	For Protestant Dissenting Ministers, *Ireland* -	
	6,589	0	0	For Charitable Allowances, &c. *Ireland* - -	
				CIVIL SERVICES.—*Class* 7.	
XXII.	9,969	0	0	For General Board of Health - -	
	11,500	0	0	For Incumbered Estates Commission, *Ireland* -	
	4,993	0	0	For Lighthouses abroad, in 1851.	
	130,000	0	0	For taking the Census, to 31st *March* 1852.	
	7,700	0	0	For new Bridge at *Inverness*.	
	7,000	0	0	On account of Cholera in *Jamaica*, in 1851.	
	15,000	0	0	For Museum and Theatre for Hunterian Lectures.	
	1,000	0	0	For Publication of *Babylonian* and *Assyrian* Inscriptions, in 1851.	
	500	0	0	For Excavations at the Mound of *Sousa*, in 1851.	
	10,000	0	0	For Works at *Spurn Point*, in 1851.	

XXIII. Supplies to be applied only for the Purposes aforesaid.

XXIV. Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted. Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXV. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXVI. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXVII. Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified.

XXVIII. Half Pay allowed to Officers of the *Manx* Fencibles.

XXIX. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXX. Surplus of Sum by 13 & 14 *Vict. c.* 107. appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

XXXI. Widows, &c. claiming Pensions to make required Declaration.

XXXII. Declarations to be made as specified in 5 & 6 *W.* 4. *c.* 62.

CAP. CII.

An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.

[8th *August* 1851.]

20 G. 2. c. 38. 4 & 5 W. 4. c. 52. 6 W. 4. c. 15.

'WHEREAS an Act was passed in the Twentieth Year of the Reign of King *George* the Second, intituled *An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service:* And whereas another Act was passed in the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Twentieth Year of His Majesty King* George *the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes:* And whereas another Act was passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to* Shetland *or* Orkney *to pay certain Sums of Money payable under that Act to the Seamen's Fund at* Lerwick *in* Shetland *or* Kirkwall *in* Orkney: And whereas the Institution established and carried on under the Provisions of the said recited Acts, commonly known by the Name of the "Merchant Seamen's Fund," has been ascertained to be inadequate for the Purposes for which it was established, and can no longer be carried on with Benefit to *British* Merchant Seamen, and it is therefore expedient that the said Institution should be brought to an End, and that such Provision should be made as herein-after mentioned for winding up the Affairs thereof, and for satisfying the just Demands of Persons having Claims upon the said Fund:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. *Preliminary.*

Short Title.

1. This Act may be cited as "The Seamen's Fund Winding-up Act, 1851."

Interpretation.

2. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

"United Kingdom:" The Expression "United Kingdom" shall be taken to mean the United Kingdom of *Great Britain* and *Ireland:*

"Board of Trade:" The Expression "Board of Trade" shall mean the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"President and Governors:" The Expression "President and Governors" shall mean the President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, incorporated by the first of the said recited Acts:

"the Fund:" The Expression "the Fund" shall mean the Merchant Seamen's Fund:

"Ship:" The Word "Ship" shall include every Description of Vessel employed on the High Seas or on the Coasts of the United Kingdom, or in any Port or Creek of the same, except Boats exclusively employed in fishing on the Coasts of the United Kingdom, or the Islands of *Guernsey, Jersey, Sark, Alderney,* or *Man,* and except Vessels employed exclusively in trading or going only from Place to Place within any River of the United Kingdom:

"Home-trade Ship:" The Expression "Home-trade Ship" shall include every Ship included in the above Definition, employed in trading or going within the following Limits; (that is to say,) the Coasts of the United Kingdom, the Islands of *Guernsey, Jersey, Sark, Alderney,* and *Man,* and the Continent of *Europe* between the River *Elbe* and *Brest,* inclusive:

"Foreign-going Ship:" The Expression "Foreign-going Ship" shall include every "Ship" included in the above Definition, employed in trading or going beyond the Limits aforesaid:

"Owner:" The Word "Owner," when applied to a Ship, shall include all the Persons, if more than One, to whom the Ship belongs:

"Master:" The Word "Master" shall include every Person having Command or Charge of a Ship:

"Seaman." The Word "Seaman" shall include every Person (except Masters and Apprentices duly indentured and registered) employed or engaged to serve in any Capacity on board any Ship.

II. *Repealing Clause.*

Repeal of certain Parts of 20 G. 2. c. 38., 4 & 5 W. 4. c. 52., the whole of 6 W. 4. c. 15., and 7 & 8 Vict. c. 112. s. 31.

3. The following Enactments; (that is to say,) so much of the said Act of the Twentieth Year of the Reign of King *George* the Second, Chapter Thirty-eight, as enables the said President and Governors to purchase Lands and erect a Hospital; so much of the Fourth, Sixteenth, Nineteenth, Twentieth, and Twenty-first Sections of the said Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Fifty-two, as relates to the Purchase by the said President and Governors, or by any Trustees at Outports, of Lands, Tenements, or Hereditaments; so much of the Sixteenth, Nineteenth, Twentieth, and Twenty-first Sections of the last-mentioned Act as relates to the Appointment by any Trustees at Outports of Receivers of the Fund, and to the Collection of Duties; the Second, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Seventeenth, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Sections of the last-mentioned Act; the Act of the Sixth Year of the Reign of King *William* the Fourth, Chapter Fifteen; and the Thirty-first Section of the Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and twelve,

twelve, shall be repealed, except as to any Offences committed or Penalties or Liabilities incurred under any of the said Enactments before the passing of this Act.

III. *Agency for managing the Fund.*

4. The Board of Trade shall undertake the general Supervision of the Business of winding up the Fund in manner herein-after mentioned; and the Two Persons nominated to assist such Board in the Execution of the Mercantile Marine Act, 1850, shall assist such Board in the Execution of this Act; and such Board may for the Purpose of carrying this Act into execution appoint such Officers, Clerks, and Servants as it may deem necessary, and make use of the General Register Office of Merchant Seamen, and may, if necessary for such Purpose, increase the Number of Persons employed there, and may appoint additional Remuneration to any Persons now employed there upon whom additional Duties are thrown by reason of this Act.

Board of Trade to superintend the Business of winding up the Fund.

5. The President and Governors and the several Boards of Trustees nominated under the Provisions of the Act of the Twentieth Year of the Reign of King *George* the Second, Chapter Thirty-eight, and of the Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Fifty-two, or of either of such Acts, shall continue to exist, and to have Succession, or to be from Time to Time nominated, as provided by the said Acts or either of them, for such Time and to such Extent as are consistent with the Provisions of this Act, and necessary for carrying the same into effect; and the said President and Governors and Boards of Trustees (including the Guild and Brotherhood of the Master and Pilots Seamen of the Town and Port of *Kingston-upon-Hull*, and the Master, Wardens, and Commonalty of Merchant Venturers of the City of *Bristol*,) shall continue to have and exercise such of the Powers granted to them respectively by the said Acts or either of them as are consistent with the Provisions of this Act; but no Trustees shall be appointed at any Outport at which they have not been appointed before the passing of this Act.

Corporation and Trustees nominated under 20 G. 2. c. 38. and 4 & 5 W. 4. c. 52. to continue to carry this Act into effect.

No Trustees to be appointed where there have hitherto not been any.

6. If the said President and Governors, or any of the Boards of Trustees at Outports, fail to be duly chosen or constituted, or resign, or neglect or refuse to discharge their Duties in respect of the Fund, or to obey any of the Provisions of this Act, or any Regulations or Orders lawfully issued in pursuance thereof, the Board of Trade may, by Letter to be signed by One of the Secretaries or Assistant Secretaries to such Board, declare the Functions of the said President and Governors or of any such Board of Trustees (as the Case may be) in respect of the Fund to be suspended, and the said Corporation or Board of Trustees shall thereupon cease, so long as such Suspension continues, to have any Rights or Powers in respect thereof, and shall deliver all Property and Matters relating to the said Fund to the Board of Trade, or as it directs; but no such Suspension shall relieve the said President and Governors, or any such Board of Trustees, from the Obligation of making any Payments, Transfers, Deliveries, Returns, Accounts, or Explanations which the Board of Trade is hereby authorized to require.

In certain Cases the Board of Trade may suspend the Functions of the President and Governors or Trustees.

7. In any Case in which the Functions of the said President and Governors or of any of the Boards of Trustees of Outports are suspended as herein-before mentioned, the Board of Trade may, in its Discretion, either take into its own Hands the entire Management of that Portion of the Fund with reference to which such Functions are suspended, or, if there is a Local Marine Board at the Port willing to undertake the same, may commit the Functions of the said President and Governors or of such Board of Trustees, as the Case may be, or any Part of such Functions, to such Local Marine Board, and may at any subsequent Time, if it thinks fit, resume the same or any Part thereof.

Their Functions in that Case may be undertaken by Board of Trade, or committed to Local Marine Board.

8. At each Port the Shipping Masters appointed under the Mercantile Marine Act, 1850, or such of the said Shipping Masters, if more than One, as the Board of Trade directs, shall be the Receivers of such Contributions to the Fund from Masters and Seamen as may be payable under the Provisions herein-after contained; and in the Case of Shipping Masters appointed by a Local Marine Board constituted under the said last-mentioned Act, such Board may, with the Sanction of the Board of Trade, and in other Cases the Board of Trade may appoint any Clerks or Servants to assist the Shipping Masters in the Discharge of their Duties as Receivers; and the Board of Trade may sanction such Remuneration (if any) as it may deem necessary for the Discharge of such Duties.

Shipping Masters appointed under the Mercantile Marine Act 13 & 14 Vict. c. 93. ss. 35, 42, 43. to act as Receivers.

9. The several Persons now employed by the said President and Governors or by the said Boards of Trustees at Outports in any Duties other than the Collection of the Duties payable under the said Acts shall, unless the Board of Trade otherwise directs, be continued in such Employment, so far as the same may be requisite for the Purposes of this Act; but the Board of Trade may alter and regulate the Salaries or Remuneration to be paid to such Persons, and if it appears to such Board that their Services may be dispensed with, may dismiss them, and may commit the Performance of their Duties to the Shipping Masters above mentioned, or to any other Persons whom it may appoint for the Purpose, and may also, in any Cases in which it appears to such Board just and proper so to do, grant to any Persons so dismissed, and also to any Persons now employed in the Collection of Duties, a fair and moderate Compensation for any Loss they may sustain by reason of this Act.

Persons now employed in distributing Relief, &c. may be continued, with Power to Board of Trade to regulate Remuneration and to dismiss them.

10. No new Officers or Servants shall be appointed to assist in the Administration of the Fund, and no Salaries or Remuneration shall be granted or Expenses incurred without the Sanction of the Board of Trade.

Board of Trade to sanction new Appointments.

11. The Board of Trade may require from all Persons employed in the Collection or Distribution of the Fund such Security for the Performance of their Duties as it may consider expedient.

Security of Officers employed.

12. All Salaries, Remunerations, and Compensations hereby authorized shall be first submitted to the Commissioners of Her Majesty's Treasury, for their Approval.

Salaries, &c. to be approved Treasury;

13. All Salaries, Remunerations, and Wages payable to any Persons employed in the Administration of the Fund, and all Expenses incurred in respect thereof, shall be defrayed out of the General Fund herein-

and to be paid out of General Fund.

herein-after mentioned, and all Disbursements on account of the Fund shall be made through the Hands of the Officers appointed for that Purpose, and shall not be made by any other Person or in any other Manner.

IV. *Sources and Collection of Fund.*

General Fund to be formed.

14. All Monies and Property, whether real or personal, forming Part of or belonging to the Merchant Seamen's Fund or any Branch thereof, as well Capital Stock, Land, and Securities, as yearly Revenue and Cash, and all Monies arising from Contributions or otherwise accruing to the said Fund, shall form One General Fund for the Purpose of meeting the various Expenses hereby authorized.

President and Governors and Trustees to apply Property belonging to Fund as Board of Trade directs.

15. Upon being required so to do by the Board of Trade, the President and Governors and the several Boards of Trustees at Outports shall pay and apply all Monies in their Possession or Power as Trustees of the Fund (except Monies held under Gifts for special or local Purposes, distinct from the general Purposes of the Fund at the Port,) in such Manner as the Board of Trade directs for the Purpose of carrying into effect the Provisions of this Act, and as to all other Securities and Property, whether real or personal, in their Possession or Power as Trustees of the Fund (except Securities and Property held for such special or local Purposes as aforesaid) shall, as and when the Board of Trade directs, either sell, call in, and convert the same into Money, and pay and apply the Proceeds as the Board of Trade directs for the Purpose aforesaid, or transfer the same to the Board of Trade, or retain the same in their present Condition or Investment for such Period as the Board of Trade directs, and shall, until such Payment and Transfer as aforesaid, hold all such Monies, Stock, Securities, and Property upon Trust for giving Effect to the Provisions of this Act, and shall apply the same in such Manner as the Board of Trade directs for the Purpose aforesaid.

Property held upon special Trusts to be retained or transferred to new Trustees, as the Case may require.

16. If the President and Governors or any such Board of Trustees as aforesaid of the Fund have in their Possession or Power as Trustees of the Fund any Monies or other Property, either real or personal, held upon Trusts for special or local Purposes, distinct from the general Purposes of the Fund at the Port, they shall, so long as they continue to act as Administrators of the Fund, apply such Monies and Property upon the Trusts and for the Purposes upon and for which the same ought according to Law to be applied, and if they cease to act as Administrators of the Fund shall, upon being required so to do by the Board of Trade, pay and transfer such last-mentioned Monies and Property to such new Trustees as the Board of Trade appoints for the Purpose; and whenever any subsequent Appointment of new Trustees of such Monies and Property is rendered necessary by Death, Resignation, or otherwise, the Board of Trade shall make the same, and such Monies and Property shall be paid over and transferred to the new Trustees so appointed from Time to Time as Occasion requires; and all such new Trustees as aforesaid shall hold and administer all Monies and Property so paid and transferred upon the Trusts and for the Purposes last aforesaid.

Provision for facilitating Arrangements.

17. If in any Case a Question arises whether any Monies and Property in the Possession or Power of the said President and Governors or Trustees are, under the Provisions herein contained, applicable to the general Purposes of the Fund or to such special or local Purposes as aforesaid, and any Arrangement for settling such Question is agreed to by such President or Governors or Trustees (as the Case may be), and is approved of by the Board of Trade as a fair and proper Arrangement, such Monies or Property shall be applied in pursuance of such Arrangement, and such Application shall not be deemed to be a Breach of Trust.

President and Governors and Trustees to give Accounts;

and deliver Documents;

and are to exist for the Purpose of Conveyance.

18. Immediately after the passing of this Act, or as soon as possible afterwards, the President and Governors and the several existing Boards of Trustees shall render to the Board of Trade such Account as it requires of all the Monies, Stocks, Securities, and Property, whether real or personal, in their respective Possession or Power as Trustees or Managers of the Fund, and shall distinguish such as are held for special or local Purposes from such as are applicable for the general Purposes of the Fund, and shall specify the Nature of such Trusts, and shall, if required, deliver to the said Commissioners all Documents relating to any of such Monies, Stock, Securities, and Property; and, notwithstanding anything herein contained, the said President and Governors and Boards of Trustees shall, until the Completion of the Transfers, Payments, Accounts, Returns, and Deliveries which are directed by this Act, or which the Board of Trade is hereby authorized to require, continue to have such Powers as may be necessary in order to effect the same.

Payments, &c. to be valid, but not to operate as Release from Breach of Trust.

19. Every Payment and Transfer duly made as aforesaid shall be effectual in the Law, and shall relieve the Parties making the same from all Liability in respect of any subsequent Application of the Monies and Property so paid or transferred; but nothing herein contained shall operate to release any Person or Corporate Body from any Liability arising from any Breach of Trust previously committed by such Person or Body.

No compulsory Contributions in future.

20. After the passing of this Act no Master or Seaman shall be compelled to pay any Duty or Contribution to the Fund; but any Duties which have become due to the Fund, and have been deducted from Wages before the passing of this Act, shall be paid to the Board of Trade, or in such Manner as it directs; and any Master or Owner who neglects or refuses to make such Payment shall, in addition to such Payment, be liable to a Penalty of twice the Amount which he so neglects or refuses to pay.

No one to contribute who has not contributed.

21. No Master or Seaman who has not contributed to the Fund before the passing of this Act shall be allowed to contribute thereto, or to establish any Claim for a Pension or other Relief for himself or for his Wife or Children.

Those who have contributed to be allowed to continue.

22. All Masters and Seaman who before the passing of this Act have contributed to the Fund shall be allowed to continue to contribute thereto in manner herein-after mentioned, and shall in respect of their Contributions be entitled to Relief in the Manner and subject to the Conditions herein-after mentioned.

23. The

23. The Board of Trade shall fix the Time at which the Contributions to be made after the passing of this Act are to commence, and shall give not less than One Month's Notice thereof by advertizing the same in the *London Gazette;* but such Time shall not be later than the First Day of *January* One thousand eight hundred and fifty-two. Time of Commencement of new System of Contributions.

24. In the Case of Masters who discharge their Crews before a Shipping Master under the Provisions of the Mercantile Marine Act, 1850, and of Seamen who are so discharged, such voluntary Contributions shall be as follows; (that is to say,) every Master shall pay Two Shillings and every Seaman One Shilling for each Calendar Month of Service, and the same respective Sums for any further Number of Days of Service exceeding Twenty, and One Half of such respective Sums for any further Number of Days of Service exceeding Ten and not exceeding Twenty, and One Third of such respective Sums for any further Number of Days not exceeding Ten (such further Numbers of Days to be reckoned as One Month, One Half Month, and One Third of a Month respectively); and such Service shall in the Case of Masters and Seamen respectively be reckoned from the Day of their respectively signing the Agreement to the Day of their Discharge inclusive; and such voluntary Contributions shall be paid to such Shipping Master as aforesaid at the Time of the Discharge. Rate and Mode of voluntary Contribution for Men discharged before a Shipping Master, according to 13 & 14 Vict. c. 93. s. 96.

25. In the Case of Masters and Seamen who do not attend before a Shipping Master for the Purpose of Discharge, such voluntary Contributions as aforesaid shall be paid after the Rate and in the Manner following; that is to say, Sixteen Shillings shall be deemed to be the yearly Contribution for a Master and Eight Shillings the yearly Contribution for a Seaman, and so in proportion for any shorter Period, and such Sums shall be deemed to be payable quarterly in advance; and each Master and Seaman who wishes to contribute shall from Time to Time attend before some Shipping Master at stated Periods to be appointed for the Purpose by the Board of Trade, and shall then pay to him such Proportion of his yearly Contribution as he may think fit, so nevertheless that each such Payment made at One Time be either Two Shillings or some Multiple of Two Shillings. Rate and Mode of voluntary Contribution for Men not discharged before a Shipping Master.

26. In the Case of Seamen who enter the Royal Navy and who desire to continue their Contributions to the Fund, such Contributions shall be according to the Rate herein-before fixed for the Case of Seamen who are not discharged before a Shipping Master, and shall be paid in such Manner as the Board of Trade directs. Provision for the Case of Men entering the Navy.

27. The Commissioners of Her Majesty's Treasury shall from Time to Time pay towards the Fund, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Sums as may be necessary, in addition to the other Sources of the Fund, to satisfy the Expenditure hereby authorized; and the Board of Trade, with the Consent of the said Commissioners, may from Time to Time regulate the Proportions in which the Deficiency of annual Income is to be made good out of the Capital of the Fund and out of the said Consolidated Fund respectively. Commissioners of the Treasury to make up any Deficiencies out of the Public Monies.

28. Provided that the Sum to be contributed from the Consolidated Fund towards defraying the Expenditure hereby authorized in any One Year shall never be less than One Half of the Expenditure for such Year. Sum paid by Treasury to be at least One Half.

V. *Wages and Effects of deceased Seamen.*

29. Whenever any Seaman or Apprentice belonging to any *British* Ship proceeding upon a Voyage which is finally to terminate in the United Kingdom dies during such Voyage, the Master shall take charge of his Money or other imperishable or unsaleable Effects on board, and shall as soon as convenient cause his Clothes and other perishable or saleable Effects on board to be sold on board by Auction at the Mast or other public Auction, and shall at the Time make an Entry of such Sale in the Official Log Book, stating therein the Date, the Articles sold, and the Sum received for each, and shall cause such Entry to be attested by a Mate or one of the Crew, and shall, in the Case of a Foreign-going Ship, upon attending before a Shipping Master for the Discharge of his Crew, and in the Case of a Home-trade Ship, upon his first subsequent Attendance before or Transmission of half-yearly Returns to a Shipping Master under the Provision in the Twenty-seventh Section of the Act of the Eighth Year of Queen *Victoria*, Chapter One hundred and twelve, and in the Mercantile Marine Act, 1850, in that Behalf contained, deliver any Effects which he has taken charge of, and pay any Money which he has either taken charge of or received from such Sale as aforesaid, and also the Balance of Wages due to the Seaman or Apprentice at his Death, to such Shipping Master, and shall give to the Board of Trade or to such Shipping Master such Account as they require of such Effects, Money, and Wages. Masters to take charge of or sell Effects of Seamen dying on board, and to remit them to the Board of Trade. 13 & 14 Vict. c. 93. ss. 51. 90.

30. If any Master fails to take such Charge of the Money or other Effects of a Seaman or Apprentice dying on board, or to make such Sale thereof, or to make such Entries in respect of such Sale, or to procure such Attestation to such Entries, or to make such Payment or Delivery of any Money, Wages, or Effects of any Seaman or Apprentice dying on board, or to give such Account in respect thereof, as are herein-before respectively directed, he shall be accountable for the Money, Wages, and Effects of the Seaman or Apprentice to the Board of Trade, which may by itself or any Agent recover the same; and such Master shall also for every such Offence be liable to a Penalty not exceeding double the Value of the Money or Effects not accounted for, or, if such Value is not ascertained, not exceeding Fifty Pounds. Penalties for not taking charge of, selling, remitting, or accounting for such Monies and Effects.

31. Provided that in the Case of Voyages commenced before the First Day of *October* One thousand eight hundred and fifty-one no Master who complies with the Provisions relating to the Effects and Wages of Seamen dying on board or abroad contained in the said repealed Thirtieth Section of the Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Fifty-two, and in the said repealed Thirty-first Section of the Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and twelve, and who pays and delivers the Monies and Effects which are by him payable or deliverable Provision for Payment of such Wages and Effects until due Notice can be given of the foregoing Provisions, and

Wages and Effects of deceased Seamen.

deliverable thereunder to any Person appointed to receive such Wages and Effects by or in pursuance of this Act, shall be liable to any Suit or Penalty by reason of his Noncompliance with any new Provisions herein-before contained relating to such Wages or Effects: Provided also, that until the Time at which the Shipping Masters appointed under the Mercantile Marine Act, 1850, first undertake the Duties of receiving Contributions to the Fund as herein-before provided, all Wages and Effects of deceased Seamen which under the said recited Acts or this Act may be payable to the said President and Governors, or any Board of Trustees, or to the Board of Trade, shall be paid and delivered to the Persons now acting as Receivers of the said Fund, or to such other Persons as the Board of Trade appoints for the Purpose: Provided also, that all Monies arising from the Wages or Effects of deceased Seamen which now are or may hereafter be in the Possession or Power of the said President and Governors, or of any Board of Trustees, or of the said Receivers, shall be applied in the Manner in which the same have hitherto been applicable under the Provisions with respect to such Wages and Effects hereby repealed, and shall for that Purpose be paid over to such Persons or in such Manner as the Board of Trade may direct.

until the new Receivers undertake their Duties.

Schedules C. and D. to 7 & 8 Vict. c. 112. to be made to contain the Particulars necessary to show the Amount of Wages, &c. of deceased Seamen.

32. After the Time at which the Shipping Masters appointed under the Mercantile Marine Act, 1850, first undertake the Duty of receiving Contributions to the Fund, the Lists or Schedules marked respectively C. and D., which by the said Act of the Eighth Year of Her Majesty Queen *Victoria*, Chapter 112, and by the Mercantile Marine Act, 1850, Masters or Owners are required to deliver as therein mentioned, shall contain, in addition to the Particulars required by the Acts aforesaid or either of them, the following Particulars; (that is to say,)

1. The Time, Place, and Cause of Death of any of the Crew who may have died:
2. The Wages due to any of the Crew who may have died at the Time of Death:
3. The Clothes or other Effects belonging to any of the Crew who may have died, with a Statement of the Manner in which they have been dealt with, and the Money for which any of them have been sold:

13 & 14 Vict. c. 93. ss. 20, 21.

And the Board of Trade may, notwithstanding any Provision to the contrary in the Mercantile Marine Act, 1850, contained, issue new Forms of the said Lists or Schedules containing such additional Particulars and otherwise altered as may be found expedient, on giving One Month's Notice thereof by circulating the same amongst the Local Marine Boards.

Consuls, &c. to remit Effects of Seamen dying abroad on shore.

33. If any such Seaman or Apprentice as aforesaid dies abroad leaving any Money or Effects not on board his Ship, the Chief Officer of the Customs at the Place if in Her Majesty's Dominions, and Her Majesty's Consul or Vice Consul at or nearest the Place if not in Her Majesty's Dominions, shall claim and take charge of all such Money and Effects, and shall, if he thinks fit, sell such Effects, and shall remit the Balance, after deducting Expenses, with a full Account of such Money and Effects, to the Board of Trade, or as it directs.

Wages and Effects of Seamen dying at home to be paid to the Board of Trade.

34. Whenever any Seaman or Apprentice dies in the United Kingdom, and is at the Time of his Death entitled to claim from the Master or Owner of any Ship in which he has served any unpaid Wages or Effects not exceeding in Value Fifty Pounds, such Master or Owner shall, if required by the Board of Trade so to do, pay and deliver or account for the same to the Shipping Master at the Port where the Seaman or Apprentice was or was to have been discharged, or to the Board of Trade or some One of its authorized Agents.

If less than 50*l.* they may be paid without Probate or Administration to Person entitled to them; if more, to personal Representatives.

35. If the Money and Effects of any deceased Seaman or Apprentice paid, delivered, or remitted to the Board of Trade or its Agents do not exceed in Value the Sum of Fifty Pounds they shall, after deducting Expenses, direct Payment and Delivery thereof to any Claimants who can prove themselves to the Satisfaction of the said Board to be either his Widow or Children, or entitled to his Effects under the Statutes for the Distribution of the Effects of Intestates, or to be entitled to procure Probate or take out Letters of Administration, although no Probate or Letters of Administration have been taken out, and the same shall be paid or delivered to such Claimants accordingly, and shall be applied by them in due Course of Administration; and if such Money and Effects exceed in Value the Sum of Fifty Pounds, the same shall be paid and delivered to the legal personal Representatives of such Seaman or Apprentice.

If unclaimed for Seven Years to go to Friendly Society or to Seamen's Hospital Society.

36. If no Claim for any such Money or Effects as aforesaid is made by any Person proving himself entitled to make the same, within Seven Years from the First Payment or Delivery thereof to the Board of Trade or to a Shipping Master or other Agent of the said Board, such Money and the Sums received from the Sale of such Effects shall, subject to Deduction for Expenses, be appropriated as follows; that is to say, if the Seaman or Apprentice to whom the same belonged was at his Death a Member of a Friendly Society duly enrolled and certified according to the Acts for the Time being in force relating to such Societies they shall be paid to such Society, and if he was not at his Death a Member of any such Society they shall be paid to the "Seamen's Hospital Society," and if at any subsequent Time a valid Claim thereto is substantiated, the Society to which they have been paid shall satisfy the same.

Punishment for Forgery and false Representations in order to obtain Wages, &c. of deceased Seamen.

37. Every Person who, for the Purpose of obtaining either for himself or for another any Money or Effects of any deceased Seaman or Apprentice, fraudulently forges or alters, or procures to be forged or altered, any Document purporting to show or assist in showing a Right to such Wages or Effects, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Transportation for Seven Years, or may be summarily prosecuted before

Two or more Justices, or in *Scotland* before Two or more Justices or the Sheriff, and punished upon Conviction by Imprisonment for a Period not exceeding Six Months, with or without Hard Labour.

Wages and Effects of deceased Seamen.

38. If any Deposit made by any Seaman or Apprentice in any Savings Bank appropriated to Seamen remains unclaimed for a Period of Seven Years, the Managers of such Savings Bank may pay the same and all Interest thereon to the "Seamen's Hospital Society," and such Society shall thereupon give a Receipt therefor, which shall discharge such Managers and all other Persons connected with such Savings Banks from all Liability in respect thereof; and if at any subsequent Time any valid Claim to such Deposit is substantiated, such Society shall satisfy the same out of any Monies then in their Hands arising from similar Sources.

Unclaimed Deposits of Seamen in Savings Banks to be paid to Seamen's Hospital Society.

VI.

Objects of Relief.

39. The Board of Trade shall fix a Time at which Grants of Pensions to be made in pursuance of this Act are to commence, and shall give not less than One Month's Notice thereof by advertising the same in the *London Gazette;* but such Time shall not be later than the First Day of *January* One thousand eight hundred and fifty-two.

Commencement of new System of Pensions.

40. Until such Time as last aforesaid the said President and Governors and Boards of Trustees may continue to grant Pensions or other Relief in the Manner directed by the said recited Acts, but the Board of Trade shall have Power to disallow any Pensions or other Relief so granted; and unless the Board of Trade otherwise directs, the aggregate Pensions granted at any Port during the Year ending with such Time as last aforesaid shall not exceed in annual Amount or in total Value the aggregate Pensions granted at such Port in the preceding Twelve Months, and any Grants of Pensions made after such Amount or Value has been reached shall be void.

Until then Pensions may be granted as heretofore.

Aggregate Pensions at any Port not to be increased.

41. Subject to the Provision lastly herein-before contained, every Person, of whatever Age or Sex, to whom any Pension is duly granted before such Time as last aforesaid, shall continue to receive such Pension.

Present Pensions not to be diminished.

42. After the Time last aforesaid no Pensions shall be granted, except to Masters and Seamen, or to the Widows and Children of Masters and Seamen, who have contributed to the Fund for an aggregate Period of Sixty Months, such Contributions to have been made either altogether before the passing of this Act in the Manner directed by the said recited Acts, or partly before that Time in such Manner as last aforesaid, and partly after the Time to be fixed for the Commencement of future Contributions in the Manner herein-before provided in that Behalf.

No Seamen to earn Pensions unless they contribute for Five Years.

43. Any Seaman who after the Time to be fixed for the Commencement of future Contributions, and before the Termination of his last Service at Sea, ceases altogether for a continuous Period of Three Years to pay his Contribution to the Fund, shall forfeit all Claim to any Relief for himself, his Widow and Children.

Notcontributing for 3 Years to be an Abandonment of Right to Relief.

44. Subject as herein-before provided, such Pensions and Allowances as herein-after mentioned may be granted to any Master or Seaman who is rendered incapable of Service by Sickness, Wounds, or other accidental Misfortunes, or who becomes decrepit or worn out by Age; and also to the Widow and Children of any Master or Seaman who is killed or drowned in the Merchant Service; and also to the Widow and Children of any Master or Seaman who has contributed for Twenty-one Years to the Fund, or who is at the Time of his Death receiving or entitled to receive a Pension; provided, in the Case of such last-mentioned Widow, that she was married to such Master or Seaman before he became entitled to Relief, and, in the Case of such last-mentioned Children, that they are under the Age of Fourteen Years, or are from Infirmity incapable of getting a Livelihood.

Persons who are to be entitled to Pensions.

45. The Board of Trade shall take such Steps as it may think necessary for the Purpose of collecting from the various Rates of Pension granted at the several Ports in the United Kingdom during the Five Years preceding the First Day of *January* One thousand eight hundred and fifty-one One average Rate of Pension for Masters, Seamen, Widows, and Children respectively, and shall frame and issue One uniform Scale of Pensions to be, so far as possible, in accordance with such average Rate, and to be uniform for all Ports in the United Kingdom; and all Grants of Pensions made after the Time to be fixed as aforesaid for commencing Grants of Pensions to be made in pursuance of this Act shall be in conformity with such Scale as the Board of Trade shall issue for that Purpose.

Pensions to be on One uniform Scale according to average Rate of present Pensions.

46. The Rate of Pensions for Masters, and for the Widows and Children of Masters, shall be twice the Amount of Pensions for Seamen, and for the Widows and Children of Seamen respectively.

Masters Pensions to be twice the Rate of Seamen's.

47. Provided, That in any Case or Class of Cases in which it appears to the Board of Trade desirable so to do, such Board may commute any Pension upon such Terms as it thinks fit, and may also, as regards Relief to Widows and Children, substitute Gratuities for annual Pensions, such Gratuities to bear a fair Proportion to the annual Pension which would otherwise have been granted.

Board of Trade may commute Pensions, &c.

48. The aggregate Number of Pensions or Gratuities to be granted at any Port to Masters, Seamen, Widows, and Children respectively in any One Year shall not exceed the average yearly Number of Pensions granted at such Port to the same Classes of Pensioners respectively during the Five Years preceding the First Day of *January* One thousand eight hundred and fifty-one, except in any Case in which the Board of Trade otherwise directs; and in granting Pensions, Care shall be taken that of Seamen who are worn out or decrepit by Age those who have been longest in the Service, and have contributed most to the Fund, shall be first provided for.

Aggregate Pensions not to exceed Average of last Five Years.

Longest Contributors to be first provided for.

49. All Acts done by any Master or Seaman for the Purpose of charging or alienating the whole or any Part of his Pension shall be absolutely null and void.

Pensions to be inalienable.

50. Subject to the Provisions herein-before contained, the Board of Trade may determine and regulate the Principles and Conditions upon which and the Manner in which Pensions or other Relief are to be granted

Board of Trade may regulate the Right to

Relief, subject as above mentioned.

granted under this Act; and the said President and Governors, and all Boards of Trustees, or other local Administrators of the Fund, shall exercise any Powers of granting Pensions or other Relief which may be vested in them in accordance with any Regulations issued for that Purpose by the Board of Trade in pursuance of this Act.

Payment to Seamen's Hospital Society for Seven Years. 4 & 5 W. 4. c. 52. s. 32. 3 & 4 W. 4. c. 9.

51. For the Period of Seven Years from the last Day before the passing of this Act on which any quarterly Payment has been made to the "Seamen's Hospital Society," in pursuance of the Thirty-second Section of the said Act of the Fifth Year of the Reign of King *William* the Fourth, Chapter Fifty-two, the Board of Trade may, out of the Revenues of the Fund, pay to the said Society an annual Sum, not exceeding in any One Year Five hundred and fifty Pounds, to be applied by the said Society according to the Directions contained in the Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Nine.

VII. *Mode of Distribution.*

President and Governors and Trustees, unless suspended, to distribute Relief.

52. In *London* and in the Outports under the Management of the said President and Governors, such President and Governors, unless suspended as herein-before mentioned, and their Officers, shall undertake the Duty of ascertaining the Persons who, under the Provisions herein-before contained, or any Regulations made in pursuance thereof, are entitled to Relief, and in Outports having Boards of Trustees, such Trustees and their Officers, unless suspended as aforesaid, shall undertake such Duty; and in case of any such Suspension as aforesaid the Local Marine Board of the Port, if appointed to act in administering the Fund under the Powers herein-before contained, or such Persons as the Board of Trade may appoint for that Purpose, shall undertake such Duty; and if in any Case it appears to the Board of Trade that any Pension or other Relief is granted or refused in a Manner inconsistent with the Provisions of this Act, or with any Regulations issued by virtue of Powers herein contained, the Board of Trade may disallow such Grant or Refusal, and either withhold, grant, or alter the Relief, as the Case may require.

Board of Trade to make Regulations as to Applications for Pensions.

53. The Board of Trade may make Regulations as to the Times and Places at which and the Manner in which Applications for Pensions or other Relief are to be made, and as to the Evidence to be required, and may also, subject to the express Provisions herein contained, make Regulations as to the Time, Place, and Manner of distributing the same.

Certificates to be exempt from Stamp Duty and Consuls Fees.

54. All Certificates, Receipts, or other Documents used by or under the Directions of the Board of Trade in carrying the Provisions of this Act into execution shall be exempt from Stamp Duty, and any Certificates or other Documents which may be required from any Consul or Vice Consul for the Purpose of proving Claims to Pensions or other Relief under this Act shall be given by him without Fee.

Punishment for Forgery and Personation.

55. Every Person who, for the Purpose of obtaining, either for himself or for another, any Pension, Payment, or Relief from the Fund, fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any Certificate or other Document purporting to show or assist in showing a Right to such Pension, Payment, or Relief, and every Person who for the Purpose aforesaid fraudulently makes use of any forged or altered Certificate or other such Document as aforesaid, or any Certificate or other such Document as aforesaid not belonging to him, or who for the Purpose aforesaid gives or makes or procures to be given or made, or assists in giving or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall be punishable with Transportation for Seven Years, or may be summarily prosecuted before Two or more Justices, or in *Scotland* before Two or more Justices or the Sheriff, and punished upon Conviction by Imprisonment for a Period not exceeding Six Months, with or without Hard Labour.

VIII. *Accounts and Returns.*

Board of Trade may account with Bank.

56. The Board of Trade may open such Account with the Bank of *England* for the Purposes of this Act as it may find expedient.

Accountant for the Purposes of this Act.

57. The Person appointed for the Time being to act as Accountant to the Board of Trade in carrying into effect the Provisions of this Act shall be the Person who is to render the Accounts of that Board under this Act to the Commissioners of Audit, or other Persons undertaking the Audit thereof.

All Persons administering the Funds to make Returns to the Board of Trade.

58. The President and Governors and all Boards of Trustees or other Persons engaged in the Administration of the Fund shall keep their Accounts in such Manner as the Board of Trade directs, and shall also from Time to Time give to the Board of Trade such Returns and Accounts, and Explanations in respect of all Matters relating to the Fund, whether past, present, or future, as it may require.

General Return to be made, and laid before Parliament.

59. On or before the First Day of *March* in every Year after the Year One thousand eight hundred and fifty-two the Board of Trade shall cause to be made out a Report for the past Year, in such Form as they may think fit, containing the following Particulars:

1. The total Amount of Receipts and Disbursements for the Year under their several Heads:
2. The total Amount of Money in hand at the End of the preceding Year, including the Balance at the Bank of *England*, and any Sums which may be outstanding in the Hands of Receivers:
3. The total Amount of the Capital belonging to the Fund, with the several Investments thereof, distinguishing such Capital as is still outstanding, and such Debts and Investments as are considered bad or doubtful:
4. The Number of Pensioners, distinguishing between Men, Women, and Children, and between different Scales of Pension, and the total Amount of Pensions in each Class:
5. The Number and Amount of the whole of the Pensions, and of each Class of Pensions, granted in the Year:
6. The Number and Amount of the whole of the Pensions, and of each Class of Pensions, expired in the Year:
7. The Amount of Salaries and Expenses of Management:

8. A Statement of the Money and Securities applicable to private Trusts, with a general Account of the Nature of the Trusts, and of the Income and Expenditure in respect thereof:

And such other Particulars as the Board of Trade may deem expedient:

And such Report shall be laid before each House of Parliament in the Month of *March* in every Year, if Parliament is then sitting, or if not within One Month after the next Meeting thereof.

IX. *Legal Proceedings.*

Orders, &c. published in Gazette to be Evidence.

60. All Notices published in the *London Gazette*, and purporting to be Notices or Copies of any Orders or Regulations issued by the Board of Trade in pursuance of this Act, shall be taken as Evidence of such Orders or Regulations, without further Proof.

Procedure to be same as under Mercantile Marine Act.

61. All Penalties and other Sums of Money hereby made recoverable may be recovered in the same Manner as Penalties and Sums of Money recoverable under the Mercantile Marine Act, 1850, and shall be paid to the Board of Trade, for the Purposes of the Fund; and all Rules of Law, Practice, and Evidence which are by the said Mercantile Marine Act, 1850, made applicable to legal Proceedings thereunder, shall be applicable to Proceedings under this Act.

CAP. CIII.

An Act to confirm certain Provisional Orders of the General Board of Health.

[8th *August* 1851.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders 'mentioned in the Schedule to this Act annexed; and it is expedient that the said Orders should be 'confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Certain Provisional Orders of General Board of Health confirmed.

I. That the Provisional Orders of the General Board of Health referred to in the Schedule to this Act annexed shall, from and after the passing of this Act, so far as they are authorized by the Public Health Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

First Election of Local Board for Alfreton.

II. And be it enacted, That the First Election of the Local Board of Health for the District of *Alfreton* in the County of *Derby*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of Local Board for March.

III. And be it enacted, That the First Election of the Local Board of Health for the District of *March* in the *Isle of Ely*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

First Election of additional Members of Local Board for Barnard Castle.

IV. And be it enacted, That the First Election of the Three Persons to be elected for the Township of *Startforth*, and to form Part of the Local Board of Health for the District of *Barnard Castle*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-one.

Halifax Waterworks to be appraised, valued, and paid for.

V. 'And whereas the Town Council of the Borough of *Halifax* are now acting in execution of an Act 'passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for paving, lighting, 'cleansing, watching, and improving the Township of* Halifax, *and for supplying the same with Water*: 'And whereas under the said Act the said Council are now Owners of certain Springs and Waterworks 'belonging to the said Township, and have incurred a certain Debt in respect of the said Waterworks; and 'it is expedient that the Benefit of the said Waterworks and Springs shall be extended to the whole of 'the Borough of *Halifax* to which the Public Health Act is applied by the Provisional Order referred to 'in the Schedule to this Act annexed, and that such Springs and Waterworks should become the Property 'of the Local Board constituted by that Order and the Act of Parliament confirming the same:' Be it enacted, That forthwith after the passing of this Act the said Springs and Waterworks shall be appraised and valued by a competent Person to be nominated by the said Council and to be approved by the General Board of Health; and that it shall be lawful for the said Council to borrow on Mortgage of the Water Rates under the said Public Health Act, with the Consent of the said General Board, the Sum at which such Waterworks and Springs shall be so appraised and valued, and out of such Monies first to pay off and discharge any Debt now due and owing by such Council in respect of such Waterworks and any Interest due thereon, and to apply the Residue of such Monies in improving the said Township under so much of the said Local Act as remains unrepealed by the said Provisional Order.

Incorporation with Public Health Act.

VI. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of this Act.

VII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1851 (No. 3.)"

SCHEDULE to which the foregoing Act refers.

Tynemouth.	March.	Ware.
Barnard Castle.	Halifax.	Alfreton.

CAP. CIV.

An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*. [8th *August* 1851.]

'WHEREAS it would tend to the Improvement of Episcopal and Capitular Estates in *England*, without Prejudice to the Interests of Persons holding Leases granted thereof, if Facilities were given for such Dealings as herein-after mentioned between Ecclesiastical Corporations and their Lessees:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power of Ecclesiastical Corporations, with Approval of Church Estate Commissioners, to sell, enfranchise, or exchange Church Lands, or to purchase the Interests of their Lessees.

I. It shall be lawful for any Ecclesiastical Corporation, sole or aggregate, with the Approval in Writing of the Church Estates Commissioners, who shall pay due Regard to the just and reasonable Claims of the present Holders of Lands under Lease or otherwise arising from the long continued Practice of Renewal, to sell to any Lessee under any Lease granted by such Corporation the Reversion, Estate, and Interest of such Corporation in all or any of the Lands comprised in such Lease, for such Consideration, upon such Terms, and in such Manner as such Corporation and Lessee may, with such Approval as aforesaid, think fit; and it shall be lawful for any such Ecclesiastical Corporation, with such Approval as aforesaid, to enfranchise any Copyhold or Customary Land held of any Manor belonging to such Corporation, or to exchange with any Lessee under any Lease granted by such Corporation all or any of the Lands therein comprised, or the Reversion, Estate, and Interest therein of such Corporation, for any other Lands, whether of Freehold, Copyhold, or Customary Tenure, or for the Estate and Interest of such Lessee in any other Lands belonging to such Corporation, and upon any such Exchange either to receive or pay any Money by way of Equality of Exchange; and it shall also be lawful for any such Corporation, with such Approval as aforesaid, to purchase the Estate and Interest of any such Lessee in any Lands belonging to such Corporation, or of any Holder of Copyhold or Customary Land of any such Manor: Provided that where the Estate or Interest of any Ecclesiastical Corporation in any Tithes or Tithe Rentcharges, or any Hereditaments allotted or assigned in lieu of Tithes, is proposed to be sold or given in exchange by such Ecclesiastical Corporation under the Powers of this Act, the Church Estates Commissioners, before they approve such Sale or Exchange, shall bring the Wants and Circumstances of the Places in which such Tithes arise or have arisen under the Notice of the Ecclesiastical Commissioners for *England*, and, where the said Ecclesiastical Commissioners shall so direct, the Church Estates Commissioners shall, as a Condition of their Approval of such Sale or Exchange, require such Augmentation or Provision to be made in respect of the Spiritual Wants of such Place out of the Monies to arise or the Property to be taken under such Sale or Exchange as the said Ecclesiastical Commissioners shall think fit.

Provision for Apportionment of Rent on Surrender of Part of Lands comprised in any Lease.

II. Upon the Surrender to any Ecclesiastical Corporation of the Estate or Interest of any Lessee in a Part only of the Lands comprised in any Lease, it shall be lawful for the Church Estates Commissioners, by a Memorandum in Writing under the Hands of such Commissioners which may be endorsed on such Lease, to apportion the Rent reserved thereby, and declare what Part thereof shall continue payable thereunder, and thereupon such apportioned Part of the Rent shall be payable as if the same had been the Rent originally reserved in respect of the Lands not surrendered; and where the Rent originally reserved was an ancient and accustomed Rent, the Part so continuing payable shall be deemed and taken to be the ancient and accustomed Rent for the Lands not surrendered; and the Reservations, Covenants, and Agreements contained in such Lease, and the Powers and Authorities of any such Ecclesiastical Corporation, so far as the same shall be applicable to the Lands not surrendered, shall remain in full Force as if such Surrender had not been made.

The Interests acquired by Lessees to be subject to the Equities and bound by the Covenants of Renewals to which their Leases may be subject.

III. The Interest in Lands acquired by any Lessee under this Act shall be deemed in Equity to be acquired in respect of his Interest under his Lease, and shall be subject to the same Trusts, Charges, and Incumbrances as his Lease or any Lease obtained on a Renewal thereof would have been subject to, so far as the different Natures of the Property will admit; and all Covenants and Agreements which would have entitled any Sub-lessees or others to derivative Interests upon Renewals of such Lease upon Contribution to the Fines and other Payments upon Renewal or otherwise, shall give the like Rights, so far as the Nature of the Property will admit, to proportionate Shares and Benefits out of and in respect of any Interest in Lands which may be acquired under this Act by the Lessee, who may be subject to such Covenants or Agreements upon a proportionate Contribution to or in respect of the Costs, Payments, or Consideration paid or given for the Interest so acquired by such Lessee.

Leaseholders Interest not to be purchased without Consent of Sub-lessees, who have Covenants of Renewals.

IV. That if any Lands held under Lease from an Ecclesiastical Corporation shall have been sub-let with a Covenant on the Part of the original Lessee to renew the Under-lease upon any Renewal of the original Lease, the Interest of the Lessee in such Lands shall not be taken by way of Purchase under this Act by any Ecclesiastical Corporation without the Consent in Writing of such Sub-lessee: Provided always, that such Ecclesiastical Corporation shall not be prevented from making such Purchase, nor shall their Title to any such Lands be affected in respect of the Existence of any such Under-lease, unless the said Corporation shall have had direct Notice thereof in Writing; but the Sub-lessee shall, in Cases where a Sale shall have been made without such Notice, be entitled to recover such Damages for the Loss of the Benefit of such Covenant against the Party bound by the Covenant for the Loss to be sustained by him as he would be entitled to in respect of its Nonperformance on a Renewal by the original Lessee.

V. Any

Confirmation of Conveyances by Church Estates Commissioners sufficient.

V. Any Conveyance, Assignment, or other Assurance of Lands to be made to or by any Ecclesiastical Corporation, upon any Sale, Enfranchisement, Exchange, or Purchase under this Act, shall be made in such Form and Manner as the Church Estates Commissioners shall from Time to Time direct, and shall be confirmed by the Church Estates Commissioners, and, being so confirmed, shall be valid and effectual, and shall not require any other Confirmation (as respects the Execution of the same by any such Ecclesiastical Corporation); and no Purchaser or other Person deriving Title under any such Assurance so confirmed as aforesaid upon any Sale, Enfranchisement, or Exchange by an Ecclesiastical Corporation shall be concerned to inquire into the Propriety of such Sale, Enfranchisement, or Exchange, or the Sufficiency of the Consideration for the same.

Monies to arise from Sale, Exchange, or Enfranchisement to be laid out as herein-before authorized, or in the Purchase of other Lands.

VI. All Monies which, on any Sale, Exchange, or Enfranchisement under this Act, shall be received by or become payable to or for the Benefit of any Ecclesiastical Corporation, shall be paid into the Bank of *England* to such Account as the Church Estates Commissioners shall from Time to Time appoint in that Behalf; or such Monies, with the Approbation of the Church Estates Commissioners, shall remain at Interest as a Charge by way of Mortgage upon the Premises enfranchised, at such a Rate, for such a Period, and upon such Terms as the Parties, with such Approbation as aforesaid, may agree upon; and the Receipt of the Church Estates Commissioners shall be an effectual Discharge for any Money therein expressed to be received; and all Monies so paid into the Bank of *England* shall be from Time to Time applied in Payment for Equality of Exchange as aforesaid, or in such Purchases as herein-before authorized, or shall be laid out by such Corporation, with such Approval as aforesaid, in the Purchase of other Lands, to be conveyed to the Use or for the Benefit of such Corporation; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested by and in the Names of the Church Estates Commissioners in the Purchase of Government Stocks, Funds, or Securities, and such Church Estates Commissioners may sell and dispose of the same for the Purposes of this Act as Occasion may require; and the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to the Corporation which would for the Time being have been entitled to the Rents and Profits of the Lands sold, enfranchised, or exchanged, subject to the Provisions herein contained.

Monies subject to Purchase of Lands for Use of Ecclesiastical Corporation may be applied in purchasing Interests of Lessees, &c.

VII. All other Monies, Stocks, Funds, and Securities for the Time being subject to be invested in the Purchase of Lands to be conveyed to the Use or for the Benefit of any Ecclesiastical Corporation may, with such Approval as herein mentioned, be applied in or towards the Purchase of the Estates or Interests of Lessees in any Lands belonging to such Corporation, or of the Estates or Interests of any Holders of Copyhold or Customary Land of any Manor belonging to any such Corporation, or in or towards Payments for Equality of Exchange under this Act.

Provision in case of Increase or Deficiency of Income in consequence of Sales, &c.

VIII. If it appear to the Church Estates Commissioners that by means of any Sale, Enfranchisement, Exchange, Purchase, or Investment under the Powers of this Act, the Income which any Person, being an Ecclesiastical Corporation Sole, or Member of an Ecclesiastical Corporation Aggregate, might have received if this Act had not been passed has been or may be increased, it shall be lawful for the Church Estates Commissioners to require, in respect of such Increase, Payment to be made, either immediately or upon any Contingency, to the Church Estates Commissioners, by or on account of the Person receiving such Increase during his Incumbency, of such annual or other Sum as the Church Estates Commissioners may, under the Circumstances of each Case, think proper, and to enforce such Payment by an Action of Debt to be brought in the Name of the Ecclesiastical Commissioners for *England;* and the Church Estates Commissioners may, on giving their Approval under this Act to any Sale, Enfranchisement, Exchange, Purchase, or Investment, make such Payment a Condition of such Approval, but not so as to affect the Title under such Sale, Enfranchisement, Exchange, or Purchase, and may, for securing such Payment, require any Security, by way of Charge or otherwise, as to them may seem proper, and the Payments to be so made shall be dealt with by such Church Estates Commissioners as Part of the Common Fund of the said Ecclesiastical Commissioners for *England;* and where it appears to the Church Estates Commissioners that by means of any such Sale, Enfranchisement, Exchange, Purchase, or Investment the Income which any such Person might have received has been diminished, such Commissioners shall, out of any Monies received by them under this Act on behalf of such Corporation, or the Investments thereof, pay to such Person from Time to Time such annual or other Sum as to such Commissioners may appear sufficient to make up the Deficiency caused by such Diminution.

How Leases of Lands acquired by any Ecclesiastical Corporation under this Act may be made.

IX. No Lease of any Lands purchased or acquired, or in which the Estate or Interest of a Lessee, or of a Holder of Copyhold or Customary Land, is purchased or acquired, by any Ecclesiastical Corporation under this Act, shall, except as herein-after provided, be granted by such Ecclesiastical Corporation, otherwise than from Year to Year, or for a Term of Years in possession not exceeding Fourteen Years, at the best annual Rent that can be reasonably gotten, without Fine, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste: Provided always, that it shall be lawful for such Ecclesiastical Corporation, with the Approval of the Church Estates Commissioners, from Time to Time to grant Mining or Building Leases of any such Lands, for such Considerations, upon such Terms, and generally in such Manner as such Commissioners, under the Circumstances of each Case, may think fit; and it shall be lawful for such Commissioners to require that any Portion of the Rent received on any such Lease shall be invested and disposed of in like Manner as herein provided with respect to Monies to be received on the Sale of any Lands by any such Corporation.

General Report of Proceedings of Church Estates Com-

X. The Church Estates Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings or any Part thereof as the said Principal Secretary of State shall require, and shall on or before the First Day of *March* in every Year

missioners to be sent annually to Secretary of State.

Year send to One of the Principal Secretaries of State a General Report of their Proceedings under this Act, together with a Schedule of all Applications for Enfranchisement or Purchase of Interests of Lessees, specifying the Terms proposed, the Terms on which such Enfranchisement or Purchase shall have been effected, and, if refused, the Grounds of such Refusal, and every Year such General Reports shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within Six Weeks after the next Meeting thereof.

Interpretation:

XI. In the Construction of this Act, unless such Meaning be repugnant to the Context, the following Words and Expressions shall have the Meanings hereby assigned to them respectively; (that is to say,)

"Ecclesiastical Corporation:"

The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, Dean, Archdeacon, Canon, Prebendary, and other Dignitary or Officer of any Cathedral or Collegiate Church in *England* and *Wales*, and every minor Ecclesiastical Corporation in any such Cathedral or Collegiate Church, but shall not include the Dean and Canons of the Cathedral Church of *Christ* in *Oxford*, or any College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice:

"Lease:"

The Word "Lease" shall include Grant by Copy of Court Roll:

"Lands:"

The Word "Lands" shall include Tithes and Tithe Rentcharges, and other Tenements and Hereditaments, corporeal and incorporeal (except Advowsons):

"Lessee."

The Word "Lessee" shall include any Person or Body Corporate in whom any subsisting Lease or Grant, or the Term or Estate thereby granted in the whole or in any Part of the Lands comprised in such Lease, is, either by the original Grant or Demise, or by Assignment, Devise, or Operation of Law, for the Time being vested.

Duration of Act.

XII. That this Act be limited in Duration to Three Years from the End of the present Session of Parliament.

CAP. CV.

An Act to continue an Act of the Fourteenth Year of Her Majesty for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor. [8th *August* 1851.]

13 & 14 Vict. c. 101.

'WHEREAS by an Act passed in the Fourteenth Year of Her Majesty, Chapter One hundred and one, certain Provisions made by the several Acts therein mentioned, for charging upon the Common Fund of the Union the Costs of the Relief and the Expenses of the Burial of certain poor Persons therein described, and the Costs of removing and maintaining certain Lunatic Paupers, were continued until the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and were made to apply to certain Incorporated Hundreds therein mentioned; and it is expedient that all the several Provisions aforesaid should be continued for a limited Time, and that certain Amendments should be made in the Laws relating to the Relief of the Poor:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Certain Provisions of 13 & 14 Vict. c. 101. continued for a limited Time.

I. All the said several temporary Provisions in the said Acts above referred to shall continue in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament.

The new Board of Guardians to be constituted from and after the 15th April in each Year.

II. The Guardians elected for the several Parishes in any Union formed or to be formed under the Act of the Fifth Year of King *William* the Fourth, Chapter Seventy-six, or for the several Wards in any Parish divided into Wards, shall continue to act as such until the Fifteenth Day of *April* inclusive in each Year, notwithstanding their Successors may have been elected previously to that Day; and from and after the said Fifteenth Day of *April* every Guardian newly elected for any such Parish or Ward shall act as such Guardian for the ensuing Year.

Penalties for Malpractices at the Election of Guardians.

III. If any Person, pending or after the Election of any Guardian or Guardians, shall wilfully, fraudulently, and with Intent to affect the Result of such Election, commit any of the Acts following; that is to say, fabricate in whole or in part, alter, deface, destroy, abstract, or purloin, any Nomination or Voting Paper used therein; or personate any Person entitled to vote at such Election; or falely assume to act in the Name or on the Behalf of any Person so entitled to vote; or interrupt the Distribution or Collection of the Voting Papers; or distribute or collect the same under a false Pretence of being lawfully authorized to do so; every such Person so offending shall for every such Offence be liable, upon Conviction thereof before any Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

Guardians empowered to subscribe to Hospital or Infirmary, with the Consent of the Poor Law Board.

IV. 'Whereas Doubts have been entertained with regard to the legal Authority of Guardians to subscribe towards the Funds of any Hospital or Infirmary:' Be it enacted, That the Guardians of any Union or Parish may, with the Consent of the Poor Law Board, pay out of the Common Fund of such Union, or, in the Case of a Parish, out of the Funds in the Hands of such Guardians, any Sum of Money as an annual Subscription towards the Support and Maintenance of any public Hospital or Infirmary for the Reception of sick, diseased, disabled, or wounded Persons, or of Persons suffering from any permanent or natural Infirmity.

V. The

Guardians to reimburse for Damage to the Property of their Officers in certain Cases.

V. The Guardians may, where they think fit, pay to or reimburse any of their Officers the Expense necessarily incurred in repairing or restoring Property belonging to such Officer which may have been unlawfully, wilfully, and maliciously damaged, injured, or destroyed by any Person applying or having applied for Relief, and such Costs and Expenses incurred in the Prosecution of the Offender as may not be allowed by the Court before which the Prosecution or Trial shall take place.

Certain poor Children of a Union or Parish may, with Consent of Poor Law Board, be sent to a Workhouse, &c. belonging to another Union or Parish (within 20 Miles) where there is adequate Accommodation.

Proviso.

VI. Where in any Union or Parish there shall be a Workhouse or Building having adequate Provision for the Reception, Maintenance, and Education of poor Children, and there shall be more Accommodation therein at any Time than the Guardians of such Union or Parish shall require for the poor Children of their own Union or Parish, such Guardians may, with the Consent of the Poor Law Board, contract with the Guardians of any other Union or Parish, any Part of which is not more than Twenty Miles from such Workhouse or other Building, for the Reception, Maintenance, and Instruction therein of any poor Children under the Age of Sixteen Years chargeable to such other Union or Parish, or to any Parish in such other Union, being Orphans or deserted by their Parents, or whose Parents or surviving Parent shall consent; and such last-mentioned Children while at such Workhouse or other Building shall be maintained and instructed in the same Manner in all respects as the Children of the Union or Parish to which such Workhouse or other Building shall belong, and shall be subject to the Control and Management of the Guardians of such Union or Parish, or their Officers, in like Manner as if such Children were chargeable to such Union or Parish: Provided always, that the abiding of any such Child in any such Workhouse or Building shall in all other respects be attended with the same legal Consequences as if such Workhouse or Building had been situated within the Union or Parish from which such Child shall have been sent.

Form of Security.

VII. Every Security for Money borrowed under the Authority of any Order of the Poor Law Commissioners or the Poor Law Board may be made according to the Form set forth in the Schedule hereunto annexed, or as near thereto as the Circumstances of the Case will admit.

Payments under suspended Orders of Removal.

VIII. Where the Execution of any Order of Justices for the Removal of a Pauper shall have been or shall be suspended, the Overseers of the Parish to which the Removal is thereby ordered to be made may from Time to Time during the Continuance of the Suspension, if they think fit, pay to the Overseers of the Parish obtaining such Order the Costs and Expenses incurred in the Maintenance and Relief of the poor Person mentioned in such Order, either directly or through the Guardians of the Union comprising either or both of such Parishes, and shall have Credit for every such Payment in the Charges allowed by any Order of Justices subsequently made.

What Justices to hear and determine Complaints as to Nonpayment of Money to Treasurer of Union.

IX. Where the Overseer or any other Officer of any Parish, or any Officer of a Union, shall neglect to pay in due Course of Law Money lawfully payable by him as such Overseer or Officer to the Treasurer of such Union or Parish, residing or having his Place of Business in a County, District, or Place different from that in which such Overseer or Officer shall reside at the Time of any such Default, and by reason of such Neglect such Overseer or Officer shall be liable to be summoned before a Justice or Justices, any Justice or Justices of either County, District, or Place shall have Jurisdiction to hear and determine the Complaint.

Notice of Appeal, &c. may be sent by Post.

X. It shall be lawful and sufficient to send any Notice of Appeal against an Order of Removal, or Statement of Grounds of Appeal against such Order, by Post or otherwise, in like Manner as a Copy of an Order of Removal and Statement of Grounds of Removal may now be sent by Law.

Explanation of the Terms "Officer" and "Justices" in 9 & 10 Vict. c. 66. s. 6., and Provision for the Application of the Penalty.

XI. 'And whereas by the Statute of the Tenth Year of Her Majesty, Chapter Sixty-six, Section Six, 'any Officer of a Parish or Union wrongfully causing or procuring any poor Person to be removed or 'conveyed or to depart from a Parish under the Circumstances therein described is rendered punishable 'upon Conviction before Two Justices: And whereas it is expedient to remove Doubts which have arisen 'thereon:' Be it enacted, That the Term "Officer" shall include any Overseer, and that the Term "Justices" shall apply to the Justices of the County or other Jurisdiction in which the Parish may be situated from or to which such poor Person shall be removed; and that the Penalty imposed by the Act shall be paid to the Overseers of the Parish to which the poor Person shall become chargeable in consequence of such unlawful Removal, Conveyance, or Departure, to be applied in aid of the Poor Rate of such last-mentioned Parish.

Power to refer, by mutual Consent, Questions of Settlement, Removal, or Chargeability to Poor Law Board.

XII. The Guardians of any Two Unions or Parishes, or the Guardians of a Union and the Guardians of a Parish, or the Guardians of a Union or Parish and the Overseers of any Parish, or the Overseers of any Two Parishes, between whom any Question affecting the Settlement, Removal, or Chargeability of any poor Person shall arise, may, if they think fit so to do, by Agreement in Writing, executed in respect of any Guardians by sealing with their Common Seal, and in respect of Overseers by the Signatures of a Majority of them, submit such Question to the Poor Law Board for their Decision; and the said Board may, if they see fit, entertain such Question, and by an Order under their Seal determine the same; and every such Order shall be in all Courts and for all Purposes final and conclusive, between the Parties submitting such Question, as to the Question therein determined.

As to Delivery of Statement of Charges for Maintenance of Paupers.

XIII. 'And whereas by the Statute of the Tenth Year of Her Majesty, Chapter Sixty-six, Section 'Seven, it is enacted, that the Delivery of any Pauper under any Warrant of Removal directed to the 'Overseers of any Parish at the Workhouse of such Parish, or of any Union to which such Parish 'belongs, to any Officer of such Workhouse, shall be deemed a Delivery of such Pauper to the Overseers 'of such Parish:' Be it enacted, That the Delivery of a written Statement of the Charges for the Maintenance of any Pauper delivered under any Order or Warrant of Removal directed to the Overseers of any Parish, at the Workhouse of such Parish, or of any Union to which such Parish belongs, to any Officer

Officer of such Workhouse, at the Time of the Delivery of such Pauper, shall be deemed a Delivery of such Statement to the Overseers of such Parish, and shall be deemed a sufficient Demand thereof in any Proceedings for the Recovery of such Charges.

Poor Law Board empowered to dissolve any Asylum District.

XIV. The Poor Law Board may, if they see fit, upon the Application or with the Consent of the Acting Members of the Board of Management, at any Time, by an Order under their Seal, dissolve any Combination of Unions or Parishes, or Unions and Parishes, formed under the Act of the Eighth Year of Her Majesty, Chapter One hundred and one, into Districts for the Purpose of providing and managing Asylums, for the temporary Relief and setting to work therein of destitute houseless Poor, and, prior to issuing any such Order of Dissolution, may empower, by their Order, the Board of Management of such District to pay and apply any Funds in their Possession in discharge of any Liabilities then outstanding against such Board, and to sell and dispose of any Land, Buildings, or other Property belonging to them, and to apply the Produce of the same to the like Purpose; and any Surplus that may remain after satisfying all Liabilities shall be returned to the several Unions and Parishes in proportion to their original Contributions.

Provision for its Property.

How Conveyance may be executed.

XV. The Conveyance of such Property by the Acting Members of the said Board of Management of any such District, when approved and sealed by the Poor Law Board, shall be deemed valid, notwithstanding any Defect which may exist in the Number required to constitute such Board of Management.

The Limit of the Expense to be incurred in School Districts within the Metropolitan Police District extended from One Fifth to One Third.

XVI. 'And whereas Provision is made in the said last-mentioned Act for the Combination of Unions 'and Parishes into School Districts, and Authority is given to the District Board, subject to the Order of 'the Poor Law Board, to borrow or raise such Sum or Sums of Money as may be necessary for the 'Purpose of purchasing any Site, or purchasing, hiring, or building, and of fitting up and furnishing, a 'Building or Buildings for such School; and it is further provided that the Principal Sum or Sums to 'be raised for the Purpose of providing such Building or Buildings, and charged on any Union or Parish 'not included in a Union, shall in no Case exceed One Fifth of the average annual Amount of the 'aggregate Expenditure relating to the Relief of the Poor within any Union, or of the like Expenditure 'within any such Parish, for Three Years ending the Twenty-fifth Day of *March* next preceding the 'raising of the Money: And whereas by the Act of the Fourteenth Year of Her Majesty, Chapter One 'hundred and one, Section Three, with reference to School Districts situated within the Metropolitan 'Police District, the Cost of the Site of any such School may be borrowed over and above the Amount so 'limited as aforesaid: And whereas it is expedient with respect to such last-mentioned School Districts 'that the Limit of Expenditure fixed by the said Act of the Eighth Year of Her Majesty should be 'enlarged:' Be it therefore enacted, That in respect of any School District situated within the said Metropolitan Police District such Limit shall be enlarged from One Fifth to One Third.

Provision for Disposal of School District Property.

XVII. The Board of Management of any School District may in like Manner, and subject to the like Order, Rules, and Regulations of the Poor Law Board, as in the Case of the Guardians of a Union, exchange, demise, sell, or otherwise dispose of any Land belonging to the said District, and apply the Rents or Produce of any such Exchange, Sale, or Disposition for the Benefit of the said District in such Manner as the said Poor Law Board shall direct.

Assaults upon Poor Law Officers in the Execution of their Duty.

XVIII. The Provision in the Act of the Fourteenth Year of Her Majesty, Chapter One hundred and one, Section Nine, relative to Assaults upon certain Poor Law Officers in the Execution of their Duties, or upon Persons acting in their Aid, shall extend to an Assault upon any Person included under the Word "Officer" in the said Act of the Fifth Year of King *William* the Fourth, Chapter Seventy-six, or upon any other Person acting in his Aid.

Construction of Terms.

XIX. The several Words used in this Act shall be construed in the Manner prescribed by the Act of the Fifth Year of King *William* the Fourth, Chapter Seventy-six, and the Statutes explaining and extending it; and all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any Provision would be inconsistent with anything herein contained.

Extent of the Act.

XX. This Act shall extend only to *England* and *Wales*.

SCHEDULE.

Form of Security to be given for Loan obtained under the Act of the Fifth Year of King William the Fourth, or any Act incorporated therewith.

This Deed, made the Day of in the Year One thousand eight hundred , witnesseth, That in consideration of the Sum of lent and advanced to the Guardians of the Poor of the Union in the County of , *or* to the Guardians of the Poor of the Parish of in the County of , *or* to the Board of Management of the District School, *or* to the Overseers of the Poor of the Parish of in the County of , under the Provisions of the Act [*here state the Act authorizing the Loan*], and in pursuance of and upon the Authority of the Order of the Poor Law Board bearing Date the Day of , by [*here set out the Name and Description of the Public Board, Commissioners, or Company, or the Person lending the Money*], the Receipt of which Sum is testified by the Memorandum at the Foot hereof by our Treasurer, *or* (*in the Case of the Overseers*) by us, we the said Guardians, *or* we, the said Board of Management, *or* we, the said Overseers, do hereby charge the future Poor Rates to be raised in the several Parishes comprised in the said Union, namely [*here set out the Names of the Parishes comprised in the Union*], *or* in the several Unions and Parishes comprised in the said District, namely [*here set out the Unions and Parishes combined in the District*], *or* in the said Parish, with the Repayment to the said of the

the said Sum of by [*here insert the Number of yearly Instalments by which the Loan is to be repaid, not exceeding the Number limited by the Statute or Statutes under which it is advanced, but including those to which the Time of Repayment has been extended under any Statute in that Behalf*] Instalments, on the Days in the Years following; that is to say, the Sum of on the Day of in the Year 18 , the Sum of on the Day of in the Year 18 , the Sum of on the Day of in the Year 18 , together with Interest at the Rate of Pounds per Centum per Annum, by yearly Payments on the Days aforesaid, *or* by half-yearly Payments on the Day of and on the Day of in every Year, upon the Principal for the Time being unpaid, according to the Terms of this Security: Provided that nothing herein contained shall prevent the said from receiving the Repayment of the whole or any Part of the aforesaid Sum at any Time before the Day of Payment of the last Instalment, if willing to do so.

In testimony whereof we, the Guardians aforesaid, *or* we, the said Board of Management, have hereunto affixed our Common Seal, *or* we, the said Overseers, have hereunto set our Hands and Seals.

(L.S.) (L.S.) (L.S.)

Received this Day of the above-mentioned Sum of from the said

A.B., Treasurer of the Union, *or* Parish, *or* District Board.

C.D. and *E.F.*, Overseers of the Poor of the said Parish.

Registered by the Poor Law Board this Day of 18 .

Seal of the Poor Law Board L. S.

CAP. CVI.

An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of *St. Alban*. [8th *August* 1851.]

'WHEREAS there is Reason to believe that the Practice of Bribery at Elections of Members to serve in Parliament for the Borough of *St. Alban's* hath long prevailed in the said Borough, and that Bribery to a great Extent hath been systematically committed there at the last Election of a Member of Parliament: And whereas an Election Committee was appointed to consider the Merits of a Petition presented to the House of Commons, wherein the System of Bribery so believed to be practised was (amongst other things) alleged and set forth: And whereas by reason of the Contrivance of certain Parties more or less implicated in the same, certain Persons who had been summoned or intended to be summoned as Witnesses in support of such Allegations of Bribery were induced to abscond and withdraw themselves from Obedience to such Summons, by reason whereof the full and effectual Inquiry into the Allegations of the Petition aforesaid was prevented, and the Purposes for which such Committee was appointed were obstructed and defeated: And whereas it would tend to ensure a full Discovery of the said Bribery if an Inquiry should be made on the Spot by Commissioners to be specially appointed for that Purpose, and fully authorized to inquire into the Allegations aforesaid, and into the Existence and Extent of Bribery in the said Borough, and the Mode in which the same hath been practised and carried on:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners appointed.

I. That *Frederick William Slade*, *William Forsyth*, and *Thomas Phinn* shall be Commissioners of Inquiry for the Purposes of this Act; and in case of the Death or Resignation of any One or Two of the said Commissioners, or in the event of any One or Two of them becoming incapacitated or incapable of acting, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in the Execution of this Act, as if they or he had been solely appointed to be Commissioners or a sole Commissioner for the Purposes of this Act; and all the Provisions of this Act concerning the said Commissioners shall be taken to apply to such surviving or continuing Commissioners or Commissioner.

Commissioners to be sworn.

II. That every Commissioner appointed in pursuance of this Act shall, before beginning to act in the Execution of the Commission, take the following Oath before the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, or the Lord Chief Baron of the Court of Exchequer; (that is to say,)

'I *A.B.* do swear, That I will truly and faithfully execute the Powers and Trusts vested in me by an Act intituled [*here insert the Title of this Act*], according to the best of my Knowledge and Judgment. 'So help me GOD.'

Secretary and Clerks to be appointed.

III. That it shall be lawful for the said Commissioners to appoint, and at their Pleasure to dismiss, a Secretary, and so many Clerks, Messengers, and Officers as shall be thought necessary by One of Her Majesty's Principal Secretaries of State, for the Purpose of conducting the Inquiry directed by this Act, and to pay to the said Secretary, Clerks, Messengers, and Officers such Salaries and Allowances as shall be thought reasonable by the Commissioners of Her Majesty's Treasury.

Place of Meeting.

IV. That the said Commissioners, upon their Appointment, or within a reasonable Time afterwards, shall go to the Borough of *St. Alban's*, and shall from Time to Time hold Meetings for the Purposes of the said Inquiry at some convenient Place within the said Borough or within Ten Miles thereof, and shall have Power to adjourn the same from Time to Time and from any One Place to any other Place within the said Borough, or within Ten Miles thereof, as to them shall seem expedient; and the said Commissioners of Inquiry shall give Notice of their Appointment, and of the Time and Place of holding their First Meeting, by publishing the same in some Newspaper in general Circulation in the said Borough or the Neighbourhood thereof: Provided always, that the said Commissioners shall not adjourn the said Inquiry for any Period exceeding One Week without the Consent and Approbation of One of Her Majesty's Principal Secretaries of State.

Inquiry by the Commissioners.

V. That the said Commissioners shall, by all such lawful Means as to them shall appear best, with a view to the Discovery of the Truth, and for such a Period retrospectively as they shall think proper, inquire into the Manner in which Elections of Members or a Member to serve in Parliament for the said Borough, and in particular the last Election of a Member, have or has been conducted, and whether any Bribery has been committed at such Elections or any of them, and, if so, whether such Bribery was by way of the Gift or the Promise of the Gift of any Sum of Money or other valuable Consideration to any Voter or Voters, or to any other Person or Persons on his or their Behalf, for the Promise or the giving of his or their Vote or Votes, or for his or their refraining or promising to refrain from giving his or their Vote or Votes, at any such Election, or for his or their procuring or undertaking to procure the Votes of other Electors at any such Election, or whether by the Payment of any Sum of Money or other valuable Consideration whatsoever to any Voter, or to any other Person on his Behalf, before, during, or after the Termination of such Election, by way of Head Money, or in compliance with any Usage or Custom in the said Borough, or how otherwise, or whether any Sum of Money or other valuable Consideration whatsoever has been paid to any Voter, or to any other Person on his Behalf, after the Termination of any such Election, as a Reward for giving or for having refrained from giving his Vote at such Elections, or any of them; and the said Commissioners shall from Time to Time report to Her Majesty the Evidence which shall be taken by them, and what they shall find concerning the Premises, and especially the said Commissioners shall report with respect to each Election the Names of all Persons whom they shall find to have been guilty of Bribery at such Election, and as well those who shall have given Bribes for the Purchase or for the Purpose of purchasing the Votes of others as those who shall have themselves received Money or any other valuable Consideration for having given or having refrained from giving, or for the Purpose of inducing them to give or to refrain from giving, their Votes at such Election, and also the Names of all Persons whom they shall find to have given to others or to have received themselves Payments by way of Head Money, or as a Reward for giving or refraining to give their Votes at such Election, and all other Things whereby in the Opinion of the said Commissioners the Truth may be better known touching the Premises.

Reports to be laid before Parliament.

VI. That every Report which the said Commissioners shall make to Her Majesty in pursuance of this Act shall be laid before Parliament within One Calendar Month next after such Report shall be made, if Parliament shall be then sitting, or if not then within One Calendar Month next after the then next Meeting of Parliament.

Power to send for Persons and Papers.

VII. That it shall be lawful for the Commissioners to be appointed in pursuance of this Act, by a Summons under their Hands and Seals, or under the Hand and Seal of any One of them, to require the Attendance before them at a Time to be mentioned in the Summons of any Person or Persons whomsoever whose Evidence shall in the Judgment of the said Commissioners be material to the Subject Matter of the Inquiry directed by this Act, and to require all Persons to bring before them such Books, Papers, Deeds, and Writings as to the said Commissioners shall appear necessary for arriving at the Truth of the Things directed to be inquired into by them under the Provisions of this Act; all which Persons shall attend the said Commissioners, and shall answer all such Questions, and shall produce all such Books, Papers, Deeds, and Writings as shall be required of them, and which shall be in their Custody or under their Control, according to the Tenor of the Summons: Provided always, that no Statement made by any Person in answer to any Question put by the said Commissioners shall, except in case of Indictments for Perjury committed in such Answers, be admissible in Evidence in any Proceeding, civil or criminal.

Persons implicated in Bribery, who may be examined, and shall make a faithful Discovery, indemnified.

VIII. 'And whereas it may appear to the said Commissioners desirable to examine as Witnesses several 'Persons touching the Things directed to be inquired into by this Act, the Evidence of which Persons 'may tend to expose them to penal Consequences:' Be it therefore enacted, That for the more effectually prosecuting the Inquiry directed by this Act every Person who has been engaged in any Act of Bribery at or connected with any Election of Members to serve in Parliament for the said Borough of *Saint Alban's*, and who shall be examined as a Witness and give Evidence before the said Commissioners touching such Bribery, and who shall upon such Examination make a true Discovery to the best of his or her Knowledge touching all Things to which he or she shall be so examined, shall be freed from all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions, to which he or she may have been or may become liable or subject at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for anything done by such Person or Persons in respect of such Bribery; and no Person shall be excused from answering any Question put to him by the said Commissioners on the ground of any Privilege, nor on the ground that the Answer to such Question will tend to criminate such Person.

IX. That

IX. That where any Witness shall be so examined as aforesaid such Witness shall not be indemnified under this Act unless he or she shall receive from the said Commissioners a Certificate in Writing under their Hands, stating that such Witness has, upon his or her Examination, made a true Disclosure touching all Things to which he or she has been so examined; and if any Action, Information, or Indictment shall at any Time be pending in any Court for Bribery at the last Election for the Borough of *St. Alban's*, against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment. Witnesses examined not to be indemnified unless they shall have a Certificate from the Commissioners.

X. That it shall be lawful for the said Commissioners or One of them to administer an Oath, or, in the Case of Persons allowed by Law to make Affirmation instead of taking an Oath, an Affirmation, to all Persons who shall be examined before them touching the Things directed to be inquired into by them under the Provisions of this Act. Commissioners to examine on Oath.

XI. That if any Person upon whom any such Summons shall be served by the Delivery thereof to him or her, or by the leaving thereof at his or her usual Place of Abode, shall, without reasonable Cause (to be allowed by the said Commissioners of Inquiry), fail to appear before them at the Time and Place mentioned in the Summons, or shall refuse to be sworn or make Affirmation (as the Case may be), or shall not make answer to such Questions as shall be put to him or her touching the Matters directed to be inquired into by the said Commissioners, or shall refuse or fail, without reasonable Cause (to be allowed by the said Commissioners), to produce and show to the said Commissioners any such Papers, Books, Deeds, or Writings, being in his or her Possession or under his or her Control, as to the said Commissioners shall appear necessary for arriving at the Truth of the Things directed to be inquired into by them as aforesaid, the said Commissioners, or the greater Number of them, shall have the same Powers in all respects touching any such Person so failing to appear or refusing to be sworn, or to make Affirmation, or not answering such Questions as shall be put to him or her, or refusing to produce any such Books, Papers, Deeds, or Writings as aforesaid, as any of the Superior Courts in *Westminster Hall*, or any Judge of the said Courts sitting under any Commission of Assize or Nisi Prius, Oyer and Terminer, or General Gaol Delivery, may now by Law exercise against any Person for making Default of Appearance, or for refusing to be sworn or give Evidence on any Issue joined in any Action depending in any of the said Courts. Penalty for Nonattendance or refusing to give Evidence.

XII. That every Person who upon Examination upon Oath or Affirmation before the said Commissioners of Inquiry shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury. Penalty for false swearing.

XIII. That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being to make an Order for the Payment of the necessary Expenses of the Inquiry directed by this Act; and that every Commissioner to be appointed under this Act shall be paid, at the Conclusion of the said Inquiry, over and above his travelling and other Expenses, such Sum as the Commissioners of Her Majesty's Treasury for the Time being shall think fit; and the said Commissioners, after the Termination of their last Sitting, and after they shall have made their Report to Her Majesty as herein-before directed, shall lay or cause to be laid before the Commissioners of Her Majesty's Treasury for the Time being a Statement of the Number of Days they shall have been actually employed in the Inquiry under this Act, together with an Account of the travelling and other Expenses of each of such Commissioners; and the said Commissioners of Her Majesty's Treasury shall make an Order for the Payment to each Commissioner of the Sum which the said Commissioners of Her Majesty's Treasury shall so think fit to be paid to him, and in respect of his travelling and other Expenses. Expenses of the Inquiry.

XIV. That no Action shall be brought against the said Commissioners or either of them, or any other Person or Persons whomsoever, for anything done in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing of such Thing. Limitation of Actions.

LOCAL AND PERSONAL ACTS.

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Cap. i.

An Act for repairing and managing the Roads from the *Brighthelmston* Road at *Pyecombe* to *Hand Cross*, and from *Pyecombe* to the *Henfield* Road at *Poynings Common*, in the County of *Sussex*. [20th *May* 1851.]

[7 *Geo.* 4. *c.* xxvii. *repealed*, § 1. *Only One full Toll to be taken for once passing and repassing on same Day between the Road from Brighton to Cuckfield and Hicksted Place, or between the same Road and the Henfield Road at or near Poynings Common, or between Hicksted Place and the Road from Cuckfield to Crawley, at or near a House at Hand Cross, formerly occupied by John Kelsey*, § 16. *Persons having paid Toll to repass Toll-free on same Day*, § 17. *Act to commence on the Fourth Friday after the passing, and to continue in force for Twenty-one Years, and to the End of the then next Session*, § 32.]

Cap. ii.

An Act for the Improvement of the Sewerage of the Borough of *Leicester*, and for making other Provisions for the Sanitary Regulation of such Borough. [20th *May* 1851.]

[*Saving the Rights of the Crown and Duchy of Lancaster*, § 50. *Saving the Powers of the Local Board*, § 51.]

Cap. iii.

An Act for building a Bridge over *Ouseburn*, with Approaches thereto, in the Borough and County of *Newcastle-upon-Tyne*. [20th *May* 1851.]

Cap. iv.

An Act to make the Limits of the *Dewsbury* Gas Act commensurate with the whole of the Parish of *Dewsbury* and the Township of *Batley* in the Parish of *Batley*; and to authorize the raising of a further Sum of Money. [20th *May* 1851.]

Cap. v.

An Act for rendering valid certain Letters Patent granted to *John Laird* of *Birkenhead*, Shipbuilder. [20th *May* 1851.]

Cap. vi.

An Act for establishing new Markets and Market Places in the City of *Durham*, for abolishing the Corn Tolls and for regulating the Markets and Fairs within the said City and the Suburbs thereof, and for other Purposes. [20th *May* 1851.]

[*Saving the Rights of the Corporation to Tolls not granted to the Company*, § 51. *Saving the Rights of the Bishop of Durham*, § 52. *Right of the Council of Durham to make Byelaws not to be affected*, § 53. *Rights of the Mayor as Clerk of the Markets not to be affected*, § 54. *Saving the Rights of the Freemen of Durham*, § 55.]

Cap. vii.

An Act for altering and amending The *Walworth Common* Inclosure Act, 10 Geo. 3. Cap. 72.; for authorizing a Partition of the *Walworth Common* Estate; for incorporating the Governors and Guardians of the Poor of the Parish of *Saint Mary Newington* in the County of *Surrey*, and for enabling such Governors and Guardians to erect a new Workhouse; for altering and amending the Acts 54 Geo. 3. Cap. 113. and the 1 Geo. 4. Cap. 41. relating to the said Parish; and for other Purposes. [20th *May* 1851.]

[*Saving the Right of the Lord of the Manor*, § 56.]

Cap. viii.

An Act for amending an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, for draining and improving certain Fen Lands and Low Grounds in the Parishes of *Downham Market*, *Wimbotsham*, *Stow Bardolph*, and *Denver*, in the County of *Norfolk*. [20th *May* 1851.]

[*Saving the Right of the Conservators of the Bedford Level*, § 23.]

Cap. ix.

An Act to confirm the Issue of certain Shares in the *Reading* Cemetery Company; to enable the Company to raise a further Sum of Money; and for other Purposes. [20th *May* 1851.]

Cap. x.

An Act for Relief to the several Townships in the Parish of *Manchester* from the Repair of Highways not situate within such Townships respectively. [20th *May* 1851.]

Cap. xi.

An Act to extend and amend the Provisions of the Act relating to the *Cheltenham and Painswick* District of Turnpike Road in the County of *Gloucester*, and to create a further Term therein. [20th *May* 1851.]

[*Only Two full Tolls to be payable on One Day*, § 11. *Persons having paid Toll to return Toll-free on same Day*, § 12. *Fresh Tolls to be paid on every Change of Carriage*, § 13. *Act to commence on 1st November* 1851, *and to continue in force for Twenty-one Years, and to the End of the then next Session*, § 27.]

Cap. xii.

An Act to amend and extend the Provisions of the Acts relating to the *Cheltenham and Gloucester* District of Turnpike Roads in the County of *Gloucester*, and to create a further Term therein. [20th *May* 1851.]

[*Act to commence on 21st October* 1851, *and to continue in force for Twenty-one Years, and to the End of the then next Session*, § 26.]

Cap. xiii.

An Act for keeping in repair the Road from *Appleby* in the County of *Westmoreland* to *Kirkby-in-Kendal*, and from *Orton* to the Turnpike Road near *Shap*, and from *Highgate*, near *Tebay*, through *Kirkby Stephen*, to *Market Brough* in the said County. [20th *May* 1851.]

[*Manure, Grist, or Meal carried to or from any Mill to be used by the Owner of the Carriage, Materials for building or repairing any Toll House or Toll Gate on the Road, or Milk, Grains, or Draff for feeding Cattle, exempted from Toll*, § 13. *Only Three full Tolls to be taken on same Day*, § 14. *Persons having paid Toll to return free*, § 15. *Act to commence on 31st October* 1851, *and continue in force for Twenty-one Years, and to End of then next Session*, § 27.]

Cap. xiv.

An Act for incorporating "The *Scarborough* Gas Company," for enabling the Company to raise a further Sum of Money for better supplying the Borough of *Scarborough* with Gas, and for other Purposes. [20th *May* 1851.]

Cap. xv.

An Act to amend and extend the Provisions of an Act for widening and improving the Road leading from the Turnpike Road in the Town of *Tenterden*, through *Woodchurch*, to *Warehorne*, and the Road leading out of the Turnpike Road in the Parish of *Bethersden*, through *Woodchurch*, to *Appledore* in the County of *Kent*; and to create a further Term therein. [20th *May* 1851.]

[*Horses fetching Lime or Marsh Mould may return Toll-free within Thirty-six Hours*, § 13. *Persons having paid Toll to return free on same Day*, § 15. *Act to commence on 1st September* 1851, *and to continue in force for Twenty-one Years, and to End of then next Session*, § 27.]

Cap. xvi.

An Act to provide for the Alteration or Extinguishment of the existing Rights in the Freemen's Pastures in the Township and Borough of *Hartlepool* in the County of *Durham*, and for the Appropriation and Management of such Pastures; for vesting in the Body Corporate of the Borough the Harbour Dues receivable by them; and for other Purposes. [20th *May* 1851.]

Cap. xvii.

An Act to amend an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the Roads from* Nether Bridge *to* Levens Bridge, *and from thence through the Town of* Millthrop *to* Dixes, *and from the Town of* Millthrop *to* Hangbridge, *and from thence to join the* Heronsyke *Turnpike Road near* Clawthrop Hall, *in the County of* Westmoreland. [20th *May* 1851.]

[3 *Geo.* 4. *c.* xii. *repealed*, § 1. *No Gate or Bar to be erected in Kirkland Township*, § 14. *Only One full Toll to be taken for passing through all the Gates on same Day*, § 15. *Persons having paid Toll to return free*, § 16. *No Money to be collected or laid out in Towns*, § 26. *Act to commence on 31st October* 1851, *and to continue in force for Twenty-one Years, and to End of then next Session*, § 30.]

Cap. xviii.

An Act for more effectually repairing the Road from *Beck Fen Lane* in the Parish of *Mildenhall* in the County of *Suffolk* to *Littleport* in the *Isle of Ely* and County of *Cambridge*, and other Roads therein mentioned in the Counties of *Norfolk* and *Suffolk*. [20th *May* 1851.]

[*Persons having paid the Tolls to return Toll-free*, § 18. *No more than Two full Tolls to be taken on either of the Roads for passing and repassing through all the Gates on same Day*, § 19. *Persons having paid One full Toll on either Road to pass Toll free on same Road on same Day*, § 20. *Tolls granted by this Act to be in addition to Tolls for narrow Wheels*, § 21. *Toll to be paid by Foot Passengers passing the Bridge across the Little Ouse*, § 24. *No Money raised under the Act to be laid out in repairing Streets of Mildenhall*, § 28. *Act to commence on Fourth Monday after the passing, and to continue in force for Twenty-one Years, and to End of then next Session*, § 32.]

Cap. xix.

An Act to authorize the Construction of a Bridge across the Lower Turnpike Road leading from *Greenwich* to *Woolwich*, and the crossing of a Foothpath. [20th *May* 1851.]

Cap. xx.

An Act for maintaining in repair several Roads leading from and through the Town of *Wiveliscombe* in the County of *Somerset*, and the Roads adjoining thereto in the Counties of *Somerset* and *Devon*. [20th *May* 1851.]

[6 *Geo.* 4. *c.* xciii. *repealed*, § 1. *Act to commence on the passing, and to continue in force for Twenty-one Years, and to End of then next Session*, § 20.]

Cap. xxi.

An Act for making a Railway from the *Chester and Holyhead* Railway near *Bangor* to *Port Dinorwic* and *Caernarvon*. [20th *May* 1851.]

Cap. xxii.

An Act to amend some of the Provisions of the Acts relating to the *Bristol and Exeter* Railway Company, and to grant to such Company certain Powers of holding Shares in other Undertakings. [20th *May* 1851.]

Cap. xxiii.

An Act for empowering the *Stockton and Darlington* Railway Company, and their Lessors, the *Wear Valley* Railway Company and the *Middlesbrough and Redcar* Railway Company, to raise more Money; and for other Purposes. [20th *May* 1851.]

Cap. xxiv.

An Act for repairing the Road leading from *Shrewsbury* to *Bridgnorth*, and several other Roads therein mentioned. [5th *June* 1851.]

[*Lime for Manure exempted from Toll between the 1st March and 1st November*, § 13. *Other Manures exempted from Toll*, § 14. *Tolls to be paid but once a Day*, § 15. *Act to commence on 1st October* 1851, *and to continue in force for Twenty-one Years, and to End of then next Session*, § 28.]

Cap. xxv.

An Act to enable the *Scottish Central* Railway Company to raise a further Sum of Money. [5th *June* 1851.]

Cap. xxvi.

An Act for making a Railway from *Halesworth* to *Beccles* and *Haddiscoe*, with a Branch therefrom, to be called "The *Halesworth, Beccles, and Haddiscoe* Railway." [5th *June* 1851.]

Cap. xxvii.

An Act for enabling the *North British* Railway Company to enlarge their Station at *Edinburgh*, and to make certain short Railways there and at *Dalkeith*; and for other Purposes. [5th *June* 1851.]

Cap. xxviii.

An Act for making a Branch Railway from the *London and Blackwall* Railway to *Haydon Square, Whitechapel*; and for amending some of the Powers of the Acts relating to the *London and Blackwall* Railway Company. [5th *June* 1851.]

Cap. xxix.

An Act for extending the Benefit of the Royal Naval School to Children at present ineligible to be admitted therein, and for authorizing the Establishment of a Chapel in connexion with the said School, and for amending the Acts relating thereto. [5th *June* 1851.]

Cap. xxx.

An Act for extending the Time limited for widening the *London and Blackwall* Railway, and for making the Branches to the *London* and *Saint Katherine* Docks; for erecting a Station and other Works at *Rhodeswell* in the Parish of *Saint Anne;* and for amending the Acts relating to the said Railway. [5th *June* 1851.]

Cap. xxxi.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Western District of the *Richmond and Lancaster* Turnpike Road. [5th *June* 1851.]

[*Persons having paid Tolls may return free,* § 13. *Act not to prejudice the Right of the Lord of the Manor of Hornby to Tolls,* § 16. *Act to commence on* 31*st October* 1851, *and to continue in force for Twenty-one Years, and to End of then next Session,* § 28.]

Cap. xxxii.

An Act to enable the Company of Proprietors of the *Regent's* Canal to enlarge the Reservoir on the River *Brent;* and to amend the Acts relating to the Canal. [5th *June* 1851.]

Cap. xxxiii.

An Act to amend "The *Leicester* Waterworks Act, 1847," to make certain Alterations in the Works, and to extend the Period for completing such Works; and also to authorize an Arrangement with the Local Board of Health for the Borough of *Leicester.* [5th *June* 1851.]

Cap. xxxiv.

An Act for continuing the Term of the *Derby, Ashborne, and Hurdloe* Road Act, and for other Purposes. [5th *June* 1851.]

[9 *Geo.* 4. *c.* lxxix. *(except as altered) continued for Twenty-one Years from passing of this Act, and till End of then next Session,* § 3.]

Cap. xxxv.

An Act for the making of a Railway from *Mayfield* in the County of *Sussex* to join the Railway from *Tunbridge Wells* to near *Hastings* of the *South-eastern* Railway Company, and to be called "The *Mayfield* Railway." [5th *June* 1851.]

Cap. xxxvi.

An Act for supplying the Inhabitants of the Town of *Whitby* and adjacent Places with Water. [5th *June* 1851.]

Cap. xxxvii.

An Act for repairing and managing the Roads from the North End of the Town of *Derby* in the County of *Derby* to *Sheffield* in the County of *York,* and from *Duffield* to *Wirksworth* in the County of *Derby.* [5th *June* 1851.]

[*No Gates to be erected nearer to Derby and Sheffield than at present,* § 11. *Act to commence on* 31*st October* 1851, *and to continue for Twenty-one Years, and to End of then next Session,* § 19.]

Cap. xxxviii.

An Act for erecting and maintaining new Public Offices for the County of *Aberdeen,* for altering and enlarging the present Record Office of the County, and for other Purposes. [5th *June* 1851.]

Cap. xxxix.

An Act to authorize certain Alterations in the Line and Levels of the *Malton and Driffield Junction* Railway, and to amend the Act relating thereto. [5th *June* 1851.]

Cap. xl.

An Act for making a Railway from the *Gloucester and Dean Forest* Railway in the Parish of *Westbury* in the County of *Gloucester* to the City of *Hereford.* [5th *June* 1851.]

Cap. xli.

An Act to continue the Term of the Act of the Sixth Year of *George* the Fourth, Chapter Fifty-one (Local), so far as relates to the Turnpike Road between *Manchester* and *Audenshaw* in the Parish of *Ashton-under-Lyne,* all in the County Palatine of *Lancaster;* and to make better Provision for the Repair of the Road; and for other Purposes. [5th *June* 1851.]

[*Act to commence on the Third Monday after the passing, and to continue in force for Twenty-one Years,* § 28.]

Cap. xlii.

An Act to improve the Town of *Harwich,* to reclaim Part of the Foreshore of *Harwich* Harbour, and to construct Quays and a Pier, and for other Purposes. [3d *July* 1851.]

Cap. xliii.

An Act to enable the *Commercial* Dock Company to purchase and enlarge the *East Country* Dock; to construct a Tramway to connect their Docks with the *Deptford* Branch Railway; and for other Purposes. [3d *July* 1851.]

Cap. xliv.

An Act to authorize a Deviation in the Line of the *Killarney and Valencia* Railway, and to continue and revive the Powers granted by "The *Killarney and Valencia* Railway Act, 1847," for the compulsory Purchase of Lands, and to extend the Period by such Act limited for the Completion of the said Railway. [3d *July* 1851.]

Cap. xlv.

An Act to enable the *Great Northern* Railway Company to construct Stations at *Knottingley* and *Wakefield*; to increase their Capital; to enlarge their *London* Station; to amend their Acts; and for other Purposes. [3d *July* 1851.]

Cap. xlvi.

An Act to authorize Deviations of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway between *Sheffield* and *Barnsley*; and to amend the Acts relating to the said Railway. [3d *July* 1851.]

Cap. xlvii.

An Act for altering the Name of the *Leeds and Thirsk* Railway Company to the Name of the *Leeds Northern* Railway Company, for extending the Time for Completion of certain Works, for regulating the Capital of the Company, and for other Purposes. [3d *July* 1851.]

Cap. xlviii.

An Act for enabling Arrangements with reference to the Purchase, Lease, or other Use by the *Great Western* Railway Company of the *Wilts, Somerset, and Weymouth* Railway, the *Gloucester and Dean Forest* Railway, and the *South Wales* Railway respectively, to be effected; and for other Purposes. [3d *July* 1851.]

Cap. xlix.

An Act for making and maintaining Docks at *Baglan Bay* in the County of *Glamorgan*, with a Branch Line of Railway to the *South Wales* Railway. [3d *July* 1851.]

Cap. l.

An Act for repairing the Road from the Town of *Stroud* in the County of *Gloucester*, through *Pitchcomb*, into the City of *Gloucester*. [3d *July* 1851.]

[58 *Geo.* 3. *c.* l. *repealed*, § 1. *Only One Toll to be payable on the Road on same Day*, § 12. *No Gate to be erected near Gloucester*, § 13. *Persons having paid Tolls to return free on same Day*, § 14. *Act to commence on* 31*st October* 1851, *and to continue in force for Twenty-one Years, and to the End of the then next Session*, § 28.]

Cap. li.

An Act for extending the Powers of *Price's* Patent Candle Company in relation to Letters Patent for Inventions applicable to their Undertaking. [3d *July* 1851.]

Cap. lii.

An Act to enable the *South Wales* Railway Company to make a new Railway in the *Forest of Dean*, in lieu of the Railway already authorized, to construct new Lines at *Cardiff* and *Britton Ferry*, and to make an Alteration in the Line and Levels of their Railway; and for other Purposes. [3d *July* 1851.]

Cap. liii.

An Act for facilitating the Conversion by the *South Devon* Railway Company of Loan into Capital, and for enabling the same Company to effect Arrangements between different Classes of Shareholders for the Creation of new Shares; and for other Purposes. [3d *July* 1851.]

Cap. liv.

An Act for making a Railway from the *Edinburgh, Perth, and Dundee* Railway at or near to *Milton* in the Parish of *Leuchars* to the City of *St. Andrews*, to be called "The *St. Andrews* Railway." [3d *July* 1851.]

Cap. lv.

An Act to consolidate and amend the Acts relating to the *Edinburgh, Perth, and Dundee* Railway Company, and to grant further Powers to the said Company. [3d *July* 1851.]

Cap. lvi.

An Act to amend the Acts relating to the *East Lancashire* Railway Company, and to enable the Company to increase their Capital and Tolls. [3d *July* 1851.]

Cap. lvii.

An Act to regulate and increase the Capital of the *Midland* Railway Company, and to confirm and legalize the Creation and issue of certain Fifty Pound Shares, and the Application of the Proceeds of such Shares; and for other Purposes. [3d *July* 1851.]

Cap. lviii.

An Act to facilitate Intercourse between the *Eastern Union* and certain other Railways; to alter certain Charges upon the *Eastern Union* Railway and the *Stowmarket* Navigation; and for other Purposes. [3d *July* 1851.]

Cap. lix.

An Act to amend an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing and maintaining the Road from* Huddersfield *in the West Riding of the County of* York *to* New Hey *in the Parish of* Rochdale *in the County of* Lancaster, *with a Branch to* Toothill Lane *in the said Riding, and for making a new Road from* Buckstones *to the Highway leading from* Ripponden *to* Stainland *at or near to* Barkisland School, and to continue the Term thereby granted. [3d *July* 1851.]

[*Only Four full Tolls to be taken on the Main Road and One on the Branch on same Day*, § 12. *Persons having paid Tolls to return free on same Day*, § 13. *Tolls to be paid but Four Times in a Day*, § 14. *Act to commence on* 1*st November* 1851, *and to continue in force for Twenty-one Years, and until End of then next Session*, § 27.]

Cap. lx.

An Act for managing and repairing the Roads leading from *Uttoxeter* to *Stoke* near *Stone*, and from *Millwich* to *Sandon*, in the County of *Stafford*. [3d *July* 1851.]

[55 *Geo.* 3. *c.* lii. *repealed*, § 1. *Only Two full Tolls to be taken on the Roads on same Day*, § 15. *Persons having paid Toll to return free on same Day*, § 16. *Act to commence on* 31*st October* 1851, *and to continue in force for Twenty-one Years, and until End of then next Session*, § 27.]

Cap. lxi.

An Act to extend the Term and alter the Provisions of Two Acts relating to the *Buckingham, Brackley, and Banbury* Turnpike Road, and of an Act relating to the *Towcester, Brackley, and Weston on the Green* Turnpike Road, and to consolidate the Management of the said Turnpike Roads. [3d *July* 1851.]

[31 *Geo.* 3. *c.* cxxxiii. *and* 50 *Geo.* 3. *c.* cxxxiii. *repealed*, § 1. *Persons having paid Toll to return free on same Day*, § 11. *Act to commence on* 1*st November* 1851, *and to continue in force for Twenty-one Years, and until End of then next Session*, § 21.]

Cap. lxii.

An Act to authorize certain Deviations of the *Slamannan and Borrowstouness* Railway. [3d *July* 1851.]

Cap. lxiii.

An Act to enable the *Dundee and Arbroath* Railway Company to enlarge their present Terminal Station in *Dundee;* and to amend the Acts relating to the Company. [3d *July* 1851.]

Cap. lxiv.

An Act to alter the Constitution of the Committee for the Affairs of the Estate of the Trustees of the *Liverpool* Docks, to authorize the Establishment of an Emigrants Home, and to alter and amend the Acts relating to the Docks and Harbour of *Liverpool*. [3d *July* 1851.]

Cap. lxv.

An Act for extending the Provisions of the *Weston-super-Mare* Improvement and Market Act, and for granting further Powers relating to the Sewage of the Town. [3d *July* 1851.]

[*Saving the Rights of the Lord of the Manor of Weston-super-Mare*, § 45.]

Cap. lxvi.

An Act for constructing a Railway from the *Tivetshall* Station of the *Eastern Union* Railway to *Bungay* in *Suffolk*. [3d *July* 1851.]

Cap. lxvii.

An Act for the better Improvement and Regulation of the Borough of *Sunderland* in the County of *Durham*, and for other Purposes. [3d *July* 1851.]

Cap. lxviii.

An Act to enable the Company of Proprietors of the *Hayling Bridge* and Causeway to construct a Railway from their Docks and Wharves at *Langstone* to join the *London, Brighton, and South Coast* Railway at *Havant* in the County of *Southampton*. [3d *July* 1851.]

Cap. lxix.

An Act to incorporate the *Great Central* Gas Consumers Company. [3d *July* 1851.]

Cap. lxx.

An Act to alter and enlarge the Powers of the *Reading* Waterworks Company, and to authorize an Extension of the Works of the said Company. [3d *July* 1851.]

Cap. lxxi.

An Act for making a Railway from *Warrington* to *Altrincham*, with a Branch to join the *Birkenhead, Lancashire, and Cheshire Junction* Railway at *Lower Walton*, to be called the *Warrington and Altrincham Junction* Railway; and for other Purposes. [3d *July* 1851.]

Cap. lxxii.

An Act for enabling the *Maryport and Carlisle* Railway Company to make a Deviation in their Line of Railway, and increase their Capital; and for other Purposes. [3d *July* 1851.]

Cap. lxxiii.

An Act for constructing and maintaining a Quay and other Works at *North Shields* in the County of *Northumberland*, and for other Purposes. [3d *July* 1851.]

Cap. lxxiv.

An Act to ratify and confirm certain Subscriptions and Payments made by or on behalf of the *South Wales* Railway Company to other Railway Companies. [3d *July* 1851.]

Cap. lxxv.

An Act to amend the Act relating to the *Great North of Scotland* Railway Company. [3d *July* 1851.]

Cap. lxxvi.

An Act to renew the Term and continue the Powers and Provisions of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving several Districts of* Malmesbury *Turnpike Roads, and other Roads connected therewith, in the Counties of* Wilts, Berks, *and* Gloucester, so far as relates to the First and Second Districts. [24th *July* 1851.]

[1 *Geo.* 4. *c.* xxii. *repealed*, § 1. *Persons having paid Toll to return free on same Day*, § 9. *Act to continue in force for Twenty-one Years and to End of then next Session*, § 24.]

Cap. lxxvii.

An Act to authorize the *Chorley* Waterworks Company to raise a further Sum of Money.* [24th *July* 1851.]

* £12,000.

Cap. lxxviii.

An Act for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Free Church, and for the Widows and Children of the Professors holding Professors Offices in any College connected with the said Church. [24th *July* 1851.]

Cap. lxxix.

An Act for the further Amendment of the Acts relating to the *Manchester* Corporation Waterworks. [24th *July* 1851.]

Cap. lxxx.

An Act to explain, amend, and enlarge some of the Provisions of the Acts relating to The *Great Southern and Western* Railway Company; and to enable the said Company to raise further Capital*, and to construct a Dock or Basin at *Cork*. [24th *July* 1851.]

* £200,500.

Cap. lxxxi.

An Act for enabling the *Great Western* Railway Company to construct a Station and Works at *Aston-juxta-Birmingham*. [24th *July* 1851.]

Cap. lxxxii.

An Act to provide for the Repair and Maintenance of the Cathedral Church of *Saint Patrick, Dublin*. [24th *July* 1851.]

Cap. lxxxiii.

An Act for authorizing certain Deviations in the *Taw Vale Extension* Railway, and for other Purposes. [24th *July* 1851.]

Cap. lxxxiv.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to abandon a Portion of their *Bishop Auckland* Branch Railway, and substitute in lieu thereof a new Line of Railway; and to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham*; and for other Purposes. [24th *July* 1851.]

Cap. lxxxv.

An Act for facilitating the Transmission to and from the *York, Newcastle, and Berwick* Railway of the Traffic of the *Byers Green* Branch of the *Clarence* Railway; for enabling the *York, Newcastle, and Berwick* Railway Company to hold Shares in the *West Durham* Railway; for granting further Powers to their Lessors, the *Great North of England, Clarence and Hartlepool Junction* Railway Company, and the *Hartlepool* Dock and Railway Company, in reference to their Capital; and for other Purposes. [24th *July* 1851.]

Cap. lxxxvi.

An Act for amending the Act relating to the Electric Telegraph Company. [24th *July* 1851.]

Cap. lxxxvii.

An Act for the Restoration of the Standard in the River *Dee*, and for granting further Powers to the River *Dee* Company. [24th *July* 1851.]

Cap. lxxxviii.

An Act to authorize the Acquisition by the *Midland* Railway Company of the Estate and Interest of the *Leeds and Bradford* Railway Company in the *Leeds and Bradford* Railway, and to empower the *Midland* Railway Company to raise Money for such Purpose. [24th *July* 1851.]

Cap. lxxxix.

An Act for extending and enlarging the Powers of the *Bolton, Blackburn, Clitheroe, and West Yorkshire* Railway Company, for changing the Name of the Company, and for other Purposes. [24th *July* 1851.]

Cap. xc.

An Act for supplying with Water the Town of *Stockton* in the County of *Durham*, and the Suburbs thereof, and the Towns of *Middlesbrough* and *Yarm* in the North Riding of the County of *York*, and the Suburbs thereof respectively; and for other Purposes. [24th *July* 1851.]

Cap. xci.

An Act to continue "The City of *London* Sewers Act, 1848," and to alter and amend the Provisions of the said Act. [24th *July* 1851.]

Cap. xcii.

An Act for repealing and amending the Provisions of the Acts relating to the Navigation of the River *Cam* or *Cham*, alias *Grant*, between *Clayhithe Ferry* and the *King's Mill* in the Town of *Cambridge;* for altering the Navigation Tolls; for enabling the Conservators of the said River to sue and be sued in the Name of their Clerk; for conferring additional Powers; and other Purposes. [24th *July* 1851.]

Cap. xciii.

An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of *Birmingham* in the County of *Warwick* the Estates, Properties, and Effects now vested in certain Commissioners having Jurisdiction over Parts of the Borough; and to provide for the better draining, lighting, paving, supplying with Water, and otherwise improving the said Borough, and making Provision for the good Government, Regulation, and Management thereof. [24th *July* 1851.]

Cap. xciv.

An Act for enabling the *South Staffordshire* Railway Company to make a certain Branch Railway, for authorizing Arrangements with the *London and North-western* Railway Company, and for other Purposes. [24th *July* 1851.]

Cap. xcv.

An Act to enable the *Cork and Waterford* Railway Company to make Arrangements as to their Capital, and to provide for the immediate Completion of the *Tramore* Branch. [24th *July* 1851.]

Cap. xcvi.

An Act for the Improvement of the Town of *Great Malvern* in the County of *Worcester*, and for supplying the same with Water. [24th *July* 1851.]

Cap. xcvii.

An Act for better paving, lighting, draining, cleansing, and otherwise regulating and improving a Portion of the Borough of *Newark* in the County of *Nottingham;* for regulating the Butchers Market therein; and for authorizing the Commissioners of the *Newark* Branch of the River *Trent* Navigation to contribute out of their Funds a Sum of Money for the aforesaid Purposes. [24th *July* 1851.]

Cap. xcviii.

An Act for the Consecration of a Portion of the *Brighton* Extramural Cemetery. [24th *July* 1851.]

Cap. xcix.

An Act to enable the *Caledonian* Railway Company to provide for the Construction of certain Branch Railways in the County of *Lanark*. [24th *July* 1851.]

Cap. c.

An Act for making a Railway from the Loop Line of the *Windsor, Staines, and South-western* (*Richmond* to *Windsor*) Railway in the Parish of *Ealing* in the County of *Middlesex* to the *London and North-western* Railway in the Parish of *Hammersmith* in the said County, with a Branch, to be called "The *North and South Western Junction* Railway." [24th *July* 1851.]

Cap. ci.

An Act for amending the Acts relating to the *East Anglian* Railways. [24th *July* 1851.]

Cap. cii.

An Act for making a Railway from the *Furness* Railway at *Ulverstone* to the *Lancaster and Carlisle* Railway at *Carnforth*, to be called "The *Ulverstone and Lancaster* Railway." [24th *July* 1851.]

Cap. ciii.

An Act to amend "The *Killarney Junction* Railway Act, 1846." [24th *July* 1851.]

Cap. civ.

An Act for the Improvement of the City and Borough of *Bath*; for the Regulation of the Markets; and for amending the Act for supplying *Bath* with Water. [24th *July* 1851.]

Cap. cv.

An Act for facilitating the Settlement of the Affairs of the Governor and Company of Copper Miners in *England*, and for the better Management of the said Company. [24th *July* 1851.]

Cap. cvi.

An Act for of new incorporating the *Edinburgh* Lunatic Asylum under its present Name of "The Royal *Edinburgh* Asylum for the Insane," for enabling the said Corporation to borrow Money, and for other Purposes. [24th *July* 1851.]

Cap. cvii.

An Act to enable the *Dublin, Dundrum, and Rathfarnham* Railway Company to extend their Railway from *Dundrum* to *Bray*; and to extend the Time and to continue and revive the Powers granted by the Acts relating to the *Dublin, Dundrum, and Rathfarnham* Railway Company for the compulsory Purchase of Lands and Completion of Works; and to amend the Acts relating to "The *Dublin, Dundrum, and Rathfarnham* Railway;" and for other Purposes. [24th *July* 1851.]

Cap. cviii.

An Act to authorize the Abandonment of a Portion of the *Waterford, Wexford, Wicklow, and Dublin* Railway, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; to extend, in respect of a Portion of the said Undertaking, the Periods at present limited for compulsory Purchase of Lands and for Completion of Works; and to amend the Acts relating to the said Railway; and for other Purposes. [24th *July* 1851.]

Cap. cix.

An Act for amending and enlarging the Powers of the several Acts relating to "The Company of Proprietors of the *Itchen* Bridge and Roads." [24th *July* 1851.]

Cap. cx.

An Act to authorize a Deviation in the Line of the *Waterford and Limerick* Railway, and to amend the Acts relating thereto, and for other Purposes. [24th *July* 1851.]

Cap. cxi.

An Act for supplying with Water the Parish or Township of *East Stonehouse* in the County of *Devon*, and for Amendment of Act. [24th *July* 1851.]

Cap. cxii.

An Act for making a Railway from *Waterford* to *Tramore*. [24th *July* 1851.]

Cap. cxiii.

An Act to extend the Time for the Purchase of certain Lands and Completion of Works authorized by the "*Midland* Railway, *Ripley* Branches, Act, 1848," and on the *Gloucester and Stonehouse Junction* Railway. [24th *July* 1851.]

Cap. cxiv.

An Act to enable the *Great Northern* Railway Company to construct Works in connexion with the *Manchester, Sheffield, and Lincolnshire* Railway; and to facilitate the Use of that Railway by the Company; and for other Purposes. [24th *July* 1851.]

Cap. cxv.

An Act for amending the Powers of the *Imperial Continental* Gas Association. [1st *August* 1851.]

Cap. cxvi.

An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Mary Abbotts, Kensington.* [1st *August* 1851.]

Cap. cxvii.

An Act for enabling the Commissioners of the Pier and Port of *Hartlepool* to construct an additional Pier for the Protection of the Harbours and Bay of *Hartlepool*, and to establish and maintain a Ferry across the Commissioners Harbour; for enabling the Commissioners to raise further Monies; for repealing, consolidating, and amending the Acts relating to the said Pier and Port; and for other Purposes. [1st *August* 1851.]

Cap. cxviii.

An Act for incorporating the Magnetic Telegraph Company, and to enable the said Company to work certain Letters Patent. [1st *August* 1851.]

Cap. cxix.

An Act for paving, lighting, cleansing, and otherwise improving the several Townships and Places in the Borough of *Manchester*, and amending and consolidating the Provisions of existing Local Acts relating thereto. [1st *August* 1851.]

Cap. cxx.

An Act for enabling the Mayor and Commonalty and Citizens of the City of *London* to complete the Improvements authorized to be made by the *Clerkenwell* Improvement Commissioners, and for amending the Acts relating to such Improvements. [1st *August* 1851.]

Cap. cxxi.

An Act to amend an Act passed in the Session of Parliament of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for making and maintaining and improving a Harbour at* Wicklow *in the County of* Wicklow. [1st *August* 1851.]

Cap. cxxii.

An Act for constructing a Wet Dock and other Works in connexion with *Warkworth* Harbour in the County of *Northumberland*, and for limiting the Amount of Rates and Tolls by "The *Warkworth* Harbour Act, 1847," authorized to be levied, and for varying the Application thereof. [1st *August* 1851.]

Cap. cxxiii.

An Act to amend and enlarge some of the Provisions of the Acts relating to the *Thames Haven* Dock and Railway. [1st *August* 1851.]

Cap. cxxiv.

An Act to amend the *Wexford* Free Bridge Act, 1847. [1st *August* 1851.]

Cap. cxxv.

An Act for amending the Acts relating to the *Llynvi Valley* and *Duffryn Llynvi and Porth Cawl* Railways, and for forming a Junction between such Railways and the *South Wales* Railway. [1st *August* 1851.]

Cap. cxxvi.

An Act to enable the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company to complete the Purchase of the *Cromford* Canal. [1st *August* 1851.]

Cap. cxxvii.

An Act for extending the Period for the Completion of *Cameron's Coalbrook Steam Coal and Swansea and Loughor* Railway, and for amending the Act relating to such Railway. [1st *August* 1851.]

Cap. cxxviii.

An Act to extend the leasing Powers of the Corporate Body of the Provost, Fellows, and Scholars of the College of the Holy and Undivided *Trinity* of Queen *Elizabeth* near *Dublin*, and also of the Provost thereof in his Corporate Capacity, and to enable them to make Grants of Lands in perpetuity to their Lessees in certain Cases. [1st *August* 1851.]

Cap. cxxix.

An Act for making a Railway from the *London and North-western* Railway in the Township of *Salford*, across the River *Irwell*, into the Borough of *Manchester*, to be called the *Manchester and Salford Extension* Railway. [1st *August* 1851.]

Cap. cxxx.

An Act for better enabling the General Reversionary and Investment Company to sue and be sued, and to facilitate the holding and Transfer of the Property of the Company by and from the present and future Trustees thereof; and for other Purposes. [1st *August* 1851.]

Cap. cxxxi.

An Act to authorize the *Shrewsbury and Chester* Railway Company to abandon the *Crickheath* and *Wem* Branches, to construct a Station at *Birkenhead*, to enter into Arrangements with other Companies, and for other Purposes. [7th *August* 1851.]

Cap. cxxxii.

An Act for amending and extending the Provisions of the Act for the Improvement of the Town of *Saint Helen's* in the County Palatine of *Lancaster*, and for other Purposes. [7th *August* 1851.]

Cap. cxxxiii.

An Act for repairing the Road from *Sheffield* in the County of *York* to the *Marple Bridge Road* in the Parish of *Glossop* in the County of *Derby*, and the Branch to *Mortimer's Road* in the Parish of *Hathersage* in the said County of *Derby*. [7th *August* 1851.]

[58 *Geo.* 3. *c.* xxxv. *and* 6 *Geo.* 4. *c.* xcviii. *repealed*, § 1. *No Toll to be taken for Lime for Manure*, § 12. *Persons having paid Toll to return free on same Day*, § 13. *Only Two full Tolls to be taken for Passengers on the same Day through all the Gates on the Part of the Road leading from Alport Bridge to Glossop*, § 14. *At all Times during the Continuance of the Term granted by this Act, the same Amount of Tolls to be payable along the whole Line between Ashopton Bridge and Sheffield as along the whole Line between the same Bridge and Glossop*, § 15. *Half Toll to be paid for Carriages repassing with a fresh Load*, § 16. *No Toll to be taken at any Bar within* 130 *Yards from Ashopton Inn for any Horse, &c. not passing above* 150 *Yards on the Roads*, § 18. *Cattle, &c. passing along Fullwood Road only, exempted from Toll*, § 19. *Parts of Roads paved and repaired by the Surveyors of Sheffield not to be deemed Part of the Road*, § 24. *Act to commence on* 1*st November* 1851, *and to continue in force for* 21 *Years and to the End of the then next Session*, § 27.]

Cap. cxxxiv.

An Act to sanction certain Arrangements entered into between the *Caledonian* Railway Company and the Holders of guaranteed and preferential Interests in the Company, and to enable the Company to raise a further Sum of Money.* [7th *August* 1851.]

* £600,000.

Cap. cxxxv.

An Act for incorporating the *European and American* Electric Printing Telegraph Company, and to enable them to work certain Letters Patent. [7th *August* 1851.]

Cap. cxxxvi.

An Act for reclaiming from the Sea certain Lands abutting on the Coast of *Lincolnshire* within the Parts of *Holland*. [7th *August* 1851.]

Cap. cxxxvii.

An Act for enabling the United Kingdom Electric Telegraph Company to purchase and work certain Letters Patent. [7th *August* 1851.]

Cap. cxxxviii.

An Act for incorporating the Council of *King's College, London*, and the President, Vice-Presidents, Treasurer, and Governors of *King's College Hospital*, and for connecting the said Hospital as a Medical School with the said College, and for better enabling the Corporation to carry on their charitable and useful Designs. [7th *August* 1851.]

Cap. cxxxix.

An Act to dissolve "The National Land Company," and to dispose of the Lands and Property belonging to the Company, and to wind up the Undertaking. [7th *August* 1851.]

Cap. cxl.

An Act to extend the Limits of the *Brunswick Square* (*Hove*) Improvement Act, and for other Purposes. [7th *August* 1851.]

Cap. cxli.

An Act to amend the several Acts relating to the *Waterford and Kilkenny* Railway Company; to enable the said Company to sell or lease their Undertaking, and to purchase or lease the Bridge over the River *Suir* at *Waterford*; and for other Purposes. [7th *August* 1851.]

Cap. cxlii.

An Act to enable the Trustees of the *South Holland* Drainage in the County of *Lincoln* to raise further Monies.* [7th *August* 1851.]

* £10,000.

Cap. cxliii.

An Act to amend "The Farmers Estate Society (*Ireland*) Act, 1848." [7th *August* 1851.]

Cap. cxliv.

An Act to enable the *Charing Cross Bridge* Company to raise further Monies*; to amend the Acts relating to the Company; and for other Purposes. [7th *August* 1851.]

* £40,000.

Cap. cxlv.

An Act for enabling the Class A Shareholders of the *Saint Andrew's and Quebec* Railroad Company to divide the Shares in the Undertaking into Two Classes, and for other Purposes. [7th *August* 1851.]

Cap. cxlvi.

An Act to amend the Acts relating to the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to allow a Drawback on Coals conveyed beyond certain Limits. [8th *August* 1851.]

'WHEREAS the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties, is regulated by the several Acts of Parliament following; that is to say, an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of King *William* the Fourth, Chapter Seventy-six; an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, Chapter One hundred and one; and an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her said Majesty, Chapter One hundred and one: And whereas it is expedient that some of the Provisions contained in the said Acts should be amended; and also that a Drawback of Part of the Duties or Exemption from the Duties payable in respect of Coals brought into the Port of *London*, or within a certain Distance from the General Post Office, should be allowed under certain Restrictions in Cases where such Coals are conveyed beyond the Distance of Twenty Miles from the Post Office aforesaid:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

1 & 2 W. 4. c. 76.
1 & 2 Vict. c. 101.
8 & 9 Vict. c. 101.

Provisions of before-mentioned Acts, except as altered by this Act, to remain in force.

I. That the said several before-mentioned Acts, and all the Powers, Provisions, Clauses, Matters, and Things therein respectively contained, except such of them as have been altered, varied, or repealed by any of the said Acts, or as may be altered, varied, or repealed by this Act, or as are inconsistent with the Provisions of this Act, shall be in full Force and Effect, and shall extend and be construed to extend to this Act, and shall operate with respect to this Act, and the Objects and Purposes thereof, in the same Manner, and as fully and effectually to all Intents and Purposes whatsoever, as if the same Powers, Provisions, Clauses, Matters, and Things were repeated and re-enacted in the Body of this Act; and the said several before-mentioned Acts and this Act shall be construed together as One Act.

Part of Section 2. of 8 & 9 Vict. c. 101. repealed.

II. That the Second Section of the said Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and one, except that Part thereof which enacts in the Words following; that is to say, "That all and singular the Duties by the said Acts authorized to be levied upon Coals, Culm, and Cinders contained in any Ship or Vessel arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, or brought near *London* by the *Grand Junction* or *Paddington* Canals or by the River *Thames*, and by other Acts now in force authorized to be levied upon Coals, Culm, and Cinders brought near *London* by certain Railways in the same Acts particularly mentioned, shall be extended, and the same are hereby imposed and authorized to be levied, until the Fifth Day of *July* One thousand eight hundred and sixty-two, upon all Coals, Culm, and Cinders brought to any Place within the Port of *London*, or within the Cities of *London* and *Westminster*, and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed, or hereafter to be constructed, or by Inland Navigation, or by any other Mode of Conveyance," shall be and the same is hereby repealed.

Sections 75. and 76. of 1 & 2 W. 4. c. 76., and Sections 9. and 10. of 1 & 2 Vict. c. 101. repealed.

III. That the Seventy-fifth and Seventy-sixth Sections of the said Act of the First and Second Years of the Reign of King *William* the Fourth, Chapter Seventy-six, relating to Certificates required to be sent by Fitters or other Persons vending or delivering Coals for the Port of *London*, and the Ninth and Tenth Sections of the said Act of the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, relating to Declarations to be made by Fitters of Coals and Masters of Ships, and to the Allowance of Drawbacks on Coals exported from the Port of *London*, shall be and the same are hereby repealed.

Certificate of the Quality and Quantity of Sea-borne Coals to be given by the Fitter, and registered at the Coal Market on the Arrival of the Ship.

IV. That every Fitter or other Person vending or delivering Coals, to be brought or taken to the Port of *London* by any Vessel, shall send in a Letter, directed to the Clerk and Registrar of the Coal Market, and posted at some Post Office on the Day on which the Vessel containing such Coals shall sail on any such Voyage, or shall give to the Master of such Vessel before the same shall sail on every or any such Voyage a Certificate, to be called a Fitter's Certificate, according to the Form Number 1 in Schedule (A.) annexed to this Act, signed by such Fitter or other Person as aforesaid, containing the Day of the Month and Year of such Loading, the Master's and Ship's Names, and the Quantity of Tons, and the Name of the Colliery out of which the said Coals shall have been wrought and gotten, and the Price paid by the Master for each and every Sort of Coals loaded on board each and every such Vessel; and in case any such Fitter or other Person as aforesaid shall neglect or omit or refuse to send or give such Certificate as aforesaid,

aforesaid, or shall give or make any false Certificate, every such Fitter or Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds; and where such Certificate shall be given to the Master of any Vessel, he shall, within Twenty-four Hours after the Arrival of his Vessel in the Port of *London*, deliver or cause to be delivered such Certificate at the Office of the Clerk and Registrar of the Coal Market; and if he shall fail or neglect so to do, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

If Certificate be lost or destroyed, or Destination of Vessel be changed, the Master to make a Declaration.

V. That if any Fitter's Certificate, which shall have been delivered to the Master of any Vessel, shall be accidentally lost or destroyed, or in case any Vessel which shall have been originally loaded or entered Outwards for Exportation, or for any other Place than the Port of *London*, shall afterwards change her Destination, and arrive at or come into the Port of *London* without any Fitter's Certificate having been obtained or provided, then and in every such Case the Master of such Vessel shall, within Twenty-four Hours after the Arrival of such Vessel at her Moorings in the Port of *London*, make a Declaration according to the Form Number 2 in Schedule (A.) annexed to this Act, containing the Day of the Month and Year of such Loading, the Master's and Ship's Names, and the Quantity of Tons, and the Name of the Colliery out of which the said Coals shall have been wrought and gotten, and the Price paid by the Master for each and every Sort of Coals loaded on board such Vessel, and stating, as the Case may be, the accidental Loss or Destruction of the Fitter's Certificate, or the Circumstance of the Destination of such Vessel having been changed, and deliver such Declaration at the Office of the Clerk and Registrar of the Coal Market; and if any such Master shall not, within Twenty-four Hours after the Arrival of his Vessel at her Moorings in the Port of *London*, make such Declaration, and deliver the same at the Office of the Clerk and Registrar of the Coal Market, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Monthly Return by Fitter of Seaborne Coal.

VI. That every Fitter of or other Person vending or delivering Coals intended to be brought or taken to the Port of *London* by any Vessel shall, on or before the Fifteenth Day of every Month, send in a Letter, directed to the Clerk and Registrar of the Coal Market, and posted at some Post Office, or cause to be delivered at the Office of the said Clerk, a Declaration according to the Form Number 3 in Schedule (A.) to this Act annexed, verifying the Certificates which may have been sent or delivered by him during the preceding Month; and if any such Fitter or other Person as aforesaid shall omit or refuse to send or deliver such Declaration within such Time as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Fitter to send Certificate of Coals intended for the London District.

VII. That every Fitter or other Person vending or delivering Coals intended to be taken or brought to or within the *London* District by any Canal, Inland Navigation, or by Land Carriage, otherwise than by Railway, shall send in a Letter, directed to the Clerk and Registrar of the Coal Market, and posted at some Post Office on the Day on which the Barge or Waggon laden with such Coals shall leave or may have been intended to leave the Place at which the same shall have been laden, a Certificate to be called a Fitter's Certificate, according to the Form Number 4 in Schedule (A.) to this Act annexed, signed by such Fitter or other Person as aforesaid, containing the Day of the Month and the Year of such Loading, the Name of such Barge, or the Number of such Waggons, the Name of the Person taking or in charge of such Barge or Waggons, the Quantity of Tons, and the Name of the Colliery out of which the said Coals shall have been wrought or gotten; and in case any such Fitter or other Person as aforesaid shall neglect or omit or refuse to send or give such Certificate as aforesaid, or shall give or make any false Certificate, every such Fitter or Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

If Certificate lost or destroyed, or Destination of Coals be changed, the Consignee to make a Declaration.

VIII. That if any Fitter's Certificate which shall have been sent by Post as aforesaid shall be accidentally lost or destroyed, or in case any Barge or Waggon which shall have been originally loaded or intended for any other Place or Destination than the *London* District, shall be brought within the *London* District without any Fitter's Certificate having been obtained or provided, then and in every such Case the Consignee of such Coals shall, within Forty-eight Hours after the Arrival of such Barge or Waggon within the *London* District, make a Declaration according to the Form Number 5 in Schedule (A.) annexed to this Act, stating, as the Case may be, the accidental Loss or Destruction of the Fitter's Certificate, or the Circumstance of the Destination of such Barge or Waggon having been changed, and deliver such Declaration at the Office of the Clerk and Registrar of the Coal Market; and if any such Consignee shall not within Forty-eight Hours after the Arrival of such Barge or Waggon within the *London* District make such Declaration, and deliver the same at the Office of the Clerk and Registrar of the Coal Market, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Fitters vending, &c. Coals intended for London District to make Returns.

IX. That every Fitter of or other Person vending or delivering Coals intended to be taken or brought to or within the *London* District by any Canal, Inland Navigation, or Land Carriage, otherwise than by Railway, shall, on or before the Fifteenth Day of every Month, send in a Letter directed to the Clerk and Registrar of the Coal Market, and posted at some Post Office, or cause to be delivered at the Office of the said Clerk, a Declaration according to the Form Number 6 in Schedule (A.) to this Act annexed, verifying the Certificates which may have been sent or delivered by him during the preceding Month; and if any such Fitter or other Person as aforesaid shall omit or refuse to send or deliver such Declaration within such Time as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Consignee of Coals brought by Barge or Waggon to

X. That every Factor, Owner, Agent, or Consignee of Coals brought by any Barge or Waggon into or within the *London* District shall, within Forty-eight Hours after the Arrival of such Barge or Waggon within the Limits of such District, enter at the Office of the Clerk and Registrar of the Coal Market a Certificate,

Certificate, according to the Form Number 4 in Schedule (A.) to this Act annexed, of the Arrival of such Coals, and shall at the Time of every such Entry (save and except as herein-after is otherwise provided or permitted) pay to the Clerk and Collector of the Coal Duties, upon a Certificate from the Clerk and Registrar of the Coal Market, all Duties payable in respect of such Coals; and if any such Consignee shall omit or refuse to enter such Certificate within such Time as aforesaid, or to pay such Duties at the Time of making any such Entry, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

enter a Certificate within 48 Hours after their Arrival.

XI. That it shall be lawful for the Mayor, Aldermen, and Commons, if they shall at any Time think fit so to do, to appoint One or more Person or Persons to be a Collector or Collectors of the Duties payable in respect of Coals brought by any Canal or Inland Navigation, or Land Carriage otherwise than by Railway, and to receive such Duties upon the Arrival within the *London* District of the Barge or Waggon conveying the same; and the Duties which shall be payable in respect of Coals brought by such Canal, Inland Navigation, or Land Carriage otherwise than by Railway shall be paid to the Collector or Collectors so appointed; and every Receipt for such Duties given by any such Collector shall be as valid and effectual to all Intents and Purposes as if the same had been given by the Clerk and Collector of the Coal Duties.

Collector may be appointed to receive Duties on Coals brought by Canals, &c.

XII. That every Railway Company, any Portion of whose Railway is within the *London* District, shall deliver to the Clerk and Registrar of the Coal Market once and upon the same Day in every Week a Certificate in the Form Number 8 in Schedule (A.) to this Act annexed, and signed by the Secretary or other accredited Officer of the Company, of all the Coal brought upon the Railway of the same Company within the *London* District during the Week preceding the Date of the Certificate; and every such Company shall, within Seven Days after delivering such Certificate, pay to the Clerk and Collector of the Coal Duties, on a Certificate from the Clerk and Registrar of the Coal Market, the Amount of Duty which shall have accrued upon the Coal so brought within the District, after deducting from that Amount the Quantity of Coal exempted from Duty by this Act; and it shall be lawful for the Clerk and Registrar of the Coal Market to require the Secretary of such Railway Company to make, once in every Month, a Declaration in the Form Number 9 in Schedule (A.) to this Act annexed, verifying the Certificate delivered by such Company during the preceding Month, and the said Secretary shall, within One Week after such Demand shall have been made, make such Declaration accordingly; and if the said Company shall wilfully omit or neglect so to deliver any such weekly Certificate, or to pay the Duties in the Manner herein-before prescribed, or if the Secretary shall refuse or omit to make the monthly Declaration, after having been so required, the same Company shall for every such Offence forfeit any Sum not exceeding One hundred Pounds.

Railway Companies to pay Duties weekly.

XIII. That every Company or Person, being the Owner or Proprietor or Lessee or Occupier of any Canal or Inland Navigation, any Portion whereof may be within the *London* District, shall, on or before the Fifth Day of every Month, make a Return according to the Form Number 7 in the Schedule (A.) to this Act annexed, under the Hand of some accredited Officer of such Company, or under the Hand of such Owner, Proprietor, Lessee, or Occupier, or his Agent, of all Coals brought by such Canal or Inland Navigation within the *London* District during the preceding Month, and shall deliver such Return at the Office of the Clerk and Registrar of the Coal Market, with a Declaration thereunto annexed by such accredited Officer, or of such Owner, Proprietor, Lessee, or Occupier, or his Agent, verifying such Return; and if any such Company or Person required to make such Return as aforesaid shall omit or neglect or refuse to make such Return, with the Declaration thereunto annexed, every such Company or Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Canal Companies, &c. to make a monthly Return of Coals brought by Canal, &c.

XIV. That the Keeper of every Lock on any Canal or Inland Navigation, which Lock may be within the *London* District, shall, whenever he shall be required so to do by the Committee, or by the Clerk and Registrar of the Coal Market, make a Return of all or any Barges carrying Coal which may have passed through such Lock during the Period for which he shall be required to make such Return, and shall deliver or send such Return to the Clerk and Registrar of the Coal Market; and if any such Lock-keeper shall refuse to make such Return, or to deliver or send the same to the Clerk and Registrar of the Coal Market, such Lock-keeper shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Lock-keepers on Canals, &c. to make Returns of Barges passing through.

Penalty on Refusal.

XV. That it shall be lawful for the Mayor, Aldermen, and Commons, if they shall think proper so to do, to appoint some One or more Person or Persons to be Inspector or Inspectors of the Coal Traffic upon Canals, Inland Navigation, and Railways; and every Company or Person being the Owner or Proprietor or Lessee or Occupier of any Canal, Inland Navigation, or Railway, any Portion whereof respectively may be within the *London* District, shall permit all and every or any of their Books of Account, and other Books, Documents, and Papers, so far as the same relate to the Transit of Coals along the Line of such Canal, Inland Navigation, or Railway, to be inspected by any such Inspector when and as often as he shall reasonably require Access thereto, and shall also permit such Inspector to make such Extracts from such Books, Documents, and Papers as he shall think necessary; and every Railway Company shall also permit such Inspector to visit at his Discretion the several Stations within the *London* District of the Railway of that Company, and to ascertain the Quantity of Coal delivered at or passing by any such Station; and every such Inspector while in the Performance of his Duty shall be entitled to pass free of Charge upon the said Railway within the said District; and if any such Company or Person as aforesaid shall refuse to permit any Inspector to inspect any such Books, Documents, or Papers, or to make Extracts therefrom, or to visit the several Stations as aforesaid, every such Company or Person so offending shall for every such

Power to appoint Inspectors of Coal Traffic upon Canals, Railways, &c.

Books of Companies to be open to Inspectors, who may take Extracts.

Penalty on Companies for Refusal.

Offence forfeit and pay any Sum not exceeding One hundred Pounds; provided that it shall not be lawful for such Inspector to stop any Railway Train during its Progress on the Line, or otherwise to impede the Traffic upon the said Line.

Power to erect a Box or Station Place at a Spot distant 20 Miles from General Post Office, on every Canal, Railway, &c. within the London District.

XVI. That every Company or Person, being the Owner or Proprietor, or Lessee or Occupier of any Canal, Inland Navigation, or Railway, any Portion whereof may be within the *London* District, shall, within Seven Days after they shall have been required so to do by the Mayor, Aldermen, and Commons, erect, at the Cost and Expense of the Mayor, Aldermen, and Commons, at some convenient Spot near to the Part on such Canal, Inland Navigation, or Railway which shall be distant Twenty Miles from the General Post Office, a Box or Station Place, of such Form and Dimensions and of such Materials as the Mayor, Aldermen, and Commons shall require, for the Use of the Person who may for the Time being be the Inspector of the Coal Traffic on such Canal, Inland Navigation, or Railway, and shall at all Times, as well by Night as by Day, permit such Inspector to have free Access to and to occupy such Box or Station Place.

Such Distance of 20 Miles to be marked on the Line of each Canal, &c.

XVII. That every Company or Person, being the Owner or Proprietor, Lessee or Occupier of any Canal, Inland Navigation, or Railway, any Portion whereof may be within the *London* District, shall, within Thirty Days after having been required so to do by the Mayor, Aldermen, and Commons, appoint some Engineer or Surveyor to agree and determine, in conjunction with an Engineer or Surveyor to be appointed by the Mayor, Aldermen, and Commons, the Point on such Canal, Inland Navigation, or Railway which shall be distant Twenty Miles from the General Post Office; and in case such Two Engineers or Surveyors shall be unable to agree as to the Situation of such Point, they shall appoint some other Engineer or Surveyor as Arbitrator to determine the Situation thereof; and when and so soon as such Point shall have been so determined, the Mayor, Aldermen, and Commons shall at their own Expense place or erect at such Point a Boundary Stone, or some other permanent Mark; and such Boundary Stone or other Mark, when so placed or erected as aforesaid, shall for ever thereafter, and for all Intents and Purposes whatsoever, be deemed and taken to be correctly placed or erected at the Distance of Twenty Miles from the General Post Office, and shall be and be deemed to be the Commencement or Termination, as the Case may be, of the *London* District with reference to such Canal, Inland Navigation, or Railway.

Distance of 20 Miles from the General Post Office may be marked on any Turnpike or public Road.

XVIII. That every Surveyor of Highways, any Portion of whose District shall be within the *London* District, shall, within Thirty Days after having been required so to do by the Mayor, Aldermen, and Commons, agree and determine, in conjunction with, or at his Option appoint some Engineer or Surveyor to agree and determine in conjunction with, an Engineer or Surveyor to be appointed by the Mayor, Aldermen, and Commons, the Point on any Turnpike Road or public Highway within his District which shall be distant Twenty Miles from the General Post Office; and in case such Surveyor of Highways, or the Engineer or Surveyor appointed by him, and the Engineer or Surveyor to be appointed by the Mayor, Aldermen, and Commons, shall be unable to agree as to the Situation of such Point, they shall appoint some other Engineer or Surveyor as Arbitrator to determine the Situation thereof; and when and as soon as such Point shall have been so determined the Mayor, Aldermen, and Commons shall, at their own Expense, place or erect at such Point a Boundary Stone, or some other permanent Mark, and such Boundary Stone or other Mark, when so placed or erected as aforesaid, shall for ever thereafter be deemed and taken to be correctly placed or erected at the Distance of Twenty Miles from the General Post Office, and shall be and be deemed to be the Commencement or Termination, as the Case may be, of the *London* District, with reference to such Turnpike Road or public Highway: Provided always, that every such Boundary Stone or other permanent Mark shall be so placed as not to cause any Annoyance or Injury or Inconvenience to the Owner or Occupier of any House or Building, or any Ground fronting or adjoining such Turnpike Road or public Highway.

Committee or Clerk may require Coals to be weighed, to prove the Accuracy of Fitter's Certificate.

XIX. That if the Committee appointed under the Authority of the first-mentioned Act, or the Clerk and Registrar of the Coal Market, shall not be satisfied as to the Correctness or Accuracy of any Certificate signed by any Fitter of or other Person vending or delivering Coals, in pursuance of the Provisions herein contained respecting the Weight of the Coals to which the same may relate, or shall not be satisfied as to the Truth of any Declaration which may be made in relation to the Weight of such Coals by any Person in pursuance of the Provisions of this Act, it shall be lawful for the Committee or for such Clerk and Registrar, before such Coals shall be delivered or removed from the Vessel, Barge, or Waggon in which the same may have been brought within the Port of *London* or the *London* District, to require such Coals to be weighed; and in case the Clerk and Registrar shall not be satisfied with the Weigher appointed to weigh such Coals, some other Weigher shall be appointed satisfactory to the Clerk and Registrar; and in case the Weight of Coals in such Vessel, Barge, or Waggon shall not exceed the Weight mentioned in such Certificate or Declaration, the Costs and Expense incurred by such weighing shall be borne and paid by the Mayor and Commonalty and Citizens; but if the Weight of Coals in such Vessel, Barge, or Waggon shall exceed the Weight mentioned in such Certificate (such Excess not amounting to Five Pounds over and above every One hundred Pounds of such Coals), and the Committee shall be of opinion that such Excess has resulted from Negligence or from a fraudulent Intention, the Costs and Expense incurred by such weighing shall be borne and paid by the Consignee or Owner of such Coals, which Costs and Expense shall be recovered in the same Manner as is directed by the beforementioned Acts or this Act, or any of them, with respect to the Recovery of Penalties: Provided always, that the Payment of such Costs and Expense by such Factor, Owner, Agent, or Consignee shall not exonerate

exonerate any Person who may have given a false or inaccurate Certificate from the Payment of any Penalty which may thereby have been incurred by him.

If Coals exceed Weight mentioned in the Certificate to the Extent of 5 lbs. in every 100 lbs. an additional Duty of 3*d.* per Ton to be levied, besides the Penalty of 100*l.*

XX. That in case the Weight of Coals in any Vessel, Barge, or Waggon shall, upon the same being weighed, be found to exceed the Weight mentioned in the Certificate of the Fitter of or other Person vending or delivering such Coals, or in such Declaration as aforesaid, to the Extent of Five Pounds over and above every One hundred Pounds of such Coals, then, in addition to the Penalty of One hundred Pounds which may be incurred by the Person giving any such false Certificate, or making any such false Declaration as aforesaid, it shall be lawful for the Committee appointed under the Authority of the first-mentioned Act, if they shall be satisfied that such Excess has resulted from a fraudulent Intention, to order the Payment to the Clerk and Registrar of the Coal Market, by the Factor, Owner, Agent, or Consignee of such Coals, of a Sum not exceeding Three-pence for every Ton of such Coals which shall be so weighed as aforesaid, to be applied in defraying the Costs and Expense which may have been incurred by causing such Coals to be weighed, which Sum shall be recovered in the same Manner as is directed by the before-mentioned Acts or this Act, or any of them, with respect to the Recovery of Penalties.

Penalty on Persons opposing weighing of Coals.

XXI. That if the Master of any Vessel, or the Factor, Owner, Agent, or Consignee of any Coals brought by any Vessel, Barge, Waggon, or Truck, or any other Person, shall refuse to permit any Coals to be weighed which the Committee or Clerk and Registrar of the Coal Market may require to have weighed, or shall in any Manner impede or obstruct the weighing thereof, every such Master, Consignee, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Penalty on Clerk neglecting or refusing to make Entries, or to show Certificates, &c.

XXII. That the Clerk and Registrar of the Coal Market shall file, enter, and register every Certificate and Declaration which may be sent or delivered to him, and if such Clerk shall neglect or omit or refuse to file, enter, or register any Certificate or Declaration for the Space of Twenty-four Hours after such Certificate or Declaration shall have been delivered to him for Entry, or if such Clerk shall knowingly make any false or inaccurate Entry or Register of any Certificate or Declaration, or shall neglect or omit or shall refuse to produce or show any Certificate or Declaration, or the Entry or Registry thereof, to any Person who may apply between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon to see or inspect the same, or shall prevent or obstruct such Person from taking Extracts therefrom, such Clerk so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Penalty on giving or making false Certificate or Declaration.

XXIII. That if any Person by this Act required to sign, give, send, post, or deliver any Certificate, or to make, give, send, post, or deliver any Declaration, shall knowingly sign, give, send, post, or deliver any false or inaccurate Certificate, or shall knowingly make, give, send, post, or deliver any false or inaccurate Declaration, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Before whom Declaration may be made.

XXIV. That every Declaration by this Act required or authorized to be made may be made before any Justice of the Peace or Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of Her Majesty's Courts at *Westminster*, or any Notary Public, pursuant to an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-two, relating to the Abolition of unnecessary Oaths.

Penalty on Companies, &c. evading Payment of Duties on Inland Coals.

XXV. That if any Master or Owner of any Vessel, or any Company or Person, being the Owner or Proprietor, or Lessee or Occupier of any Canal, Inland Navigation, or Railway, or any of them, or his or their Officers or Servants, or if any Factor, Owner, Agent, or Consignee of Coals, either Inland or Seaborne, shall by any Means whatsoever at any Time elude, evade, or wrongfully and wilfully avoid the Payment of the Rates and Duties by the aforesaid Acts and this Act, or any of them, made payable in respect of Coals brought to the Port of *London* or within the *London* District, or any Part of such Rates or Duties, every Person so offending shall for every such Offence forfeit and pay to the Mayor and Commonalty and Citizens a Sum equal to the Amount of the Rates and Duties the Payment of which shall have been so eluded, evaded, or avoided, and shall also stand charged with and be liable to the Payment of such Rates and Duties, which Rates and Duties, as well as the Forfeiture incurred, shall and may be recovered from such Master, Owner, Company, Person, or Consignee as aforesaid at any Time, either by the Means prescribed for levying the said Rates or Duties, and by the same Method or in such Manner as is herein directed for recovering Penalties, and with the like Costs.

Power of Distress, in case of Default in Payment of Duty.

XXVI. That if any Factor, Owner, Agent, or Consignee or other Person liable to pay any Rates or Duties upon Inland Coals, under or by virtue of the before-mentioned Acts and this Act, or any of them, shall at any Time make Default in Payment thereof at the Time or in the Manner directed by the before-mentioned Acts and this Act, or any of them, or if in any Case in which the Time or Manner for making such Payment shall not have been provided for by the said Acts or this Act, or any of them, such Consignee or other Person shall make Default in Payment of any such Rate or Duty for the Space of Fourteen Days next after Demand thereof in Writing shall have been made by or on the Part or Behalf of the Clerk and Collector of the Coal Duties, requiring him to pay such Rates or Duties, it shall be lawful for the Mayor, Aldermen, and Commons, or Committee, to take and distrain the Coals in respect of which such Rate or Duty shall have become payable, and also the Barge, Waggon, or Truck in which such Coals may have been brought within the *London* District, and also any other Goods and Chattels belonging to such Consignee or other Person, and to retain such Distress until such Rates or Duties, together with the Costs of making such Distress, shall be satisfied and paid; and in case of any Neglect or Default in Payment of the said Rates or Duties for the Space of Five Days after any Distress so made or taken, that then it

shall be lawful for the Clerk and Collector of the Coal Duties to cause the same to be appraised by Two or more Appraisers, or other sufficient Persons, and afterwards to sell the said Distress, and out of the Produce of the Sale thereof to satisfy the Amount of the Rates or Duties which shall be so due, and also the Costs and Charges incurred in taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any such there be) to the Owner, upon Demand; and it shall be lawful for the Mayor and Commonalty and Citizens, in case of Nonpayment of the Rates and Duties as aforesaid, instead of recovering the same in manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, by Action of Debt or on the Case, or by Plaint, in any of the Superior Courts, or in any County Court.

Railway Companies to be allowed Duty on Coal consumed beyond the District.

XXVII. That in lieu of a Return of Duty upon any Quantity of Coals, not exceeding Five hundred Tons, which has been *bonâ fide* used by the Engines of any Railway Company within the *London* District in any One Year, any Railway Company, or other Persons using their Railway, who shall bring to any Point of the same nearer to *London* than the aforesaid Distance of Twenty Miles from the General Post Office any Coals for the *bonâ fide* Use of the Engines of the said Company upon which Coals Duties shall be paid, may, upon a Certificate from the accredited Officer of any such Railway Company, that the Quantity of such Coals stated in such Certificate has, after Payment of the Duties thereon, been carried beyond the said Distance, and been wholly and *bonâ fide* consumed by the Engines of such Railway Company beyond the *London* District in the Month preceding the Date of such Certificate, be allowed a Drawback or Return of the Duties actually paid upon such Quantity; but no Railway Company or other Persons shall be allowed a Drawback of or Exemption from Duty both upon Coals consumed beyond the *London* District and also upon Coals consumed within the *London* District.

As to Recovery and Application of Fines and Penalties not exceeding 25*l*.

XXVIII. That all Fines, Penalties, and Forfeitures by the before-mentioned Acts and this Act, or any of them, imposed, or which may be imposed by virtue of any of the Powers and Authorities in such Acts, or any of them, contained (the Manner of levying and recovering whereof is not otherwise directed), not exceeding Twenty-five Pounds, shall be sued for within Four Months after the Offence committed; and all such Fines, Penalties, and Forfeitures shall be levied and recovered before any Justice, and such Justice is hereby empowered and required, upon Information or Complaint to him made, to grant a Summons or Warrant to bring before any Justice such Offender at the Time and Place as shall be in such Summons or Warrant specified; and if, on the Conviction of any Offender, either on his own Confession or on the Evidence of any One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), such Fine, Penalty, or Forfeiture shall not be forthwith paid, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under the Hand and Seal of any Justice, and the Overplus of the Money (if any) raised by such Distress and Sale, after deducting the Fine, Penalty, or Forfeiture, and the Costs and Charges of making such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of Distress, or in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for any Justice to commit any such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offence shall be committed, there to remain without Bail or Mainprise for any Time not exceeding Six Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid; and all such Fines, Penalties, and Forfeitures, when recovered, shall be paid into the Hands of the Overseers of the Poor of the Parish, Township, or Place where the same shall have been incurred, for the Use of the Poor of such Parish, Township, or Place.

Distress not unlawful for Want of Form.

XXIX. That no Distress levied by virtue of the before-mentioned Acts and this Act, or any of them, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Drawback on Sea-borne Coals taken beyond 20 Miles from the General Post Office by Ships or by Canal or Inland Navigation.

XXX. That upon and from the First Day of *October* next after the passing of this Act a Drawback of Twelvepence *per* Ton shall be allowed upon all Sea-borne Coals which, without having been previously landed, shall be conveyed by any other Vessel or by any Canal or Inland Navigation to any Place situate more than Twenty Miles from the General Post Office, or shall be exported Coastwise or to Foreign Parts; and in every Case in which the Owner of such Coals or his Agent shall be desirous of obtaining such Drawback, he shall, before such Coals shall have been unloaded, give to the Clerk and Registrar of the Coal Market Notice in Writing under his Hand, according to the Form Number 1 in Schedule (B.) to this Act annexed; and in case the Clerk and Registrar of the Coal Market shall not be satisfied with the Coalweigher named in such Notice, he may refuse to grant any Certificate; but if and when he shall be satisfied with the Coalweigher named in such Notice, he shall grant to such Weigher a Certificate according to the Form Number 2 in the Schedule (B.) to this Act annexed; and after such Certificate shall have been granted, the Coals intended to be conveyed to such Place as aforesaid, by Canal or Inland Navigation, or exported Coastwise or to Foreign Parts, shall be weighed or delivered by such Coalweigher out of the Vessel in which the same may have been brought, immediately (or mediately by means of a Lighter) into the Vessel or Barge by which the same may be intended to be so conveyed as aforesaid, and such Weigher shall thereupon make a Return according to the Form Number 3 in Schedule (B.) to this Act annexed; and if such Coals shall be delivered into a Vessel for Exportation Coastwise or to Foreign Parts, the Master of the Vessel into which such Coals shall be delivered shall give to such Coalweigher a Certificate according to the Form Number 1 in Schedule (C.) to this Act annexed, which Two last-mentioned

mentioned Certificates the Coalweigher shall deliver to the Applicant claiming such Drawback; but if such Coals shall be delivered into a Barge for the Purpose of being taken to any Place situated more than Twenty Miles from the General Post Office, then such Coalweigher shall make a Return according to the Form Number 3 in Schedule (B.) to this Act annexed; and upon the Arrival of the Barge containing such Coals at the Lock within the *London* District nearest the Extremity thereof, the Lock-keeper of such Lock shall fill up and deliver to the Master of such Barge, for Delivery to the Consignee of such Coal at such Place of Delivery as aforesaid, a Certificate according to the Form Number 4 in Schedule (B.) to this Act annexed; and such Consignee shall on the Receipt of such Lock-keeper's Certificate, and after the Delivery of the aforesaid Coals, inclose to the Applicant claiming such Drawback a Certificate according to the Form Number 5 in Schedule (B.) to this Act annexed, together with such Lock-keeper's Certificate.

Drawback on Sea-borne Coals and Coals brought by Canal or Inland Navigation taken beyond 20 Miles from the General Post Office by Railway.

XXXI. That upon and from the First Day of *October* next after the passing of this Act a Drawback of Twelvepence *per* Ton shall be allowed upon all Sea-borne Coals, and on all Coals brought by any Canal or Inland Navigation, which, without having been previously landed or removed from the Vessel or Barge in which they may have been brought (except as permitted by this present Provision), shall be conveyed by any Railway to any Place situate more than Twenty Miles from the General Post Office; and in every Case in which the Owner of such Coals or his Agent shall be desirous of obtaining such Drawback, he shall, before such Coals shall have been unloaded, give to the Clerk and Registrar of the Coal Market Notice in Writing, under his Hand, according to the Form Number 1 in Schedule (B.) to this Act annexed; and in case the Clerk and Registrar of the Coal Market shall not be satisfied with the Coalweigher named in such Notice, he may refuse to grant any Certificate, but if and when he shall be satisfied with the Coalweigher named in such Notice, he shall grant to such Coalweigher a Certificate according to the Form Number 2 in Schedule (B.) to this Act annexed; and after such Certificate shall have been granted, the Coals intended to be conveyed to such Place as aforesaid shall be weighed or delivered by such Coalweigher out of the Vessel or Barge in which the same may be brought immediately (or mediately by means of a Lighter) into the Railway Waggon by which the same may be intended to be so conveyed as aforesaid, and such Coalweigher shall thereupon make a Return according to the Form Number 2 in Schedule (C.) to this Act annexed; and the General Manager or other proper Officer of the Railway by which such Coals are intended to be conveyed shall also give to such Coalweigher, after such Coals shall have been weighed and delivered, a Certificate according to the Form Number 3 in Schedule (C.) to this Act annexed, which Two last-mentioned Certificates the Coalweigher shall deliver to the Applicant claiming such Drawback; and the Consignee at the Place of Delivery of such Coals shall forward to the Applicant claiming such Drawback a Certificate according to the Form Number 1 in Schedule (E.) to this Act annexed.

Drawback on Coals brought by Canal or Inland Navigation, and taken beyond 20 Miles from the General Post Office by Ships or by Canal or Inland Navigation.

XXXII. That upon and from the First Day of *October* next after the passing of this Act a Drawback of Twelvepence *per* Ton shall be allowed upon all Coals brought by any Canal or Inland Navigation which, without having been removed from the Barge in which they may have been brought (except as permitted by this present Provision), shall be conveyed by any Vessel, or any Canal or Inland Navigation, to any Place situate more than Twenty Miles from the General Post Office, or shall be exported Coastwise or to Foreign Parts, and in every Case in which the Owner of such Coals or his Agent shall be desirous of obtaining such Drawback, he shall, before such Coals shall have been unloaded or removed from the Barge in which the same may have been brought, give to the Clerk and Registrar of the Coal Market Notice in Writing under his Hand, according to the Form Number 1 in Schedule (B.) to this Act annexed; and in case the Clerk and Registrar of the Coal Market shall not be satisfied with the Coalweigher named in such Notice, he may refuse to grant any Certificate, but if and when he shall be satisfied with the Coalweigher named in such Notice, he shall grant to such Coalweigher a Certificate according to the Form Number 2 in Schedule (B.) to this Act annexed; and after such Certificate shall have been granted the Coals intended to be conveyed to such Place as aforesaid by Canal or Inland Navigation, or exported Coastwise or to Foreign Parts, shall be weighed or delivered out of the Barge in which the same may have been brought immediately (or mediately by means of a Lighter) into the Vessel or Barge by which the same may be intended to be so conveyed as aforesaid, and such Coalweigher shall thereupon make a Return according to the Form Number 3 in Schedule (B.) to this Act annexed, and if such Coals shall be delivered into a Vessel for Exportation Coastwise or to Foreign Parts, the Master of the Vessel into which such Coals shall be delivered shall give to such Coalweigher a Certificate according to the Form Number 1 in Schedule (C.) to this Act annexed, which Two last-mentioned Certificates the Coalweigher shall deliver to the Applicant claiming such Drawback; but if such Coals shall be delivered into a Barge for the Purpose of being taken to any Place situate more than Twenty Miles from the General Post Office, then such Coalweigher shall thereupon make a Return according to the Form Number 3 in Schedule (B.) to this Act annexed, and upon the Arrival of the Barge containing such Coals at the Lock within the *London* District nearest the Extremity thereof, the Lock-keeper of such Lock shall fill up and deliver to the Master of such Barge for Delivery to the Consignee of such Coal, at such Place of Delivery as aforesaid, a Certificate according to the Form Number 4 in Schedule (B.) to this Act annexed, and such Consignee shall on the Receipt of such Lock-keeper's Certificate, and after the Delivery of the aforesaid Coals, inclose to the Applicant claiming such Drawback a Certificate according to the Form Number 5 in Schedule (B.) to this Act annexed, together with such Lock-keeper's Certificate.

Drawback on Coals brought by Railway and

XXXIII. That upon and from the First Day of *October* next after the passing of this Act a Drawback of Twelvepence *per* Ton shall be allowed upon all Coals brought by any Railway which, without having been

taken beyond 20 Miles from the General Post Office by Ships or by Canal or Inland Navigation.

been removed from the Railway Waggon in which they may have been brought, (except as permitted by this present Provision,) shall be conveyed by any Vessel or any Canal or Inland Navigation to any Place situate more than Twenty Miles from the General Post Office, or shall be exported Coastwise or to Foreign Parts; and in every Case in which the Owner of such Coals or his Agent shall be desirous of obtaining such Drawback, he shall, before such Coals shall have been unloaded or removed from the Railway Waggon in which the same have been brought, give to the Clerk and Registrar of the Coal Market a Notice in Writing under his Hand according to the Form Number 1 in Schedule (D.) to this Act annexed; and in case the Clerk and Registrar of the Coal Market shall not be satisfied that the Coalweigher named in such Notice he may refuse to grant any Certificate, but if and when he shall be satisfied with the Coalweigher named in such Notice, he shall grant to such Coalweigher a Certificate, according to the Form Number 2 in Schedule (D.) to this Act annexed; and after such Certificate shall have been granted the Coals intended to be conveyed to such Place as aforesaid by Canal or Inland Navigation, or exported Coastwise or to Foreign Parts, shall be weighed or delivered out of the Railway Waggon in which the same may have been brought immediately (or mediately by means of a Lighter) into the Vessel or Barge by which the same may be intended to be so conveyed as aforesaid, and such Coalweigher shall thereupon make a Return according to the Form Number 3 in Schedule (D.) to this Act annexed; and if such Coals shall be delivered into a Vessel for Exportation Coastwise or to Foreign Parts, the Master of the Vessel into which such Coals shall be delivered shall give to such Coalweigher a Certificate according to the Form Number 4 in Schedule (D.) to this Act annexed, which Two last-mentioned Certificates the Coalweigher shall deliver to the Applicant claiming such Drawback; but if such Coals shall be delivered into a Barge for the Purpose of being taken to any Place situate more than Twenty Miles from the General Post Office, then such Coalweigher shall thereupon make a Return according to the Form Number 3 in Schedule (B.) to this Act annexed; and upon the Arrival of the Barge containing such Coals at the Lock within the *London* District nearest the Extremity thereof, the Lock-keeper of such Lock shall fill up and deliver to the Master of such Barge, for Delivery to the Consignee of such Coal at such Place of Delivery as aforesaid, a Certificate according to the Form No. 4 in Schedule (B.) to this Act annexed; and such Consignee shall, on the Receipt of such Lock-keeper's Certificate, and after the Delivery of the aforesaid Coals, inclose to the Applicant claiming such Drawback a Certificate according to the Form Number 5 in Schedule (B.) to this Act annexed, together with such Lock-keeper's Certificate.

Exemption on Coal brought by Railway, and conveyed beyond the District.

XXXIV. That upon and from the First Day of *October* next after the passing of this Act all Coal brought by Railway within the *London* District, and conveyed afterwards by Railway beyond that District without being unloaded or Bulk broken, unless for the Purpose of transferring them to the Truck of a Railway of different Gauge, shall be exempt from Duty: Provided always, that no such Exemption shall be granted unless there shall have been delivered to the Clerk and Registrar of the Coal Market a Certificate according to the Form Number 1, Schedule (E.), signed by the Secretary or other duly authorized Officer of the Railway receiving such Coals.

Drawback on Coals brought by Canal or Inland Navigation, and taken beyond 20 Miles from the General Post Office without breaking Bulk.

XXXV. That upon and from the First Day of *October* next after the passing of this Act there shall be allowed an Exemption of all the Duties payable under this or any preceding Acts, or any of them, upon all Coals brought by any Canal or Inland Navigation, which, without being unloaded or Bulk broken, shall be conveyed by any Canal or Inland Navigation to any Place situate more than Twenty Miles from the General Post Office; and in every Case in which the Owner of such Coals or his Agent shall be desirous of obtaining such Exemption, he shall give Notice in Writing under his Hand to the Clerk and Registrar of the Coal Market, according to the Form Number 2 in Schedule (E.) to this Act annexed, Forty-eight Hours before such Coals shall arrive within the *London* District, or before they shall be removed beyond the same.

Power to Corporation of London to allow a Drawback of 12*d.* per Ton on Coke.

XXXVI. That it shall be lawful for the Mayor, Aldermen, and Commons, if they shall see fit, to allow a Drawback of Twelvepence *per* Ton upon every Ton of Coke exceeding in Quantity Twenty Tons which shall be manufactured within the Limits of this Act, and shall afterwards be conveyed by any Canal, Inland Navigation, or Railway to any Place situate more than Twenty Miles from the General Post Office, or exported Coastwise or to Foreign Parts; and that all the Powers, Authorities, Provisions, Directions, and Penalties herein-before provided with respect to Coals shall be applicable to Coke which shall be so conveyed or exported; and that it shall be lawful for the Mayor, Aldermen, and Commons, with the Consent and Approval of the Lords of the Committee of the Privy Council for Trade, to make such Rules, Orders, Provisions, Regulations, and Restrictions with regard to the Nature or Quality of the Coke to be entitled to such Drawback, and to the Place or Mode of Manufacture and Time of Conveyance or Shipment, and in such other respects, as to the Mayor, Aldermen, and Commons, with such Consent and Approval, shall seem meet.

Certificate of Receiver as to Coals transported by Inland Navigation,

XXXVII. That no Owner of any Coals or his Agent shall be entitled to claim any Drawback on Coals transported to any Place situate more than Twenty Miles from the General Post Office by any Canal or Inland Navigation, until such Owner or Agent shall have given to the Clerk and Registrar of the Coal Market a Certificate, according to the Form Number 5 in Schedule (B.) to this Act annexed, under the Hand of the Person receiving such Coals.

and also by Railway, necessary for Drawback.

XXXVIII. That no Owner of any Coals or his Agent shall be entitled to claim any Drawback on Coals transported to any Place situate more than Twenty Miles from the General Post Office by any Railway, until such Owner or his Agent shall have given to the Clerk and Registrar of the Coal Market a Certificate, according to the Form Number 1 in Schedule (E.) to this Act annexed, under the Hand of the Person receiving such Coals.

XXXIX. That

XXXIX. That when and as often as the Clerk and Registrar of the said Coal Market shall have reasonable Cause to suspect that, notwithstanding all the Certificates and Declarations by this Act required to be given and made may have been so given and made, the Coals in respect of which a Drawback may be claimed shall not have been duly and *bonâ fide* conveyed beyond the Distance of Twenty Miles from the General Post Office, so as to entitle a Drawback to be allowed in respect thereof, or that Bulk may have been broken, or that Drawback has been claimed on a larger Quantity than the Waggons or Barges stated in the Return may actually contain, and also when and as often as he may be required by the Committee so to do, it shall be lawful for him to require such additional Evidence as he shall think fit to be furnished to him before such Drawback shall be allowed, in order to satisfy him that the Person seeking such Drawback is *bonâ fide* entitled thereto.

Power to Clerk and Registrar of Coal Market to require Evidence as to Conveyance of Coal before Drawback is allowed.

XL. That a Drawback shall not in any Case be allowed under the Authority of this Act unless the Quantity of Coals for which such Drawback may be claimed shall exceed Twenty Tons, and shall be delivered at one and the same Time, and be the Property of one and the same Person or Firm.

No Drawback unless for more than 20 Tons.

XLI. That when and as often as, under the Authority of this Act, the Owner of any Coals or his Agent shall claim an Allowance of Drawback in respect of Coals delivered into any Vessel for Exportation to Foreign Parts, such Owner or Agent, before he shall be entitled to receive such Drawback, shall obtain a Certificate from the proper Officer of Her Majesty's Customs, who is hereby required to give the same, upon Demand, according to the Form contained in Number 1 in Schedule (C.) to this Act annexed, that the Vessel into which such Coals shall have been delivered hath sailed for Foreign Parts with such Coals on board the same, and the Owner of such Coals or his Agent shall deliver such Certificate to the Clerk and Registrar of the Coal Market.

Certificate of Vessel having sailed to be procured from Officer of Customs before Receipt of Drawback.

XLII. That on or before the Twentieth Day of every Month the Clerk and Registrar of the Coal Market shall deliver to the Committee an Account in Writing under his Hand of all Claims which, during the preceding Month, shall have been made for the Allowance of Drawbacks under this Act, and shall state which of such Claims ought in his Opinion to be allowed.

Monthly Return to be made to the Committee.

XLIII. That on or before the Twenty-sixth Day of every Month the Committee shall investigate the Return made by the Clerk and Registrar of the Coal Market of all Certificates received by him in the previous Month in respect of Coals for which a Drawback may be claimed, and if such Committee shall upon such Investigation be satisfied that such Drawback ought to be allowed, they shall sign an Order upon the Chamberlain authorizing the proper Parties to receive the same; but if upon such Investigation the Committee shall have reasonable Cause to doubt whether any Drawback ought to be allowed, they shall return to the Clerk and Registrar of the Coal Market all the Certificates respecting the Coals in respect of which such Drawback shall have been claimed, and shall attach thereto such Observations as they shall think proper to make respecting the Nature of the additional Information or Evidence which they may require, and such Clerk shall again return to the Committee such Certificates, together with such additional Information or Evidence as he may be able to obtain; and if the Committee shall, upon a fresh Investigation of such Certificates, together with such additional Information or Evidence as may have been laid before them, be of opinion that such Drawback should be allowed, they shall sign an Order upon the Chamberlain authorizing the proper Parties to receive the same; but if upon such fresh Investigation the Committee shall not be satisfied that such Drawback ought to be allowed, they shall, in the Exercise of their Judgment, either refuse such Drawback altogether, or may, if they shall think fit so to do, again return the Certificates to the Clerk and Registrar of the Coal Market for further Information, and so from Time to Time as often as Occasion shall require, until they shall be satisfied either that such Drawback ought or ought not to be allowed, and the Decision of the Committee shall be final and conclusive.

Committee to sign Order for Payment of Drawback if satisfied with the same, but if not may require additional Evidence.

XLIV. That the Chamberlain shall, upon Demand, pay to the Bearer of any Order signed by the Committee authorizing the Payment of Drawback the Sum mentioned in such Order, and the Receipt of such Person shall be a sufficient Discharge for the same.

Power to Chamberlain to pay Drawback.

XLV. That when and as often as the Clerk and Registrar of the Coal Market shall consider that the Presence of a Coalweigher at any unloading, loading, or Transfer of Coals from any Vessel, Barge, or Waggon into any other Vessel, Barge, or Waggon is unnecessary, it shall be lawful for such Clerk and Registrar to dispense with the Attendance of a Coalweigher at such unloading, loading, or Transfer; and then and in such Case all Certificates which by this Act are required to be given to the Coalweigher, to be delivered by him to the said Clerk and Registrar, shall be delivered by the Person giving the same to the Clerk and Registrar himself, and with such only of the Blanks in such Certificates filled up as according to the altered Circumstance of the Case may be necessary, and the said Clerk and Registrar shall on every such Certificate make a Memorandum in Writing under his Hand, that he has authorized the Nonattendance of a Coalweigher at such unloading or loading or Transfer.

Clerk of Coal Market may dispense with Attendance of a Coalweigher.

XLVI. That for the Purpose of defraying the Costs and Expense of carrying into execution this Act, so far as relates to the Drawback on Coals allowed by the said Acts or any of them, or this Act, it shall be lawful for the Mayor and Commonalty and Citizens to retain, out of the Rates and Duties by the said Acts or any of them authorized to be levied and raised, the Sum of One Penny for every Ton of Coals brought within the *London* District, whether Sea-borne or Inland, upon which a Drawback shall have been allowed in respect thereof, and such Sum of One Penny shall be contributed out of the several Funds or Sums of Money into which the aforesaid Rate or Duty of Thirteenpence *per* Ton is divided under the Authority of the Provisions contained in the before-mentioned Acts in manner following; that is to say, the Sum of Four Thirteenths of a Penny for every Ton so imported as aforesaid shall be contributed out of the Monies

One Penny per Ton to be allowed for Expense of carrying Act into execution.

Monies from Time to Time accruing in respect of the Sum of Fourpence, Part of the aforesaid Rate or Duty by the said first-mentioned Act directed to be applied in the same Manner as Metage would be applicable; the Sum of Eight Thirteenths of a Penny for every Ton so imported as aforesaid shall be contributed out of the Monies from Time to Time accruing in respect of the Sum of Eightpence, other Part of the aforesaid Duty by the said first-mentioned Act directed to be applied in the same Manner as certain Rates or Duties of Fourpence *per* Chaldron and Sixpence *per* Chaldron therein mentioned would be applicable; and the Sum of One Thirteenth of a Penny for every Ton so imported as aforesaid shall be contributed out of the Monies from Time to Time accruing in respect of the Sum of One Penny, the remaining Part of the aforesaid Duty by the before-mentioned Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and one, directed to be applied to the Creation of a Fund for the Execution of Improvements in the Metropolis.

Funds from which Drawback is to be paid.

XLVII. That the Sum of One Shilling *per* Ton by the before-mentioned Acts and this Act, or any of them, authorized to be allowed as Drawback on the Exportation of Coals from the Port of *London* or the Transportation of Coals beyond the Distance of Twenty Miles from the General Post Office, shall be contributed by and paid out of the several Funds, and in the Proportions following; that is to say, the Sum of Four Thirteenths of a Shilling for every Ton so exported or transported as aforesaid, on which a Drawback may be allowed, shall be contributed out of the Monies from Time to Time accruing in respect of the Sum of Fourpence, Part of the aforesaid Rate or Duty by the said first-mentioned Act directed to be applied in the same Manner as Metage would be applicable; the Sum of Eight Thirteenths of a Shilling for every Ton so exported or transported as aforesaid, and on which a Drawback may be allowed, shall be contributed out of the Monies from Time to Time accruing in respect of the Sum of Eightpence, other Part of the aforesaid Duty by the said first-mentioned Act directed to be applied in the same Manner as certain Rates or Duties of Fourpence *per* Chaldron and Sixpence *per* Chaldron therein mentioned would be applicable; and the Sum of One Thirteenth of a Shilling for every Ton so exported or transported as aforesaid shall be contributed out of the Monies from Time to Time accruing in respect of the Sum of One Penny, the remaining Part of the aforesaid Duty by the before-mentioned Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and one, directed to be applied to the Creation of a Fund for the Execution of Improvements in the Metropolis.

Penalty on Lighterman not delivering whole of Coals.

XLVIII. That if any Lighterman employed to carry Coals to any Vessel or Railway Waggon shall not deliver the whole of such Coals into such Vessel or Railway Waggon, every Lighterman so offending shall for every Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Act not to extend to the Regent's Canal.

XLIX. 'And whereas the *Regent's* Canal is wholly within the *London* District:' Be it therefore enacted, That nothing in this Act contained shall extend or apply to the said Canal, or any of the Locks thereof, or to the Company of Proprietors of the *Regent's* Canal, or any of their Lock-keepers or Officers.

Interpretation of Terms.

L. That the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Mayor and Commonalty and Citizens" shall mean the Mayor and Commonalty and Citizens of the City of *London:*

The Expression "Mayor, Aldermen, and Commons" shall mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled:

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter, and shall include the Lord Mayor and every other Magistrate of the City of *London:*

Where any Matter shall be authorized or required to be done before Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions, or One Stipendiary or Police Magistrate acting in any Police Court, or any Alderman of the City of *London:*

The Expression "the Committee" shall mean the Committee for the Time being appointed under the Authority of the before-mentioned Acts or any of them:

The Expression "the Chamberlain" shall mean the Chamberlain of the City of *London:*

The Expression "the Clerk and Collector of the Coal Duties" shall mean the Clerk and Collector of the Coal Market Duties:

The Words "the Port of *London*," for the Purposes of this Act, shall mean the River *Thames* from the City Stone West of *Staines Bridge* in the County of *Middlesex* to the Eastern Entrance of *Bilmaroy Creek* on the said River in the Parish of *West Tilbury* in the County of *Essex*, and to the Western Entrance of the Canal or Dock formerly called the *Thames and Medway* Canal in the Parish of *Milton-next-Gravesend* in the County of *Kent:*

The Expression "*London* District" shall mean so much of the several Counties of *Middlesex, Surrey, Kent, Essex, Herts, Bucks*, and *Berks* as shall be situate within the Distance of Twenty Miles in a direct Line from the General Post Office, and shall include the Cities of *London* and *Westminster:*

The Word "Waggon" shall mean any Vehicle or Carriage used for the Conveyance of Coals, whether used on Railway or on common Roads, and whether propelled by Steam or other mechanical Power, or drawn by Horses or other Animals:

The Word "Barge" shall mean any Ship, Lighter, Keel, Boat, or Craft, or any other Kind of Vessel whatever used exclusively in Inland Navigation:

The Word "Vessel" shall mean any Ship, Lighter, Keel, Barge, Boat, Raft, or Craft, or any other Kind of Vessel whatever not used exclusively in Inland Navigation, whether navigated by Steam or otherwise:

The Word "Master," when used in relation to any Vessel or Barge, shall mean any Person, whether the Owner, Master, or other Person, lawfully or wrongfully having or taking the Command, Charge, or Management of the Vessel or Barge for the Time being:

The Word "Fitter" shall include the Agent or Manager employed by the Owner or Proprietor of any Colliery or Depôt of Coals, or by the Owner of any Coals, and shall include the Owner of such Coals in all Cases where no Fitter, Agent, or Manager, or other accredited Officer, shall be employed by such Owner:

The Word "Consignee" shall mean the Person to whom any Coals shall be sent for Use or Sale, and shall include the Owner of such Coals in Cases where there shall not be any Agent, Manager, or Factor:

The Word "Coals" shall include Coals, Coke, or Cinders, and Culm:

The Expression "Sea-borne Coals" shall mean all Coals brought by the River *Thames* into the Port of *London* from any Place or Port situated beyond the *Nore:*

The Expression "Inland Coals" shall mean all Coals brought within the *London* District by Railway or Canal or Inland Navigation, or by Land Carriage, or in any other Manner than by Sea:

The Expression "General Post Office" shall mean the General Post Office in *Saint Martin's le Grand* in the City of *London:*

The Expression "Post Office" shall mean any House, Office, or Letter Box authorized by the Postmaster General for the Reception of Letters:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*, and shall include the Court of Mayor and Aldermen of the City of *London*, holden in the Outer Chamber of the *Guildhall* of the said City, and the Mayor's Court and the Sheriff's Court of the City of *London:*

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual:

And whenever the doing of any Act or Thing is made punishable by this Act, or by any Rule, Order, Regulation, or Byelaw to be made in pursuance thereof, with any Penalty, Fine, or Forfeiture, the causing, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Commencement of Act.

LI. That this Act shall take effect and come into operation upon the First Day of *October* next after the passing thereof.

Expenses of Act.

LII. That the Costs, Charges, and Expenses incident to and incurred in obtaining and passing this Act shall be paid and discharged by and out of the Fund arising from the Duty of One Penny *per* Ton on Coals, Cinders, or Culm, which has from Time to Time been invested in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the said City, in pursuance of the Act of the First and Second Years of the Reign of King *William* the Fourth, Chapter Seventy-six, and the Dividends and Interest thereof, and the Rents and Profits to be derived from the Coal Exchange.

Short Title.

LIII. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Coal Duties (*London* and *Westminster* and adjacent Counties) Act, 1851."

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

SEA-BORNE COAL.—FITTER'S CERTIFICATE.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

To the Clerk and Registrar of the Coal Market, London.

I, the undersigned, do hereby, pursuant to the Section of the Coal Duties (London and Westminster and adjacent Counties) Act, 1851, certify, That I have shipped on board the [*here state Name of Ship or Vessel*], of [*here state where belonging to*], [*here state the Name of Master*] Master, [*here state the Number of Tons*] Tons of [*here state the Name of Coal*] Coals, wrought and gotten out of [*here Name of Colliery*] Colliery, at [*here Price*] per Ton of Twenty Cwt.

(Signed) [*here sign Name.*]
Owner, Fitter, *or* Agent [*as the Case may be*].

Port of [*here state Place of Shipment*].
Dated this Day of

No. 2.

SEA-BORNE COAL.—DECLARATION.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

To the Clerk and Registrar of the Coal Market, London.

I [*here state Name of Master*], Master of the Ship or Vessel called the [*here state Name of Vessel*] of [*here state where belonging to*], do solemnly and sincerely declare, That on [*here state when loaded*] One thousand eight hundred and fifty , [*here state Number of Tons*] Tons of [*here state the*

Name of Coals] Coals, wrought and gotten out of [*here state the Name of Colliery*] Colliery, at [*here state Price*] per Ton, were loaded on board the above-named Vessel at [*here state Place of Shipment*], for the Port of [*here state where cleared for*], by [*here state Name of Fitter*] Fitter of the aforesaid Colliery; and I further declare, that Bulk has not been broken; and in consequence of [*here state the Reason of not being provided with a Fitter's Certificate*]. And I make this solemn Declaration, *&c.*

(Signed)

Master of Ship.

Signed and declared before me, this Day of
One thousand eight hundred and fifty .

No. 3.

SEA-BORNE COAL.—MONTHLY RETURN.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

To the Clerk and Registrar of the Coal Market, London.

I *A. B.* do solemnly and sincerely declare, That the Schedule hereunder written, and signed by me, contains a true Account and Particular of all the Coals vended and loaded by me at [*here state the Name of Place of Shipment*] in the County of [*here state the Name of County*], for Delivery in the Port of London, from the First Day of One thousand eight hundred and to the last Day of the same Month, both inclusive. And I make this solemn Declaration, *&c.*

Day of the Month and Year of Lading.	Ship's Name.	Master's Name.	Quantity of Tons loaded.	Name of Colliery and Coal.	Price paid per Ton.	Certificate sent by Post, or delivered to the Master.

(Signed)

Fitter, Owner, *or* Agent [*as the Case may be*].

Signed and declared before me, this Day of
One thousand eight hundred and fifty .

No. 4.

INLAND COAL.—FITTER'S CERTIFICATE.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

To the Clerk and Registrar of the Coal Market, London.

[*Here state the Name of Colliery or Place of Loading, Parish, and County, as the Case may be.*]

I, the undersigned, do hereby, pursuant to the Section of "The Coal Duties (London and Westminster and adjacent Counties) Act, 1851," certify, That I have loaded for [*here state the Name of Place and the Number of Tons*] Tons of [*here state the Name of Coals*] Coals, wrought and gotten out of [*here state the Name of Colliery*] Colliery, such Coals being contained in [*here state the Name of Barge or Number of Railway Trucks, as the Case may be*], to be conveyed by [*here state the Name of Railway or Canal, as the Case may be*].

Dated this Day of One thousand eight hundred and fifty

(Signed)

Owner, Fitter, *or* Agent [*as the Case may be*].

Name of Consignee [*here insert the Name of Consignee*].

Address [*here state the Consignee's Address*].

No. 5.

INLAND COAL.—DECLARATION.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

To the Clerk and Registrar of the Coal Market, London.

I [*here state the Name of*] Consignee, Agent, *or* Owner [*as the Case may be*], do solemnly and sincerely declare, That the Fitter's Certificate for [*here state the Number of Tons*] Tons of [*here state the Name of Coals*] Coals loaded in the several Barges or Railway Trucks [*as the Case may be*] mentioned below, was

was [*here state the Reason why the Fitter's Certificate is not provided*], and that the following is a true Statement. And I make this solemn Declaration, *&c. &c.*

Date of Arrival within the London District.	Name of Barge *or* Number of Trucks [*as the Case may be*].	Number of Tons in each Barge *or* Truck [*as the Case may be*].	Name of Colliery wrought and gotten out of.	Place of Loading.

(Signed)
Consignee, Agent, *or* Owner [*as the Case may be*].

Signed and declared before me, the Day of One thousand eight hundred and fifty .

No. 6.

INLAND COAL.—MONTHLY RETURN.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

To the Clerk and Registrar of the Coal Market, London.

I *A.B.* do solemnly and sincerely declare, That the Schedule hereunder written, and signed by me, contains a true Account and Particular of all the Coals vended and loaded by me at [*here state Name of Place*], in the County of [*here state the Name of County*], for Delivery at the under-mentioned Places within the London District, from the First Day of One thousand eight hundred and to the last Day of the same Month, both inclusive. And I make this solemn Declaration, *&c.*

Day of the Month of Loading.	Name of Railway *or* Canal conveyed by.	Name of each Barge *or* Number of Trucks [*as the Case may be*].	Quantity of Tons in each Truck *or* Barge.	Name of Coals and Colliery.	Place of intended Delivery of each Truck *or* Barge.	Name and Address of Consignee.

(Signed)
Fitter, Owner, *or* Agent [*as the Case may be*].

Signed and declared before me this Day of One thousand eight hundred and fifty .

No. 7.

INLAND COAL.—CANAL MONTHLY RETURN.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

I *A.B.* Secretary [*or proper Officer, as the Case may be*], of the [*here state the Name of Canal*] Canal, do solemnly and sincerely declare, That the Schedule hereunder written, and signed by me, contains a true Account and Particular of all Coals conveyed on this Canal within the London District, from

the First Day of One thousand eight hundred and to the last Day of the same Month, both inclusive. And I make this solemn Declaration, *&c.*

Name of Barge.	Day of the Month of Arrival within London District.	Name of Place at which delivered within or beyond London District.	Name of Consignee, with Address.	Name of Coal.	Amount of Tons in each Barge.

(Signed) , Secretary.
[*or proper Officer, as the Case may be.*]

To the Clerk and Registrar of the Coal Market, London.

No. 8.

INLAND COAL.—RAILWAY WEEKLY RETURN.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

I certify, That there has been brought within the London District between the Day of and the Day of by the Railway, the following Quantity of Coal, and no more.

Day of Arrival within the London District.	Number of Trucks.	Quantity in Tons in each Truck.	Total Quantity Tons.	Name of Coal.	Colliery.
June 1 - -					
2 - -					
3 - -					
4 - -					
5 - -					
6 - -					
7 - -					
Deduct Exemption			-		

(Signed) *A.B.*, Secretary.
[*or other accredited Officer, as the Case may be.*]

To the Clerk and Registrar of the Coal Market, London.

No. 9.

INLAND COAL.—RAILWAY MONTHLY RETURN.

The Coal Duties (London and Westminster and adjacent Counties) Act, 1851.

I *A.B.*, Secretary [*or proper Officer, as the Case may be,*] of [*here state the Name of Railway*] Railway, do solemnly and sincerely declare, That the Schedule hereunder written, and signed by me, contains a true Account and Particular of all Coals conveyed on this Line of Railway within the London District, from the First Day of One thousand eight hundred and to the last Day of the same Month, both inclusive. And I make this solemn Declaration, *&c.*

Day of the Month of Arrival within London District.	Name of Station at which delivered within or beyond London District.	Name of Consignee, with Address.	Name of Coal and Colliery.	Amount of Tons in each Waggon.	Total Consignment to each Party.

(Signed) , Secretary.
[*or proper Officer, as the Case may be.*]

To the Clerk and Registrar of the Coal Market, London.

SCHEDULE (B.)

DRAWBACK ON COAL.

No. 1.

No. Tons.

Fitter's Certificate, No. .

I hereby give you Notice of my Intention to tranship from on board the Ship *or* Vessel [*here state Name of Vessel*], of or from [*here state to where belonging, or from what Place*], [*here state Name of Master*] Master, [*here state Number of Tons*] Tons of [*here state Name of Coal*] Coals, for Delivery at [*here state Name of Place*], and that [*here state Name of Coalweigher*] Coalweigher is appointed to superintend such Transhipment.

Dated this Day of One thousand eight hundred and fifty .

(Signed) Applicant.

To the Clerk and Registrar of the Coal Market, London.

No. 2.

No. Tons.

Mr. [*here state Name of Applicant*] having given me Notice that he intends to tranship from the Ship *or* Vessel [*here state Name of Vessel, and Name of Master*] Master, [*here state Number of Tons*] Tons of [*here Name of Coals*] Coals for Exportation or Delivery beyond the District of Miles from the General Post Office, and that you are appointed to weigh or superintend the Delivery of the same, I do hereby give you Notice that I shall require, before I can allow the Claim for Drawback, a Certificate from you of such Transhipment.

Dated this Day of One thousand eight hundred and fifty

(Signed) *A.B.*,

Clerk and Registrar.

To Mr. *C.D.*, Coalweigher.

No. 3.

No.

I hereby certify, That [*here state the Quantity*] Tons of [*here state the Name of Coals*] Coals have been weighed by me out of the Ship *or* Barge [*here state the Name of Vessel and the Name of Master*] Master, and that the same were put on board the following Barges :

Date of Loading.	Number of Barge.	Name of Barge.	Name of Lighterman or Master in charge of Ship or Vessel.	Tons.

Witness my Hand, this Day of One thousand eight hundred and .

(Signed) *C.D.*, Coalweigher.

To the Clerk and Registrar of the Coal Market, London.

No. 4.

No.

I hereby certify, That the following Barge passed through the [*here state the Name of Lock*] Lock on the [*here state the Name of River or Canal*] River *or* Canal.

Date of passing.	Number of Barge.	Name of Barge.	Place of Destination.	Tons of Coals.

Witness my Hand, this Day of One thousand eight hundred and .

(Signed)

Keeper of the [*here state the Name of Lock*] Lock.

To the Clerk and Registrar of the Coal Market, London.

No. 5.

No. Tons.

I hereby certify, That I have received [*here state Number of Tons*] Tons of [*here state Name of Coals*] Coals, viâ [*here state the Name of Canal, &c.*] Canal, *or* River Thames, out of the Barge [*here state Name of Barge*], consigned by [*here state Name of Applicant for Drawback*] of [*here state Address of Party from whom the Coals have been received*].

Witness my Hand, this Day of One thousand eight hundred and fifty .

(Signed)

Consignee.

[*Address.*]

To the Clerk and Registrar of the Coal Market, London.

SCHEDULE (C.)

DRAWBACK ON COAL.

No. 1.

No. Tons.

I hereby certify, That I have received on board the Ship [*here state Name of Ship, and Name of Master*] Master, [*here state Number of Tons*] Tons of [*here state Name of Coal*] Coals from the Barge *or* Trucks [*here state whether out of Barge or out of Railway Trucks*], to be exported to [*here state Name of Place*].

Witness my Hand, this Day of One thousand eight hundred and fifty .

(Signed)

Master of the Ship.

To the Clerk and Registrar of the Coal Market, London.

This is to certify, That the Ship [*here state Name of Ship and Name of Master*] Master, has cleared Outwards from the Port of London, with [*here state Number of Tons*] Tons of Coals on board.

(Signed)

Searcher of Her Majesty's Customs.

Searcher's Office, Custom House, London, Day of One thousand eight hundred and fifty .

No. 2.

No. Tons.

I hereby certify, That [*here state Number of Tons*] Tons of [*here state Name of Coal*] Coals have been weighed by me out of the Ship *or* Vessel [*here state Name of Ship, &c.*], and that such Coals were put into [*here state Number*] Trucks at the [*here state Name*] Station or Depôt of the [*here state Name*] Railway, on the Day of One thousand eight hundred and fifty .

(Signed) *C.D.*, Coalweigher.

To the Clerk and Registrar of the Coal Market, London.

No. 3.

No. Tons.

I hereby certify, That [*here state Number*] Tons of [*here state Name of Coal*] Coal have been transhipped from the Barge *or* Ship [*here state Name of Ship*] into [*here state Number of Trucks*] Trucks, at the [*here state Name*] Depôt or Station on the Day of , to be conveyed by the [*here state Name of*] Railway to [*here state Place at which Coals are to be delivered*].

Witness my Hand, this Day of One thousand eight hundred and fifty .

(Signed)

Station Master *or* Traffic Manager.

To the Clerk and Registrar of the Coal Market, London.

SCHEDULE (D.)

DRAWBACK ON COAL.

No. 1.

No. Tons.

Certificate, No.

I hereby give you Notice of my Intention of claiming Drawback on [*here state the Number of Tons*] Tons of [*here state the Name of Coals*] Coals, brought by [*here state the Name of Railway*] Railway, such Coals being for Exportation *or* Delivery [*as the Case may be*] beyond the London District [*here state the Name of Place to be delivered at*], and that [*here state the Name of Weigher*], Coalweigher, is appointed to superintend the Weighing or Transfer of the same.

Dated this Day of One thousand eight hundred and fifty .

(Signed) , Applicant.

To the Clerk and Registrar of the Coal Market, London.

No. 2.

No. Tons.

Mr. [*here state Name of Applicant*] having given me Notice that he intends to transfer from [*here state Name of Depôt or Station*] Depôt or Station of [*here state Name of Railway*] Railway [*here state Number of Tons*] Tons of [*here state Name of Coal*] Coal for Exportation *or* Delivery beyond the District of Miles from the General Post Office, and that you are appointed to weigh or superintend the Delivery of the same: I do hereby give you Notice, That I shall require, before I can allow the Claim for Drawback, a Certificate from you of such Delivery.

Dated this Day of One thousand eight hundred and fifty

(Signed) *A.B.*, Clerk and Registrar.

To Mr. *C.D.*, Coalweigher.

No. 3.

No. Tons.

I hereby certify, That [*here state the Number of Tons*] Tons of [*here state the Name of Coals*] Coals have been weighed from the Trucks of the [*here state the Name of Railway*] Railway at [*here state the Place of Delivery*], and that the same were put on board the following Vessels:

Date of Loading.	Number of Barge.	Name of Barge or Vessel.	Name of the Master of Vessel, *or* Lighterman in charge of Barge.	Tons of Coals.

Witness my Hand, this Day of One thousand eight hundred and fifty .

(Signed) , Coalweigher.

To the Clerk and Registrar of the Coal Market, London.

No. 4.

No. Tons.

I hereby certify, That [*here state the Number of Tons*] Tons of [*here state the Name of Coals*] Coals have been received from the following Barges *or* Railway [*as the Case may be*], on board of the Ship [*here state the Name of Ship*] of [*here state where belonging to*], for Exportation to [*here state where the Coals are to be discharged by the Export Ship*].

Date of Delivery on board, from Barge *or* Railway [*as the Case may be*].	Name of Barge *or* Railway [*as the Case may be*].	Number of Tons delivered on board.

Witness my Hand, this Day of One thousand eight hundred and

(Signed) , Master of the Ship.

To the Clerk and Registrar of the Coal Market, London.

This is to certify, That the above-named Ship [*here state the Name of Ship and the Name of Master*] Master, has cleared Outwards from the Port of London, with [*here state the Number of Tons*] Tons of Coals on board.

(Signed) ,
Searcher of Her Majesty's Customs.

Searcher's Office, Custom House, London, Day of One thousand eight hundred and .

SCHEDULE (E.)

DRAWBACK ON COAL.

No. 1.

No. Tons.

I hereby certify, That I have received from Mr. [*here state Name of Agent or Owner*] of [*here state Address of Party*], [*here state Number of Tons*] Tons of [*here state Name of Coals*] Coals, brought by [*here state Name of Railway*] Railway, and delivered from [*here state Name of Station*] Station.

Witness my Hand, this Day of One thousand eight hundred and .

(Signed) , Consignee.

[*Address.*]

To the Clerk and Registrar of the Coal Market, London.

No. 2.

No. Tons.

I hereby give you Notice, That it is my Intention to claim Drawback *or* Exemption [*as the Case may be*], on [*here state Number*] Tons of [*here state Name of*] Coals, going direct, without any Portion of the same being removed, to [*here state where delivered*] by [*here state Name of*] Railway [*or* Canal, *as the Case may be*], and that the same are consigned to [*here state Name of Consignee*], of [*here Consignee's Address*].

Witness my Hand, this Day of One thousand eight hundred and fifty .

(Signed) , Applicant.

To the Clerk and Registrar of the Coal Market, London.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

" This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's " most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy " thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, " and others."

Cap. 1.

AN Act to authorize the Sale to the Honourable *Richard Cavendish* of certain Freehold Hereditaments in the County of *Buckingham* devised by the Will of *Samuel Athawes* deceased, and for directing the Investment of the Purchase Money in other Hereditaments, to be settled upon the Trusts of the same Will. [3d *July* 1851.]

Cap. 2.

An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward*, late King of *England*, the Sixth, called *Christ's Hospital;* and for enabling them to grant building and other Leases of their Estates; and for other Purposes. [3d *July* 1851.]

Cap. 3.

An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the House of the Poor commonly called *Saint Bartholomew's Hospital*, near *West Smithfield, London*, of the Foundation of King *Henry* the Eighth; and for enabling them to grant building and other Leases of their Estates. [24th *July* 1851.]

Cap. 4.

An Act to authorize the Grant of new Leases of a certain Estate in the Bailiwick of *Neat* in the Parish of *Saint George Hanover Square* in the County of *Middlesex*, in Lease to Mr. *Thomas Cubitt;* and for other Purposes. [24th *July* 1851.]

Cap. 5.

An Act for enabling the Trustees of the *Somersetshire, Monmouthshire, Dorsetshire*, and *Devonshire* Estates devised by the Will of Sir *Thomas Buckler Lethbridge* Baronet, deceased, to grant Farming and Mining Leases of and otherwise extending their Powers in relation to the said Estates. [24th *July* 1851.]

Cap. 6.

An Act for enabling the Trustees of the Will of *Thomas Jackson* deceased to sell Freehold Hereditaments situate in the Parish of *Mentmore* in the County of *Buckingham* to the Baron *Mayer Amschel de Rothschild.* [24th *July* 1851.]

Cap. 7.

An Act to confirm a certain Contract for granting Leases made and entered into by the Honourable *Arthur Upton* of Part of the Lands and Hereditaments comprised in the Will of the Honourable *Fulk Greville Howard* deceased, situate at *Kilburn* in the County of *Middlesex;* and to alter and enlarge the Power of granting Building Leases contained in the same Will; and for other Purposes relating thereto. [24th *July* 1851.]

Cap. 8.

An Act to authorize the Appropriation to charitable Purposes of the unclaimed Funds and Property under the Control of "The *Glasgow Provident* Bank," and the winding up of its Affairs. [1st *August* 1851.]

Cap. 9.

An Act for regulating and securing the Debt due by the Burgh of *Musselburgh* in the County of *Edinburgh*, and for other Purposes in relation thereto. [1st *August* 1851.]

Cap. 10.

An Act to authorize the granting of Building Leases of Part of the Estates devised by the Will of *William Moore* Esquire, deceased, situate in the Parish of *Fulham* in the County of *Middlesex*. [1st *August* 1851.]

Cap. 11.

An Act authorizing the Application of Part of the Trust Funds subject to the Trusts of the Will and Codicils of the late Sir *Timothy Shelley* to certain lasting Improvements upon Estates bought under the Trusts of such Will and Codicils. [1st *August* 1851.]

Cap. 12.

An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to make Conveyances in Fee or Demises for long Terms of Years of his Trust Estates, and more effectually to administer the Trusts of the Will of the said Duke. [7th *August* 1851.]

Cap. 13.

An Act for extending Powers created by the Will of *John Watson Barton* deceased, and for enabling Sales and Leases to be made of Lands subject to his Will; and for other Purposes. [7th *August* 1851.]

Cap. 14.

An Act to empower the Dean and Chapter of *Westminster* to build on Ground contiguous to *Westminster Abbey*, and for other Purposes. [7th *August* 1851.]

Cap. 15.

An Act to give effect to certain Restrictions and Conditions relating to a Church and Parsonage House proposed to be erected on Sites to be given by the Most Noble *Francis* Duke of *Bedford*, Knight of the Most Noble Order of the Garter, and to Two Dwelling Houses proposed to be purchased and conveyed for Vicarage and Rectory Houses on the Estate of the said Duke, in the County of *Middlesex*. [7th *August* 1851.]

Cap. 16.

An Act to enable the Committees of the Estate of *John Brown*, a Lunatic, to sell a Portion of the Estates whereof the said Lunatic is Tenant in Tail in possession. [7th *August* 1851.]

Cap. 17.

An Act for explaining and modifying the Provisions of the Deed of Constitution of *Dorward*'s House of Refuge for the Destitute in *Montrose*, and of the Trust Disposition and Settlement of *William Dorward* Merchant in *Montrose*, and Codicils thereto, and for incorporating and enlarging and defining the Powers of the Managers of the said House of Refuge, and for other Purposes relating thereto. [7th *August* 1851.]

Cap. 18.

An Act to enable the Dean and Chapter of the Cathedral Church of *Christ* in *Oxford*, of the Foundation of King *Henry* the Eighth, and their Trustees, as Owners in Fee of Lands in *Kentish Town* in the County of *Middlesex*, to grant Building Leases, and for other Purposes. [7th *August* 1851.]

Cap. 19.

An Act for enabling the Committee or Committees for the Time being of the Estate of *Stapylton Stapylton* Esquire, a Lunatic, Tenant in Tail Male under the Will of the Reverend Sir *Martin Stapylton* Baronet, deceased, to grant Leases for Mining and other Purposes of certain Parts of the entailed Estates situate at *Eston* in the County of *York*. [7th *August* 1851.]

Cap. 20.

An Act for the Regulation and Improvement of the Charities founded by *Richard* Lord *Riche* in the Parish of *Felstead* in the County of *Essex*, and for other Purposes. [7th *August* 1851.]

Cap. 21.

An Act for authorizing the Sale of the *Kelmarsh* Estate in the County of *Northampton*, devised by the Will of *William* Lord *Bateman* deceased, and the Discharge of the Incumbrances affecting that Estate; and for other Purposes. [7th *August* 1851.]

Cap. 22.

An Act to provide for the future Regulation and Management of the Grammar School of *Anthony Browne*, Serjeant-at-Law, at *Brentwood* in the County of *Essex*, and of the Almshouses founded by the said *Anthony Browne*, and of the Estates and Possessions of the same School and Almshouses; and for other Purposes. [7th *August* 1851.]

Cap. 23.

An Act to authorize the Sale or Exchange of Part of the Estate of the Free School at *Ripley* in the County of *York*; and for other Purposes relating to the said Charity. [8th *August* 1851.]

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AN

INDEX TO THE STATUTES

OF

THE UNITED KINGDOM,

VOLUME THE TWENTIETH,

Containing the Acts passed 13 & 14 Vict. and 14 & 15 Vict. (1850, 1851.)

☞ In this Index the Acts which relate to Ireland or Scotland exclusively are classed under those General Heads; but arranged in Subdivisions according to the several Subjects, with References to and from other Parts of the Index.

The *Local Acts* are inserted under that general Title, and are subdivided into those that relate to Bridges, Canals, Docks, Ferries, Harbours, Piers, Ports, and other Works of the like Nature, to the draining and inclosing of Lands, to Railways and Turnpike Roads, to the Improvement of Towns, and to Miscellaneous Subjects.

The Acts commonly called Estate Acts will be found under the Title *Private Acts*.

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5. First Election of Local Board for *Chelmsford,* § 4.
6. Local Board of Health for *York* may make Rates, § 5.
7. Act incorporated with Public Health Act, § 6.
8. Short Title of this Act, § 7.

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9. To confirm certain Provisional Orders of the General Board of Health, and for certain other Purposes in relation to the Public Health Act, 1848, 13 & 14 *Vict. c.* 90.
10. Certain Provisional Orders of General Board of Health confirmed, § 1.
11. First Election of Local Board of Health for *Ashby de la Zouch,* § 2.
12. First Election of Local Board for *Sandgate,* § 3.

13. General Board to furnish Copies of Provisional Orders to Parties requiring the same, § 4.
14. General Board may appoint Days for First Elections of Local Boards, &c., § 5.
15. Act incorporated with Public Health Act, § 6.
16. Short Title of this Act, § 7.

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17. For confirming certain further Provisional Orders of the General Board of Health, 13 & 14 *Vict. c.* 108.
18. Certain Provisional Orders of General Board of Health confirmed, § 1.
19. First Election of Local Board for *Holbeach*, § 2.
20. First Election of Local Board for *Tormoham*, § 3.
21. First Election of Local Board for *Darlington*, § 4.
22. First Election of Local Board for *Exmouth*, § 5.
23. First Election of Local Board for Townships of *Alnwick* and *Canongate*, § 6.
24. First Election of Local Board for the Borough of *Llanelly*, § 7.
25. First Election of Local Board for *Launceston*, § 8.
26. First Election of Local Board for *Reading*, § 9.
27. First Election of Local Board for *Burslem*, § 10.
28. First Election of Local Board for *Watford*, § 11.
29. Act incorporated with Public Health Act, § 12.
30. Short Title of this Act, § 13.

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31. For confirming a certain Provisional Order of the General Board of Health for applying the Public Health Act, 1848, to the Borough of *Great Yarmouth* in the County of *Norfolk*, 14 & 15 *Vict. c.* 80.
32. Confirming Provisional Order of the General Board of Health, § 1.
33. Limitation of Act to that Part of *Great Yarmouth* in the County of *Norfolk*, § 2.
34. Act incorporated with Public Health Act, § 3.
35. Short Title of this Act, § 4.

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36. For confirming certain Provisional Orders of the General Board of Health, 14 & 15 *Vict. c.* 98.
37. Confirming Provisional Orders of the General Board of Health, § 1.
38. Provisional Order as to *Hastings* not to extend to *St. Leonard*, § 2.
39. Number of Members of Local Board of Health of *Morpeth*, § 3.
40. First Election of Local Board for *Morpeth*, § 4.
41. First Election of Local Board for *Sherborne*, § 5.
42. First Election of Local Board for *Bridgend*, § 6.
43. First Election of Local Board for *Bryn Mawr*, § 7.
44. First Election of Local Board for *Margate*, § 8.
45. First Election of Local Board for *Newmarket*, § 9.
46. First Election of Local Board for *Romford*, § 10.
47. First Election of Local Board for *West Cowes*, § 11.
48. Compensation to Officers under Local Acts of City and County of *Bristol* who may be removed, § 12.
49. Act incorporated with Public Health Act, § 13.
50. Short Title of this Act, § 14.

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51. To confirm certain Provisional Orders of the General Board of Health, 14 & 15 *Vict. c.* 103.
52. Certain Provisional Orders of the General Board of Health confirmed, § 1.
53. First Election of Local Board for *Alfreton*, § 2.
54. First Election of Local Board for *March*, § 3.
55. First Election of additional Members of Local Board for *Barnard Castle*, § 4.
56. *Halifax* Waterworks to be appraised, valued, and paid for, § 5.
57. Act incorporated with Public Health Act, § 6.
58. Short Title of this Act, § 7.

See *Tithe Rentcharge Assessment.*

Borough Gaols.

1. To authorize Justices of any Borough having a separate Gaol to commit Assize Prisoners to such Gaol, and to extend the Jurisdiction of Borough Justices to all Offences and Matters arising within the Borough for which they act, 13 & 14 *Vict. c.* 91.
2. Prisoners may be committed to Borough Gaols for Trial at the Assizes, § 1.
3. Nothing to authorize Justices to commit Persons charged with Murder to any other than the County Gaol. As to Expenses incurred in Maintenance of last-mentioned Prisoners, § 2.
4. Prisoners committed to Borough Gaols to be removed to County Gaol previous to Trial, § 3.
5. Prisoners whilst under Removal to be deemed to be in proper legal Custody, § 4.
6. Expenses of Prisoners removed to County Gaols to be calculated as provided by 5 & 6 *Vict. c.* 98.—§ 5.
7. Account of Expenses to be made out and signed by Clerk to Justices, and sent to Town Clerk of Borough, § 6.
8. In Cases of Conviction for Offences committed within Limits of any City, &c., Court may commit Offender to Borough Gaol. In case of Commitment of Persons, § 7.
9. Provisions as to Removal before Trial to apply to Removal after Conviction, § 8.
10. Borough Justices to have the same Jurisdiction as County Justices under any local Act as to Offences committed within the Borough, § 9.
11. Interpretation of Terms, § 10.
12. Extent of Act, § 11.

Boroughs (Incorporation of).

1. To confirm the Incorporation of certain Boroughs, and to provide for the Payment of the Expenses of the Incorporation of new Boroughs, 13 & 14 *Vict. c.* 42.
2. Certain Charters of Incorporation and the Proceedings thereunder confirmed, § 1.
3. Districts set forth in such Charters to be deemed the Extent of Municipal Boroughs, § 2.
4. In case of future Charters, the Costs and Expenses may be paid out of the Borough Rate, § 3.

Borough Justices, See Borough Gaols.

Brewers and Distillers, See Sugar.

Brick Duties.

1. To repeal the Duties and Drawbacks of Excise on Bricks, 13 & 14 *Vict. c.* 9.
2. Duties and Drawbacks of Excise on Bricks, and also the Act 2 & 3 *Vict. c.* 24., repealed; except as to Arrears and Penalties in respect thereof, § 1.
3. Drawback of a Moiety of the Duty charged to be allowed on the Stocks of Bricks in the Possession of Makers at the passing of this Act, § 2.

4. Purchasers of Bricks under Contracts made before the 27th Day of *March* 1850 to be allowed by the Seller an Abatement from the Price thereof equivalent to the Duties from which the latter is relieved, § 3.

Bridges in Towns.

1. To provide for more effectually maintaining, repairing, improving, and rebuilding Bridges in Cities and Boroughs, 13 & 14 *Vict. c.* 64.
2. Providing for the Repairs and rebuilding of Bridges within Limits of Corporate Cities or Boroughs, § 1.
3. Councils may direct Payment of necessary Amount of Money out of Rates, § 2.
4. Council may borrow Money for the Purpose of maintaining or rebuilding Bridges, § 3.
5. Interest on Monies borrowed to be a Charge upon the Rates, § 4.
6. Repair of Bridges included within Boundaries of Municipal Boroughs, § 5.

Burgesses and Freemen.

1. To exempt Burgesses and Freemen in certain Cases from the Operation of an Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements, 14 & 15 *Vict. c.* 39.
2. Right of voting reserved by Provisions of 2 & 3 *W.* 4. *c.* 45. to Persons then entitled not to be affected by the Change of Rating under 13 & 14 *Vict. c.* 99.,—§ 1.
3. Construction of the Words "Tenement," § 2.
4. and "Rates for the Relief of the Poor," § 3.

Burials, See Interments.

C.

Canada and New Brunswick Boundary.

1. For the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick*, 14 & 15 *Vict. c.* 63.
2. Appointment of Arbitrators between *Canada* and *New Brunswick*. Award of Dr. *Lushington* and Dr. *Twiss*, 17th *April* 1851. The Line described in the Award to be the Boundary, and to be set out accordingly, § 1.
3. The Funds accrued from the disputed Territory to be applied according to the Agreement, § 2.

Canterbury Association.

1. Empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand*, 13 & 14 *Vict. c.* 70.
2. Letters Patent, dated 12th *February*, 4 *Vict.*, constituting *New Zealand* Company. Instructions of 23d *December* 1846, under Sign Manual. Additional Instructions of 27th *January* 1849. Letters Patent, dated 13th *November*, 13 *Vict.*, constituting the *Canterbury* Association. Agreement between *New Zealand* Company and *Canterbury* Association, dated 1st *December* 1849. Neither the 13th Chapter of Instructions of 23d *December* 1846, nor additional Instructions of 27th *January* 1849, to apply to Lands described in Schedule, § 1.
3. Power for Association absolutely to dispose of Lands described in Schedule during the Term of Ten Years, &c., subject to Conditions; *viz.* That, with Exception of Land selected for Site of the Capital, all Lands to be Rural Lands. Extent of Allotments. Price of Land. Land unsold to be open under Licence for Pasturage. One Sixth of the whole Produce of Sales, &c. to be paid to Her Majesty. Saving certain Rights of *New Zealand* Company. Amount of Land to be sold by the Association, § 2.
4. Power to Association to appoint Attornies. § 3.
5. Association to have a Seal in Duplicate, and may commit the same to such Attornies. Deeds executed by Attornies to be valid as if executed by the Association, § 4.
6. Conveyances, &c. duly signed and sealed, *primâ facie* Evidence of due Execution, § 5.
7. Not less than Two Attornies to be appointed, § 6.
8. Application of remaining Five Sixths of Purchase Money, notwithstanding anything in recited Act 10 & 11 *Vict. c.* 112.,—§ 7.
9. If Association neglect to perform Conditions aforesaid, Power of Disposition over the Lands to cease if One of Her Majesty's Secretaries of State so declare, § 8.
10. Power in Association to make Terms of Purchases, to be approved by One of Her Majesty's Secretaries of State, § 9.
11. Power for Her Majesty's Secretary of State to extend Term of Ten Years, § 10.
12. Reserving Rights of First Colonists, § 11.
13. On Expiration of Term Lands in Schedule remaining unsold to revert to Her Majesty, § 12.

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14. To alter and amend an Act empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand*, 14 & 15 *Vict. c.* 84.
15. Power to *Canterbury* Association to impose Penalties for Breach of Byelaws, § 1.
16. Byelaws to be exhibited, § 2.
17. Byelaws to be so framed that Penalties may be mitigated, § 3.
18. As to Recovery of Penalties, § 4.
19. Evidence of Byelaws, § 5.
20. Proceedings to be entered in Books, to be signed by the Chairman, and to be Evidence, § 6.
21. Power for Association to constitute a Managing Committee in the Settlement of *Canterbury*, and to delegate Authority to them, § 7.
22. Power to reserve and appropriate Land for public Purposes. Limitation of Power to reserve and appropriate Land, § 8.
23. Power to grant Timber Licences, § 9.
24. Powers of the Association to prepare for Occupation unappropriated Land of the Settlement, and to determine Disputes respecting Enjoyment of Licences, § 10.
25. Further Grants of Land to be subject to prior Provisions respecting the Settlement, § 11.
26. Extent of Act, § 12.

Capitular Estates, See Episcopal and Capitular Estates.

Census, See Population.

Charitable Institutions Notices.

1. To sanction the Service by Post of Notices relative to the Proceedings of certain Charitable Institutions, and to make further Provision as to the Service of such Notices in future, 14 & 15 *Vict. c.* 56.
2. Courts, &c. already held and not avoided, &c., to be considered as having taken place after proper Notices served, § 1.
3. After passing of this Act all Notices may be sent by Post, &c., § 2.

Chester and Holyhead Railway.

1. To relieve the *Chester and Holyhead* Railway Company from contributing towards the Expense of the proposed new Harbour at *Holyhead*, and to take away the Powers of the said Company in relation to such Harbour, 13 & 14 *Vict. c.* 111.
2. 10 & 11 *Vict. c.* ccxxxviii. *ss.* 12. 13. 14. 15. 16. 17. recited and repealed, § 1.
3. The Treasury may authorize the Company to make Works in connexion with the Harbour, § 2.

Chief Justices Salaries.

1. To regulate the Salaries of the Chief Justice of the Court of Queen's Bench and the Chief Justice of the Court of Common Pleas, 14 & 15 *Vict. c.* 41.
2. Salaries of Chief Justices of Queen's Bench and Common Pleas, § 1.

Church Building.

1. To amend the Church Building Acts, 14 & 15 *Vict. c.* 97.
2. Where a permanent Provision satisfactory to the Commissioners is secured in lieu of Pew Rents, Commissioners, with Consent of Bishop, may direct such Pew Rents to cease, § 1.
3. Loss of Fees and Offerings may be compensated for by Commissioners out of the first Monies coming to them for that Purpose in respect to the Assignment of District Chapelries, § 2.
4. Compensation for Loss of Fees, &c. in respect of Formation of Consolidated Chapelries, § 3.
5. Compensation for Loss of Fees in respect to a Church built and endowed under 1 & 2 *W.* 4. *c.* 38.,—§ 4.
6. After Compensation, Fees and Offerings to belong to Minister of the District Chapelry, Consolidated Chapelry, or Particular District, notwithstanding any former Reservation, § 5.
7. Where Fees have not been reserved, or do not otherwise belong to Incumbent of original Parish, all Mortuary and other Fees, &c. shall belong to Incumbent of District Chapelry, &c., § 6.
8. With Consent of Bishop, Commissioners may in all Cases, subject to Notices to Patron and Incumbent, declare perpetual Right of Patronage to be in the Body or Person building and endowing a new Church, or in certain other Persons, § 7.
9. Commissioners may accept, for the Purpose of an Endowment and a Repair Fund, Lands, &c., and Money, § 8.
10. In whom Right of Patronage may be invested, § 9.
11. Appointment of Trustees, § 10.
12. Certain Information to be sent by the Commissioners to Patron and Incumbent before they declare Right of Patronage, § 11.
13. How Notices shall be sent when Patrons are numerous, § 12.
14. Instrument declaring Right of Nomination may be executed after Completion of new Church, and after Execution of such Instrument, and Consecration, Right may be exercised, § 13.
15. Sole Jurisdiction of Bishop to declare such Patronage, under Circumstances, to cease, § 14.
16. The existing Powers of the Commissioners as to Declaration of the Patronage of a new Church built and endowed under 1 & 2 *W.* 4. *c.* 38. or 1 & 2 *Vict. c.* 107. not to be affected, except so far as they are altered or enlarged by this Act, § 15.
17. Certain Powers of Church Building Acts to apply to newly constituted Parishes, § 16.
18. Supplemental Order in Council for Performance of Baptisms, Churchings, and Burials, § 17.
19. Commissioners, with Consent of Bishop, may order the Fees, &c. for Marriages in any new Church built and endowed under the 1 & 2 *W.* 4. *c.* 38. or this Act to belong, after next Avoidance of Parish Church or District, to the Incumbent of such new Church, § 18.
20. Provisions of 8 & 9 *Vict. c.* 70., as to forming a Consolidated Chapelry out of a Parish, &c., to extend to Formation of such Chapelries, &c., § 19.
21. If the major Part in Number of the Patrons of such Parishes, &c. agree, the Chapelry may be formed and the Patronage vested according to such Agreement, and the same shall be valid, § 20.
22. Church Building Acts, as to the Formation of a Parish or District, to apply to a Parish regulated by a Local Act, on Application to the Church Building Commissioners by Patron, Incumbent, and Vestry, § 21.
23. Saving of the *Manchester* Division Act, 1850, § 22.
24. Abolition of Select Vestries formed under the Church Building Acts, § 23.
25. Provisions of 6 & 7 *Vict. c.* 37. *s.* 22. to apply to an Ecclesiastical Corporation, aggregate or sole, with certain Consents, § 24.
26. The Validity of Marriages performed in Error, and without Fraud, in certain Churches with Parishes or Districts assigned to them, not to be questioned, except where any Action pending on 19th *June* 1851, § 25.
27. To whom the Nomination to the Church of a distinct and separate Parish, District Parish, or District Chapelry, formed out of an Extra-parochial Place, shall belong, § 26.
28. Apportionment or Release of Quit Rents, &c., § 27.
29. Freehold of Chapel Lodge, &c. erected under the Provisions of 9 & 10 *Vict. c.* 68. shall vest in the Bishop of the Diocese, § 28.
30. Interpretation of Terms, § 29.
31. Extent of this Act, § 30.

Coal.

1. To amend the Acts relating to the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to allow a Drawback on Coals conveyed beyond certain Limits, 14 & 15 *Vict. c.* cxlvi.

Coal Mines Inspecting.

1. For Inspection of Coal Mines in *Great Britain*, 13 & 14 *Vict. c.* 100.
2. Secretary of State may appoint Inspectors of Mines, § 1.
3. Powers and Duties of Inspectors, § 2.
4. Owner to produce Map or Plan of Mine to Inspector. Inspector may require Map, &c. to be made, § 3.
5. No Land Agent or Manager, &c. of Coal Mine to act as Inspector, § 4.
6. Notice of Accidents in Mines to be given to Secretary of State, § 5.
7. Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines, § 6.
8. Penalty for obstructing Inspectors, § 7.
9. Penalties how recoverable, § 8.
10. Interpretation of Terms, § 9.
11. Act not to extend to *Ireland*, § 10.
12. Act may be amended, &c., § 11.
13. Continuance of this Act, § 12.

Coalwhippers.

1. To continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of *London*, 14 & 15 *Vict. c.* 78.
2. Board of Trade may appoint Three Commissioners, and may remove them, and fill up Vacancies, § 1.
3. The Corporation of *London* and the Chairman of the Coal Factors Society may each appoint One Commissioner, and may remove him, and supply Vacancies, § 2.
4. Style of Commissioners, § 3.
5. Commissioners appointed under 9 & 10 *Vict. c.* 36. to remain in Office until removed, § 4.
6. Existing Contracts to remain in force, § 5.
7. Meetings of Commissioners; Quorum, § 6.
8. Chairman to be appointed every Year; presiding Chairman to have a Casting Vote, § 7.
9. Powers of Commissioners vested in the Board, § 8.
10. Proceedings of Board to be entered in a Book, § 9.
11. Commissioners to sue and be sued in the Name of the Registrar, § 10.
12. Commissioners to keep a Register, and appoint a Registrar, § 11.
13. Registrar to enter Names, &c. of Coalwhippers; and to deliver Certificate, and to renew the same, and to keep the Register according to the Act. Where a Person has been duly registered, he need not be again registered, § 12.
14. Register to be Evidence. Entry and Certificate not subject to Stamp Duty. Penalty on Persons making Misrepresentations, § 13.
15. No Person to follow the Employment of a Coalwhipper unless he be registered, and have a Certificate. Exception in the Favour of the Crews of Ships, and of the actual Servants or Labourers of the Owner of the Vessel or Purchaser of the Coals and of Dock Companies, § 14.
16. Corporation of *London* may hire Lands and Buildings for Offices and Stations, and remove the same at Request of the Commissioners, § 15.
17. Commissioners to provide Tackle for the Use of Vessels discharging Cargoes. Penalty on other Persons letting out Tackle or other Implements. Nothing to prevent Owners, &c. from using their own Tackle, § 16.
18. Commissioners to appoint Officers, and award such Salaries as Board of Trade shall approve of, § 17.
19. Where Cargo to be discharged by Coalwhippers, Shipmaster to apply to the Coalwhippers Office, § 18.
20. Duties of Clerks, &c. as to the Employment of Coalwhippers in unloading Vessels, § 19.
21. Clerk to send a proper Gang with Tackle to the Vessel to be unladen, § 20.
22. Penalty on Master not permitting Vessels to be discharged, § 21.
23. Penalty on Shipmaster employing non-registered Persons as Coalwhippers. Shipmaster may employ Crews of Colliers to discharge the Coals by the Process of whipping. Shipmaster may employ non-registered Coalwhippers in certain Cases. Proviso, § 22.
24. After Discharge of Cargo, Shipmaster to pay Wages to Person authorized from Coalwhippers Office to receive the same. So much of 1 & 2 *Vict. c.* 101. as relates to the Payment of Wages repealed, § 23.
25. Recovery of Wages, &c., § 24.
26. Person authorized by Commissioners shall pay the Coalwhippers the Wages due to them, after making the requisite Deductions. Penalty, § 25.
27. Application of Fractions, § 26.
28. Commissioners to make Byelaws for the Government of the Coalwhippers and Management of the Offices. Proposed Byelaws to be submitted to the Board of Trade. Publication of Byelaws as sanctioned by the Board of Trade, § 27.
29. Board of Trade to notify Sanction, Disapproval, or Amendment within Four Weeks, § 28.
30. Time when Byelaws to come in force, § 29.
31. Penalty on Commissioners being interested in any Contract, § 30.
32. Recovery and Application of Fines and Penalties not exceeding 25*l.* If Penalties not paid, the same may be levied by Distress. If Distress not sufficient, Offender may be committed, § 31.
33. Justices may proceed by Summons in the Recovery of Penalties, § 32.
34. Power to the Justice to give Part of Penalties to Informers, § 33.
35. Power to Justice to order Expenses of Witnesses, &c. to be paid, § 34.
36. Persons convicted may appeal to the Quarter Sessions, upon giving Security, § 35.
37. Justices may summon Witnesses. Penalty on Persons refusing to attend when summoned, § 36.
38. Persons giving false Evidence liable to Punishment for Perjury, § 37.
39. Penalties above 25*l.* may be recovered by Action in any Court having competent Jurisdiction, § 38.
40. Distress not to be unlawful for Want of Form, nor the Parties to be deemed Trespassers *ab initio*, § 39..
41. Forms of Summons and Conviction, § 40.
42. Plaintiff not to recover after Tender of Amends, § 41.
43. Limitation of Actions, § 42.
44. Pecuniary Forfeitures to go to the Fraction Fund, § 43.
45. Monies received under the Act to be paid into the Chamber of the City, and to constitute a Fund. Appropriation of the Fund, § 44.
46. Account to be kept, and Statement laid before Parliament yearly, § 45.
47. Limits of the Port of *London*, § 46.
48. For staying certain Actions, § 47.
49. Construction of Terms, § 48.
50. Short Title of Act, § 49.
51. Commencement of Act, §.50.

Commissioners of Woods and Forests, See Woods, Forests, &c.

Common Lodging Houses, See Lodging Houses.

Compound Householders.

1. To amend the Law for the Registration of certain Persons commonly known as "Compound Householders," and to facilitate the Exercise by such Persons of their Right to vote in the Election of Borough Members to serve in Parliament, 14 & 15 *Vict. c.* 14.
2. Persons having once claimed to be rated in respect of Premises, and paying or tendering, on or before 20th *July*, the Rates due 5th *January* preceding, not required to renew such Claim, § 1.
3. The Liability of the Claimant to Rates to continue so long as he occupies the Premises and remains on the Register, § 2.
4. Compositions with Landlord to determine Amount of Rate to which Tenant is liable, § 3.

Constables, See Parish Constables.

Convict Prisons.

1. For the better Government of Convict Prisons, 13 & 14 *Vict. c.* 39.
2. Power to Secretary of State to appoint Directors of *Parkhurst*, *Pentonville*, and *Millbank* Prisons, and of all Places for Confinement of Male Offenders in *England* under Sentence of Transportation, § 1.
3. Directors incorporated by the Name of "The Directors of Convict Prisons," § 2.
4. After Appointment of Directors Powers of present Visitors, &c. to cease, § 3.
5. Provisions of the *Pentonville* Prison Act as to Introduction of Spirits, Tobacco, &c. extended to all Prisons, &c. mentioned in this Act, § 4.

Copyhold and Inclosure Commissions.

1. To consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts, 14 & 15 *Vict. c.* 53.
2. So much of 4 & 5 *Vict. c.* 35. as authorizes the Appointment of Commissioners, &c. continued for Two Years. Salary of a Commissioner not to exceed 1,500*l.*, § 1.
3. Commissioners to come in the Place of Copyhold and Inclosure Commissioners, and to complete Proceedings under Tithe Acts, and to exercise all other Powers now vested in Copyhold, &c. Commissioners, § 2.
4. As to Continuance of Secretary and Officers, § 3.
5. Appointments and Powers of Assistant Commissioners continued, § 4.
6. Appointments under this Act limited to Two Years, § 5.
7. Provisions applicable to Copyhold, &c. Commissioners applicable to this Act, § 6.
8. Powers of Assistant Commissioners appointed by Tithe, Copyhold, or Inclosure Commissioners vested in Assistant Commissioners appointed or continued under this Act, § 7.
9. Matters commenced by Tithe Commissioners, &c. to be completed by Commissioners under this Act, § 8.
10. Extending Powers of third-recited Act to authorizing Reservation of Easements for working Mines, § 9.

Copyright of Designs.

1. To extend and amend the Acts relating to the Copyright of Designs, 13 & 14 *Vict. c.* 104.
2. Certain Designs may be registered provisionally for One Year, § 1.
3. Benefits conferred by provisional Registration, § 2.
4. The Exhibition of provisionally registered Design in certain Places not to defeat Copyright, &c., § 3.
5. Sale of Articles to which provisionally registered Design, &c. have been applied to defeat Copyright, but Design itself may be sold, § 4.
6. Extension of Period of provisional Registration by Board of Trade, § 5.
7. Registration of Sculpture, Models, &c., § 6.
8. Benefits conferred by Registration of Sculpture, &c., § 7.
9. Designs for ornamenting Ivory, &c. may be registered under Designs Act, 1842, for Three Years, § 8.
10. Board of Trade may extend Copyright in ornamental Designs, § 9.
11. Regulations for the Registration of Designs may be made by Board of Trade, § 10.
12. Registrar of Designs may dispense with Drawings, &c. in certain Cases, § 11.
13. Public Books and Documents in the Designs Office not to be removed without Judge's Order, § 12.
14. Judges may order Copies of Documents to be furnished to be given in Evidence, § 13.
15. Copies of Documents delivered by the Registrar to be sealed, and to be Evidence, § 14.
16. Certain Provisions of Designs Acts; 1842 and 1843, extended to this Act, § 15.
17. Interpretation of Terms, § 16.

County Courts.

1. To extend the Act for the more easy Recovery of Small Debts and Demands in *England*, and to amend the same, 13 & 14 *Vict. c.* 61.
2. Extension of Jurisdiction, § 1.
3. This Act to be construed with 9 & 10 *Vict. c.* 95. and 12 & 13 *Vict. c.* 101.—§ 2.
4. Deputy Judge not to practise in District whilst he acts as Deputy. Clerks, &c. to reside in District, § 3.
5. Power to remove Clerks, High Bailiffs, or Assistant Clerks, § 4.
6. Fees to be taken according to Schedule. Power to Secretary of State, with Consent of the Treasury, to alter Fees, § 5.
7. Fees to be taken by Barristers and Attornies, § 6.
8. Power of paying Judges, Clerks, and High Bailiffs by Salary instead of Fees given to the Lords of the Treasury and the Secretary of State, § 7.
9. Confession of Debts or Parts of Debts, &c., and Judgment thereupon, § 8.
10. Agreement as to the Amount of Debt, &c., and Conditions of Payment, § 9.
11. If Plaintiff or his Attorney do not appear on Day of Hearing, Costs may be awarded to Defendant for his Trouble and Attendance, § 10.
12. Plaintiffs recovering in the Superior Courts Sums not exceeding 20*l.* in Actions of Contract, or 5*l.* in Actions of Tort, over which the County Court has Jurisdiction, to have no Costs, § 11.
13. Judge at the Trial may certify, to entitle the Plaintiff to Costs, § 12.
14. If the Court, or a Judge at Chambers, make an Order, the Plaintiff to have Costs, § 13.
15. Parties aggrieved may appeal, § 14.
16. Appeal to be in the Form of a Case agreed on by both Parties, but if they cannot agree, Judge to settle and sign it, § 15.
17. No Certiorari, &c. to be allowed, § 16.
18. In certain Cases, on Agreement of the Parties, Court shall have Power to try Causes although the Matters be beyond its Jurisdiction, § 17.
19. No second Suit in Second Court for the same Cause. Treble Costs, § 18.
20. No Action to be brought against Bailiff, &c. acting under Order of the Court without Notice; and Clerk of the Court to be made Defendant in the Suit, § 19.
21. So much of 9 & 10 *Vict. c.* 95. as requires a Landlord, where Rent is in arrear for Premises wherein Goods have been taken in Execution, to state in Writing the Terms of Holding, &c., repealed. To entitle Landlord to Benefit under recited Act it shall be sufficient to state the Amount of Rent claimed, &c., § 20.
22. Enactments of recited Act as altered by this Act as to certain Claims of Landlords to extend to Goods taken in Execution, § 21.

23. Judges may hear Applications for Writs of Prohibition either in Term or in Vacation, § 22.
24. Before whom Affidavits may be sworn, § 23.
25. Town Halls, &c. to be used free of Rentcharge for Sittings of County Court, § 24.

Court of Chancery.

1. To diminish the Delay and Expense of Proceedings in the High Court of Chancery in *England*, 13 & 14 *Vict. c.* 35.
2. Power to Persons interested in Questions cognizable in Court of Chancery to state Special Cases for the Opinion of the Court, § 1.
3. How Lunatic may concur, § 2.
4. How married Women may concur, § 3.
5. How Infants may concur, § 4.
6. How special Guardian to be appointed for a Lunatic not found such by Commission, and for Infant, § 5.
7. Order to appoint special Guardian of an Infant may be discharged by Court if made without Notice, § 6.
8. How such special Cases to be entitled, § 7.
9. Form of special Case, § 8.
10. Special Case to state how Guardian constituted, and the Concurrence of married Women, § 9.
11. Special Cases to be signed by Counsel, and filed, and Appearances to be entered by Defendants, § 10.
12. After a Special Case filed, Parties to be bound by Statements after Defendants have appeared, except married Women, Infants, and Lunatics, who are not to be bound till Leave given by Court to set it down, § 11.
13. How Case to be set down for hearing, § 12.
14. When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down, § 13.
15. Upon hearing, Court to determine Question, and make Declaration. Proviso that a Case may be sent to a Common Law Court. Proviso that the Court of Chancery may refuse to decide, § 14.
16. Production to be afforded to Trustees by Declaration, § 15.
17. The Court may suspend the acting upon Declaration, § 16.
18. Special Case to be a Lis pendens, and may be registered, § 17.
19. Mode of identifying Documents, and Court may order Production, § 18.
20. Court, on Application of Executors or Administrators, may by Order of course direct it to be referred to a Master to take an Account of Debts and Liabilities, § 19.
21. Master's Report may be objected to by Motion to the Court, of which Notice shall be given, § 20.
22. Proceeding of the Court on such Motion, § 21.
23. If Debts or certain Liabilities allowed, and not paid or provided for, Order may be made for Payment or Accounts, § 22.
24. Court, on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability, § 23.
25. Court may restrain Proceedings against Executors and Administrators, § 24.
26. Protection to be afforded to Executors and Administrators, § 25.
27. Notwithstanding Provisions of 3 & 4 *W.* 4. *c.* 94., Judges of the Court may hear and determine Applications mentioned in Act, if they think fit, § 26.
28. Exceptions for Scandal, Impertinence, and Insufficiency to be heard by the Court, § 27.
29. Power for Court, notwithstanding any Rule, &c. to the contrary, to receive Proof by Affidavit, § 28.
30. Certain Provisions of 53 *G.* 3. *c.* 24. and 5 *Vict. c.* 5. repealed in part, § 29.
31. Power to Lord Chancellor, &c. to make General Rules and Orders from Time to Time, § 30.
32. Rules and Orders to be laid before Parliament, and to be binding from Time to Time appointed, or from making, unless objected to by Vote of either House of Parliament. Rules and Orders not laid before Parliament within Time limited to be void, § 31.
33. Until Rules or Orders are made, and if not applicable when made, Practice to be according to this Act and Practice of the Court, § 32.
34. Decrees and Orders to be subject to Appeal, &c., § 33.
35. Interpretation of Terms, § 34.
36. Commencement of Act, § 35.

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37. To improve the Administration of Justice in the Court of Chancery and in the Judicial Committee of the Privy Council, 14 & 15 *Vict. c.* 83.
38. Power to Her Majesty to appoint Two Persons to be Judges of the Court of Appeal in Chancery, § 1.
39. Power to appoint Secretary, Usher, and Trainbearer for each Judge, § 2.
40. Precedence of Judges of Court of Appeal, § 3.
41. Judges of Court of Appeal to take the following Oath, § 4.
42. Court of Appeal to have the Jurisdiction now exercised by the Lord Chancellor, § 5.
43. Statutory Jurisdiction now exercised by the Lord Chancellor as a Judge in Chancery may be exercised by the Court of Appeal, § 6.
44. Jurisdiction of Vice-Chancellor in Bankruptcy transferred to the Court of Appeal, § 7.
45. Common Law Judges may sit on Request of Lord Chancellor, § 8.
46. Decision of Majority to be binding; if Court equally divided the Decree, &c. appealed from to be affirmed, § 9.
47. Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords, § 10.
48. One Judge appointed under this Act sitting with the Lord Chancellor, or both Judges sitting apart from him, to form the Court of Appeal. Lord Chancellor sitting alone to have co-ordinate Jurisdiction with the Court of Appeal, § 11.
49. Lord Chancellor to regulate Sittings and Business of Court of Appeal, § 12.
50. Saving the Ministerial and certain other Powers of the Lord Chancellor, § 13.
51. One of the Judges of the Court of Appeal may sit for Master of the Rolls or Vice-Chancellor during his temporary Absence, § 14.
52. Judges of Court of Appeal, if Privy Councillors, to be of the Judicial Committee, § 15.
53. No Matter to be heard, &c. by Judicial Committee unless Three Members are present, exclusive of Lord President, § 16.
54. Provision as to Lord Chancellor's Salary, 2 & 3 *W.* 4. *c.* 122.—§ 17.
55. Salary of the Master of the Rolls reduced to 6,000*l.*, 7 *W.* 4. and 1 *Vict. c.* 46.—§ 18.
56. Salary of 6,000*l.* to be paid to each of the Judges of the Court of Appeal appointed under this Act out of the Interest and Dividends arising from Suitors Fund, §19.
57. Power to Her Majesty to grant an Annuity to each of such Judges on his Resignation, § 20.

58. Lord

58. Lord Chancellor empowered, if he think it necessary, to appoint an additional Registrar, § 21.
59. Salary of such Registrar to be paid out of Suitors Fund, § 22.
60. Additional Salary to the Eleventh Clerk to the Registrars, § 23.
61. Interpretation of Term "Lord Chancellor," § 24.

See *Vice-Chancellor.*

Court of Chancery of Lancaster.

1. To amend the Practice and Proceedings of the Court of Chancery of the County Palatine of *Lancaster*, 13 & 14 *Vict. c.* 43.
2. Power to the Chancellor, with the Advice and Consent of the Vice-Chancellor of the Duchy of *Lancaster*, and One of the Vice-Chancellors of the High Court of Chancery, to make Alterations in Forms and Mode of Proceedings, § 1.
3. Power to adopt and modify any Rules and Orders made or to be made by the High Court of Chancery, § 2.
4. Not to abridge Power of the Chancellor and Vice-Chancellor to alter the Practice of the Court, except so far as may be inconsistent with the Provisions of this Act, § 3.
5. Power to the Chancellor of the Duchy to regulate Fees, § 4.
6. A List of Fees authorized to be taken to be hung up in Registrar's Office; and Officers of the Court taking Fees not authorized to be deemed guilty of a Contempt of Court, § 5.
7. Registrars to hear and determine certain interlocutory Matters, § 6.
8. Subject to Appeal to the Vice-Chancellor, § 7.
9. Costs on interlocutory Matters, § 8.
10. Power to Registrar to assign Guardians to infant Defendants or Persons of unsound Mind, § 9.
11. Special Cases may be submitted to the Court for its Opinion, § 10.
12. Court may exercise summary Jurisdiction, so far as regards Persons, &c. within the same, as exercised by High Court of Chancery, § 11.
13. Money paid into Court under 8 & 9 *Vict. c.* 18. for Lands within the County Palatine, and under 10 & 11 *Vict. c.* 96., may be paid into the Bank of England, to the joint Account of the Clerk and Registrar, § 12.
14. Power to the Vice-Chancellor, when out of the Limits of the Jurisdiction of the Court, to hear and determine Pleas, Demurrers, and other interlocutory Matters. Orders made upon Hearing valid, § 13.
15. Power to the Vice-Chancellor, in certain Cases, to direct Process to be served upon Persons out of the Jurisdiction of the Court, § 14.
16. Where Decree or Order cannot be enforced by reason of the Party to be bound thereby not being within the Jurisdiction, it shall be enforced by making it an Order of the High Court of Chancery, § 15.
17. No Petition of Appeal to be presented but within Six Months after Date of Decree or Order appealed from, § 16.
18. Service of Subpœna on Witnesses out of Jurisdiction to be valid to compel Attendance; and the Courts of Queen's Bench in *England* and *Ireland* and the Court of Justiciary in *Scotland* may proceed against and punish Persons making default, § 17.
19. Persons not liable to Action for not attending, unless Expenses be tendered on serving Subpœna, § 18.
20. Affidavits sworn before Commissioners or Masters Extraordinary by Persons out of Jurisdiction to be effectual, and Persons forswearing themselves to be guilty of Perjury, § 19.
21. Power to Chancellor of the Duchy to appoint a Messenger of the Court, § 20.
22. Keeper of Lancaster Castle to receive Persons arrested and conveyed thither by Messenger, and to produce and deal with them as Court shall direct, § 21.
23. After Appointment of Messenger, Duties of Messenger of Duchy to cease within its Limits, § 22.
24. Jurisdiction of County Palatine Court over Persons of unsound Mind abolished, except as to Cases of Persons found insane before the Commencement of this Act, § 23.
25. Certain Provisions of 1 & 2 *Vict. c.* 110. as to Decrees and Orders in Equity to apply to County Palatine Court. No Decree or Order of Court to affect any Lands, &c., until the Particulars shall have been left with the Prothonotary, and entered in a Book. Fees payable for such Entry, § 24.
26. Power for Chancellor of Duchy to abolish Office of Clerk in Court, and admit all Attornies and Solicitors to practise in the Court of Chancery of the County Palatine, § 25.
27. Power to grant Compensation to Clerks in Court for Losses occasioned by Abolition of Office, § 26.
28. Admission Fee to be paid by Solicitors desirous of practising in Court of Chancery of the County Palatine. Application of Fees, § 27.
29. Payment of Compensation out of Fee Fund, or, in case of Deficiency, out of Revenues of the Duchy, to be repaid out of Fee Fund, § 28.
30. Power to the Chancellor of the Duchy to direct that the Registrar be paid by Salary, § 29.
31. Registrar to make out an Account of all Fees received by him, and have the same audited by the Vice-Chancellor, § 30.
32. Duplicate of Account to be transmitted to Auditor of Duchy, § 31.
33. Registrar to pay Fees to Account of Duchy Fee Fund, and to give Security to account for all Fees and Suitors Money received by him, § 32.
34. Power for Chancellor to appoint District or Deputy Registrars, § 33.
35. Registrars not to practise as Solicitors in the Court, § 34.
36. Court to have Jurisdiction as to Costs, but Orders to be subject to Appeal, § 35.
37. Interpretation of Terms, § 36.
38. Commencement of Act, § 37.

Court of Common Pleas.

1. To regulate the Receipt and Amount of Fees receivable by certain Officers in the Court of Common Pleas, 13 & 14 *Vict. c.* 75.
2. Officers to render an Account to the Treasury, § 1.
3. On future Vacancy Fees may be reduced, § 2.
4. Notice to be given to the Treasury of any new Appointment, § 3.
5. Disbursements not to be increased without Consent of Treasury, § 4.

Criminal Justice, See Administration of Criminal Justice.

Crown Estate, Paving.

1. For transferring the Duties of paving, lighting, watering, and cleansing Parts of the Crown Estate in the District of the *Regent's Park* and certain Streets and Places in *Westminster* from the Commissioners acting under several Acts of Their late Majesties King *George* the Fourth and King *William* the Fourth to the Parishes; and for transferring the Jurisdiction of the said Commissioners over certain other Places in *Westminster* to the Commissioners of Her Majesty's Works and Public Buildings; and for other Purposes, 14 & 15 *Vict. c.* 95.
2. Expedient to transfer the Powers of paving, &c. *Regent Street* to the Parishes. Of the Streets in Neighbourhood of Houses of Parliament to the Commissioners of Works, &c. Appointment of Commissioners, § 1.
3. Meetings of Commissioners, § 2.
4. Power to appoint additional Commissioners, § 3.
5. Commissioners to have all the Powers and Property, and to be liable to all the Debts and Engagements of old Commissioners, § 4.
6. Short Title of Act, § 5.
7. Jurisdiction of Commissioners and of Parishes, and of Commissioners of Woods, &c., defined by Plans, § 6.
8. Power of Commissioners acting under 5 *G.* 4. *c.* 100. to cease, § 7.
9. Defining the Jurisdiction of the Commissioners of the *Southampton* Paving Trust, § 8.
10. Property of Pavements, Lamps, and Lamp Irons in District transferred to *Southampton* Paving Trust to belong to that Trust, § 9.
11. *Southampton* Paving Trust to pay 2,435*l.* in part Discharge of existing Debt of 14,000*l.*, § 10.
12. Jurisdiction of the Vestry of *Saint Marylebone*, § 11.
13. *Saint Marylebone* to pay 82*l.* in part Discharge of existing Debt of 14,000*l.*, § 12.
14. Powers of Commissioners acting under 5 *G.* 4. *c.* 100. to cease as to Pavements, &c. in Plans B., C., & E., § 13.
15. Jurisdiction of Commissioners for paving *Saint James's Westminster*, of Committee for paving *Saint Martin in the Fields*, and of Commissioners for paving *Saint Margaret* and *Saint John Westminster*, § 14.
16. Property of subsisting Pavements, &c. in *Saint James's Westminster* to belong to that Parish, § 15.
17. Pavements, &c. in *Saint Martin's in the Fields* to belong to that Parish, § 16.
18. Pavements, &c. in *Saint Margaret* and *Saint John Westminster* to belong to those Parishes, § 17.
19. *Saint James's* Parish to pay 3,300*l.* towards Discharge of existing Debt of Commissioners acting under 5 *G.* 4. *c.* 100., *Saint Martin's in the Fields* to pay 2,443*l.*, and *Saint Margaret* and *Saint John Westminster* to pay 1,549*l.*, § 18.
20. Vestrymen may make and levy Rates to pay proportionate Contributions, § 19.
21. Special Rate not to be levied upon Houses, &c. fronting Footpaths of *Cockspur Street* and *Charing Cross Street*, § 20.
22. Vestrymen may borrow Money on Credit of the Rates, § 21.
23. Local Authorities of the Parish of *St. James's Westminster* to levy an extra Rate, to be called "The *Regent Street* Rate," § 22.
24. Present Breadth of Foot Pavements to remain, § 23.
25. Lamps and Lamp Posts to remain of the same Designs, § 24.
26. Powers of Commissioners acting under 5 *G.* 4. *c.* 100. for paving, &c. the immediate Approaches to the Houses of Parliament vested in Commissioners of Works, &c., § 25.
27. Property of Pavements, &c. vested in Commissioners of Works, &c., § 26.
28. Commissioners of Works to pay 836*l.* in part of existing Debt, § 27.
29. Repeal of Sect. 23. 9 *G.* 4. *c.* 64. and Sect. 6. 2 *W* 4. *c.* 56.,—§ 28.
30. Jurisdiction of Commissioners executing the recited Acts to remain over so much of the Crown Estate as will continue under their Jurisdiction, § 29.
31. Power to Commissioners to colour the outside Stucco and Stone Work of Houses and Buildings by Oil Painting, § 30.
32. The general Powers of the Vestries and Parochial Committees extended to the Carriage and Foot Ways transferred to them by this Act, § 31.
33. Existing Contracts transferred to Parties having future Charge of Carriageways, &c., § 32.
34. Original Contracts to be apportioned, § 33.
35. Costs of the Act and Recovery of Contributions from the Commissioners of Works and Public Buildings and the Parishes respectively, § 34.
36. Exemption as regards Her Majesty the Queen and the Land Revenues of the Crown, § 35.
37. Act to take effect from 10th *October* 1851, § 36.

Customs.

1. To amend the Laws relating to the Customs, 13 & 14 *Vict. c.* 95.
2. Commencement of Act, § 1.
3. Rules, &c. of Commissioners of Customs declared valid, § 2.
4. Superannuation Allowances not assignable, § 3.
5. Account of free Goods to be delivered in Twenty-four Hours after Arrival, § 4.
6. Goods of *Guernsey, Jersey,* &c. Duty free. Exceptions, § 5.
7. Manufactured Goods deemed Produce of Place of Manufacture, § 6.
8. No Abatement of Duties on damaged Corn, &c. imported into United Kingdom, § 7.
9. Cigars, &c. may be imported into *Guernsey,* &c., in Packages of the same Weight as may be imported into the United Kingdom, § 8.
10. So much of 8 & 9 *Vict. c.* 86. and 9 & 10 *Vict. c.* 102. as alters Restrictions as to Importation of Tobacco repealed, § 9.
11. Tobacco from *Porto Rico, Trinidad,* &c. may be imported in Packages of 80 lbs., § 10.
12. Repeal of so much of 8 & 9 *Vict. c.* 86. as prohibits Reimportation of Tea for Home Use, § 11.
13. Repeal of so much of 3 & 4 *W.* 4. *c.* 101. as prohibits the Importation of Tea into the Channel Islands, &c., § 12.
14. Tobacco may be imported from *Manilla* in Bales of 300 lbs., § 13.
15. Acts recited in 9 & 10 *Vict. c.* 99. *s.* 1. to remain in force as regards *Scotland*, § 14.
16. Prohibition Importation of Extracts, &c. of Coffee, Chicory, Tea, or Tobacco, § 15.
17. Persons unshipping Tobacco Stalks, &c. to be dealt with as in case of Tobacco, § 16.
18. Justices may summon Witnesses, who if they refuse to appear or to give Evidence shall forfeit 50*l*, § 17.
19. Justices may issue Summonses from Time to Time on Informations laid within Six Months after Offence, § 18.
20. Penalties how recoverable. Penalties may be remitted, &c., § 19.

21. Foreign Name to be retained on Registry of Foreign Vessels as *British*. Penalty for making false Declaration, § 20.
22. Penalty on carrying Passengers contrary to Law of Navigation, § 21.
23. Penalties and Forfeitures under Navigation Act, how to be recovered in *British* Possessions abroad, § 22.
24. Certain Articles not to be chargeable with Duty, § 23.
25. Repeal of Export Duty on Coals imposed by 8 & 9 *Vict. c.* 90. Table B., § 24.
26. Certain Provisions of 8 & 9 *Vict. c.* 91. repealed, § 25.
27. Entries for Wood Goods restricted, § 26.

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28. To alter certain Duties of Customs, and to enable the Treasury to regulate the Mode of keeping the Account between the Receiver General of Customs and the Bank of *England*, 14 & 15 *Vict. c.* 62.
29. After the 15th *April* 1851 the Duties set forth in Table shall be levied instead of those previously paid, § 1.
30. Goods in Warehouse on 16th *April* 1851 to be subject only to the Duties hereby imposed, § 2.
31. Duties to be under the Management of the Commissioners of Customs, § 3.
32. Treasury may regulate the Mode of Account between Receiver General of Customs and the Bank of *England*, § 4.

D.

Distillers, See Sugar.

Drainage.

1. To authorize further Advances of Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts relating to such Advances, 13 & 14 *Vict. c.* 31.
2. Treasury may advance 2,000,000*l.* for Improvement of Landed Property in *Great Britain*, and 200,000*l.* for *Ireland*, § 1.
3. The Sums to be advanced for *Great Britain* to be applied to Loans under 9 & 10 *Vict. c.* 101. and the Acts amending the same, § 2.
4. The Money to be advanced for *Ireland* to be applied to Loans under 10 & 11 *Vict. c.* 32. and the amending Act, § 3.
5. Inclosure Commissioners may authorize Application of Advances to other Works than those mentioned in Provisional Certificate, § 4.
6. Loans to the same Owners in *Great Britain* restricted to 5,000*l.*, § 5.
7. Persons under Disabilities, § 6.
8. Act to be construed with 9 & 10 *Vict. c.* 101.,—§ 7.
9. Loans may be made for the Erection of Farm Buildings in *Ireland*, § 8.
10. Commissioners may fix a Time for Completion of Works, not exceeding Five Years from First Advance, § 9.
11. Loans to the same Owner in *Ireland* restricted to 5,000*l.*, § 10.
12. Treasury may advance 800,000*l.* for Drainage and Works of public Utility in *Ireland*, § 11.
13. Provisions of existing Acts extended to this Act, § 12.
14. Provisions of 9 & 10 *Vict. c.* 101. to apply to Exchequer Bills issued under this Act, § 13.

E.

East Indies.

1. For Marriages in *India*, 14 & 15 *Vict. c.* 40.
2. Marriage of Christians in India may be solemnized under this Act. Notice of intended Marriage to be given to the Marriage Registrar for the District, § 1.
3. Certificate of Notice to be issued on Request. Proviso, § 2.
4. Who to give Consent if Parties under Age, § 3.
5. Issue of Registrar's Certificate may be forbidden, § 4.
6. Supreme Court or Judge of the Zillah or District may relieve where Consent improperly withheld, § 5.
7. Oath or Declaration to be made before Issue of Certificate, § 6.
8. Protest against Issue of Certificate may be entered, § 7.
9. Appeal where Registrar refuses Certificate, § 8.
10. After Issue of Certificate, Marriage may be solemnized in Presence of Marriage Registrar and Two Witnesses, § 9.
11. When Marriage is not had within Three Months after Notice, a new Notice required, § 10.
12. Marriages to be registered, § 11.
13. Certificates of Marriages to be transmitted periodically to the Secretary of the Government, &c., § 12.
14. Proof of Residence of Parties or Consent not necessary to establish Marriage, § 13.
15. Registrar may ask certain Particulars of Parties, § 14.
16. Persons vexatiously entering Protest liable to Costs and Damages, § 15.
17. Punishment of Persons making false Oath or Declaration, § 16.
18. Limitation of Prosecution, § 17.
19. Government of each Presidency may appoint Marriage Registrars, &c. Governor General may appoint in certain Cases, § 18.
20. Government of each Presidency may appoint Fees to be taken under this Act, to be accounted for by Marriage Registrars, § 19.
21. Governor General in Council empowered to make Laws and Regulations for the Purposes of this Act, § 20.
22. Marriages may continue to be solemnized as heretofore. Power to Governor General in Council to make Laws for the Registration of Marriages not solemnized under this Act, § 21.
23. Certificates delivered to Registrar General under this Act, or under any Laws or Regulations made thereunder, to be subject to the Provisions of 6 & 7 *W.* 4. *c.* 86.,—§ 22.
24. Marriages under this Act valid, § 23.
25. Certain Marriages in *India* confirmed, § 24.
26. Interpretation of *India*, § 25.
27. Commencement of Act, § 26.
28. Publication of Act, § 27.

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29. To authorize the Removal from *India* of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in *India*, 14 & 15 *Vict. c.* 81.
30. Power to remove from *India* to the United Kingdom Persons of *European* Birth found guilty of Crimes and Offences, and acquitted on the Ground of Insanity, § 1.
31. Order of Government of *India* to be a sufficient Warrant and Authority for the Purpose of Removal, § 2.
32. Expenses of Removal to be defrayed by *East India* Company, and charged upon the Revenues of *India*, § 3.
33. The Amount of all Expenses incurred by the *East India* Company to be a Debt due from the Lunatic, and be secured by a Judgment in *England* and *Ireland*, and by Decree of Registration in *Scotland*, § 4.

34. Lunatics and Idiots may be removed from *India* by Orders of the Supreme Courts at the several Presidencies, § 5.
35. Transcript of all Inquisitions and Orders to be transmitted and entered of Record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom, § 6.
36. Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal, § 7.

Ecclesiastical Commission.

1. To amend the Acts relating to the Ecclesiastical Commissioners for *England*, 13 & 14 *Vict. c.* 94.
2. Appointment of Church Estates Commissioners, § 1.
3. Salaries to First Church Estates Commissioner and Commissioner appointed by Archbishop, § 2.
4. First Church Estates Commissioner may sit in the House of Commons, § 3.
5. Church Estates Commissioners to sign Declaration, § 4.
6. Treasurer and Secretary not to be the same Person. First Church Estates Commissioner and Commissioner appointed by Archbishop to be joint Treasurers, § 5.
7. Estates held in trust for the Ecclesiastical Commissioners to be vested in the First Church Estates Commissioner for the Time being, § 6.
8. As to Appointment of Estates Committee, § 7.
9. The Estates Committee to manage all Property of the Commissioners, § 8.
10. Chairman of Estates Committee, § 9.
11. Two Church Estates Commissioners to be present at Meetings of Ecclesiastical Commissioners, § 10.
12. Ecclesiastical Commissioners may make special References to Estates Committee or Commissioners, § 11.
13. Ecclesiastical Commissioners may make General Rules for the Direction of the Estates Committee, § 12.
14. So much of 6 & 7 *W.* 4. *c.* 77. as provides who shall be Chairman repealed, and other Regulations made, § 13.
15. As to the Audit of Accounts, § 14.
16. Episcopal Fund to be transferred to the Common Fund, § 15.
17. Certain Provisions of 5 & 6 *Vict. c.* 26. as to Deficiency of Incomes of Bishops repealed, § 16.
18. Fixed Incomes may be secured to Archbishops appointed after 1st *January* 1848, § 17.
19. As to Endowments of Deans of *Salisbury* and *Wells*, § 18.
20. Deans appointed after 10th of *April* 1850 not to hold any Benefice not situated within the City or Town, &c., § 19.
21. Commissioners may by Authority of 3 & 4 *Vict. c.* 113. and 4 & 5 *Vict. c.* 39. commute for any Prebend annexed to Dignity of Office, § 20.
22. Commuted Lands, &c. to be subject to similar Uses as Lands vested under former Acts, § 21.
23. Benefices annexed to Sees of *Gloucester* and *Bristol*, *Oxford* and *Peterborough*, to be severed from the Sees, § 22.
24. Owners of Impropriation Tithes may annex the same to the Parsonage or Vicarage, § 23.
25. Extension of the Powers of 6 & 7 *W.* 4. *c.* 77. *s.* 10. for abolishing peculiar or exempt Jurisdictions, § 24.
26. Construction of 3 & 4 *Vict. c.* 113. *s.* 56. as to the Transfer of Estates of newly endowed Archdeaconries to Commissioners, § 25.
27. Annual Report to be made of all Proceedings of the Commission to One of Her Majesty's Principal Secretaries of State, and to be laid before Parliament, § 26.

28. Powers of 7 & 8 *Vict. c.* 94. *s.* 9. relating to the Alteration of Boundaries of Districts, extended, § 27.
29. Powers, &c. of former Acts extended to this Act, § 28.

Ecclesiastical Jurisdiction.

1. For further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*, 13 & 14 *Vict. c.* 47.
2. Certain Provisions of 10 & 11 *Vict. c.* 98. further continued, § 1.

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3. For further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*, 14 & 15 *Vict. c.* 29.
4. Certain Provisions of 10 & 11 *Vict. c.* 90. further continued, § 1.

Ecclesiastical Titles Assumption.

1. To prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom, 14 & 15 *Vict. c.* 60.
2. Briefs, Rescripts, or Letters Apostolical declared unlawful and void, § 1.
3. Persons procuring, publishing, or putting in use any such Brief, &c. for constituting Archbishops, Bishops, &c. of pretended Provinces, Sees, or Dioceses, liable to a Penalty of 100*l.* for every Offence. Recovery of Penalties, § 2.
4. Act not to extend to Bishops of the Protestant Episcopal Church in *Scotland*, § 3.
5. Nothing to affect Provisions of 7 & 8 *Vict. c.* 97.,—§ 4.

Episcopal and Capitular Estates.

1. To facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*, 14 & 15 *Vict. c.* 104.
2. Power of Ecclesiastical Corporations, with Approval of Church Estate Commissioners, to sell, enfranchise, or exchange Church Lands, or to purchase the Interests of their Lessees, § 1.
3. Provision for Apportionment of Rent on Surrender of Part of Lands comprised in any Lease, § 2.
4. The Interests acquired by Lessees to be subject to the Equities and bound by the Covenants of Renewals to which their Leases may be subject, § 3.
5. Leaseholders Interest not to be purchased without Consent of Sub-lessees who have Covenants of Renewals, § 4.
6. Confirmation of Conveyances by Church Estates Commissioners sufficient, § 5.
7. Monies to arise from Sale, Exchange, or Enfranchisement to be laid out as herein-before authorized, or in the Purchase of other Lands, § 6.
8. Monies subject to Purchase of Lands for Use of Ecclesiastical Corporation may be applied in purchasing Interests of Lessees, &c., § 7.
9. Provision in case of Increase or Deficiency of Income in consequence of Sales, &c., § 8.
10. How Leases of Lands acquired by any Ecclesiastical Corporation under this Act may be made, § 9.
11. General Report of Proceedings of Church Estates Commissioners to be sent annually to Secretary of State, § 10.
12. Interpretation: "Ecclesiastical Corporation:" "Lease:" "Lands:" "Lessee:" § 11.
13. Duration of Act, § 12.

Evidence, See Law of Evidence.

Expenses of Prosecutions, &c.

1. To amend the Law relating to the Expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain Cases, 14 & 15 *Vict. c.* 55.
2. So much of 7 *G.* 4. *c.* 64. § 23. as to Expenses of Attendance before examining Magistrate, &c. repealed, § 1.
3. Power of Courts to allow Expenses in Prosecutions for certain Misdemeanors extended to other Misdemeanors, § 2.
4. Parties bound by Recognizance to prosecute or give Evidence on Bills of Indictment for common Assaults to be allowed Costs as in Cases of Felony, § 3.
5. So much of 7 *G.* 4. *c.* 64. as empowers Quarter Sessions to make Regulations as to Costs and Expenses, repealed, § 4.
6. Secretary of State may make Regulations as to Costs, Expenses, and Compensations, and Certificates to be granted by examining Magistrates, § 5.
7. Expenses and Compensations to be ascertained according to such Regulation, and Magistrates Certificate not to be conclusive, § 6.
8. Act not to interfere with Payments in respect of extraordinary Courage, Diligence, and Exertions, § 7.
9. Powers given to Judges by 7 *G.* 4. *c.* 64. to order Payments in respect of the Apprehension of certain Offenders extended to Courts of Sessions of the Peace, § 8.
10. Clerks of the Peace, &c. may be paid by Salaries in lieu of Fees, § 9.
11. Certain Business may be excepted in fixing the Salaries, § 10.
12. Clerks paid by Salaries to account for Fees, § 11.
13. Fees may be remitted by Justices, § 12.
14. So much of 4 & 5 *W.* 4. *c.* 36. as restrains Justices of *London*, &c. from trying certain Offences, &c. repealed. Such Repeal not to give Power to try Offences restrained from being tried under 5 & 6 *Vict. c.* 38.—§ 13.
15. Deputy to Assistant Judge of the *Middlesex* Session need not be in the Commission of the Peace, § 14.
16. As to Powers of Court of Quarter or General Sessions for *Middlesex* for dividing such Sessions. When Power exercised the Assistant Judge to appoint a Deputy to preside as Chairman with the Justices appointed to sit apart, § 15.
17. Presence of One of the Justices so set apart not essential to Formation of Court, § 16.
18. So much of 9 *G.* 4. *c.* 43. and 6 & 7 *W.* 4. *c.* 12. as exempts Middlesex repealed, § 17.
19. By whom Warrants to be backed in the Channel Islands, § 18.
20. In certain Counties of Cities and Towns Prisoners may be committed, and tried at Assizes held for adjoining County, § 19.
21. Justices to declare when Gaols or Houses of Correction are fit Prisons for Persons committed for Trial, § 20.
22. Prisoners so committed to be removed to County Gaol previous to Trial, § 21.
23. Prisoners while under Removal to be deemed in proper legal Custody, § 22.
24. The Provisions of 38 *G.* 3. *c.* 52. and 51 *G.* 3. *c.* 100. as to Execution of Sentences, and as to Costs, extended to this Act, § 23.
25. What to be deemed the next adjoining County, § 24.
26. Extent of Act, § 25.

F.

Factories, See Labour in Factories.

Fairs and Markets.

1. To repeal an Exception in an Act of the Twenty-seventh Year of King *Henry* the Sixth concerning the Days whereon Fairs and Markets ought not be kept, 13 & 14 *Vict. c.* 23.
2. Exception of the Four *Sundays* in Harvest repealed, § 1.

Fees, See Court of Common Pleas.

Fisheries.

1. To repeal Part of an Act of the Fifteenth Year of King *George* the Third, for the Encouragement of the Fisheries carried on from *Great Britain*, *Ireland*, and the *British* Dominions in *Europe*, and for securing the Return of the Fishermen, Sailors, and others employed in the said Fisheries to the Ports thereof at the End of the Fishing Season, 13 & 14 *Vict. c.* 80.
2. Recited Enactment of 15 *G.* 3. *c.* 31. repealed from the Time this Act is proclaimed in *Newfoundland*, § 1.

Freemen, See Burgesses and Freemen.

Friendly Societies.

1. To consolidate and amend the Laws relating to Friendly Societies, 13 & 14 *Vict. c.* 115.
2. 10 *G.* 4. *c.* 56., 2 & 3 *W.* 4. *c.* 37., 4 & 5 *W.* 4. *c.* 40., 3 & 4 *Vict. c.* 73., 9 & 10 *Vict. c.* 27. repealed, § 1.
3. Objects for which Friendly Societies may be established. Act limited to Societies not assuring above 100*l.*, or Annuity of 30*l.*, or Allowance of 20*s.* per Week in Sickness, § 2.
4. No Sum to be paid on the Death of a Child except for Funeral. Certificate of Surgeon or Coroner required before Money is paid on Death of a Member, § 3.
5. Power to repeal or alter Rules, and appoint Committee and Officers, § 4.
6. Separate Accounts to be kept of Money paid and received from each particular Fund or Benefit, § 5.
7. Society or Branch not legally established till Rules certified, § 6.
8. Registrar to give Certificate. Certified Friendly Societies. Registered Societies, § 7.
9. Societies granting Annuities to have Tables of such Annuities certified by Actuary, § 8.
10. Fees to be paid to Registrar for Certificates, § 9.
11. Appointment and Salary of Registrar, § 10.
12. Treasurer to give Bond, § 11.
13. Trustees, &c. to invest Funds, § 12.
14. Property vested in Trustees. Trustees may sue and be sued. No Person to be deemed a Trustee until his Appointment shall have been forwarded to Registrar, § 13.
15. Limitation of Responsibility of Treasurer, &c. Treasurer, &c. liable for Money actually received, § 14.
16. Trustees to transmit annual Return to Registrar, § 15.
17. In default of such Return, Trustees to be incapable of bringing Action, § 16.
18. Quinquennial Returns to be sent to Registrar, § 17.
19. Registrar to prepare Abstract of Returns to be laid before Parliament, § 18.
20. When Trustees shall be absent, &c. the Registrar may order Stock to be transferred and Dividends paid, § 19.
21. Act to be an Indemnity to the Bank, § 20.
22. Provisions of 39 *G.* 3. *c.* 79. and of 57 *G.* 3. *c.* 19. not to extend to Friendly Societies under this Act, § 21.

23. Disputes between Society and Trustees to be settled according to Rules. Questions of Equity to be settled by County Court, or Sheriff Court of *Scotland*, § 22.
24. Rules for Arbitration where such is appointed by Rules. Justices may enforce the Award, § 23.
25. If no Arbitrators appointed, or no Award given, Justices may decide, § 24.
26. In case Member is unjustly expelled, Arbitrators or Justices may direct such Member to be reinstated, and in default may award a Sum of Compensation, § 25.
27. In case of Fraud or Imposition on the Funds, Justices may summon the Parties, and hear the Complaint. Upon Proof of Fraud, Justices may award double the Amount obtained, &c. If Money awarded is not paid the same may be levied by Distress. In default of Distress, Offender may be committed to Prison, § 26.
28. Orders of Justices to be final, and not removeable into Court of Law, § 27.
29. Treasurers, &c. to render Accounts, and upon Demand pay over Monies, &c. to Party appointed by Society, &c.; and in case of Neglect, Application may be made to the Registrar, who shall proceed thereupon in a summary Way, § 28.
30. On such Reference Registrar may inspect Books and administer Oaths. False Evidence Perjury, § 29.
31. Orders, &c. to be binding without Appeal, § 30.
32. Secretary of State to fix Amount of Fees payable on Reference, and Registrar to determine who shall pay them, § 31.
33. Member of Friendly Society may be a Witness, § 32.
34. Minors may be Members, and have legal Authority to act, but not to hold Office, § 33.
35. Consent necessary for Dissolution of Society, § 34.
36. Rules, &c. under Hand of Registrar to be received without Proof of Signature, § 35.
37. Executors, &c. of Officers of certified Friendly Societies to pay Money due to the Society before any other Debts, within Forty Days after Demand in Writing, § 36.
38. Member belonging to more than One Society not to be entitled to Benefits exceeding 100*l.*, or 30*l.* Annuity, or 20*s.* Sickness, § 37.
39. Power to certified Societies to invest Monies with National Debt Commissioners, upon Declaration that they belong exclusively to the Society. In case Declaration not true, Money to be forfeited and applied in manner directed by 9 *G.* 4. *c.* 92.—§ 38.
40. Power of Attorney, &c. not liable to Stamp Duty, § 39.
41. For Payment of Sums not exceeding 50*l.* when Members die intestate, § 40.
42. Payments to Persons who appear to Trustees to be entitled to Effects of deceased intestate Members declared valid; but next of Kin, &c. to have Remedy against the Party who receives the same, § 41.
43. Payment on Death of Members to be made to Executors, &c., and not to Nominees, § 42.
44. Existing Friendly Societies not to invest with National Debt Commissioners, except for Assurances made before passing of this Act, § 43.
45. Declaration to be made by Trustees on Investment. If Declaration not true, Money to be forfeited and applied in manner directed by 9 *G.* 4. *c.* 92.—§ 44.
46. Exemption from Stamp Duty not applicable to Societies granting Assurances above the Limits of this Act, § 45.
47. Societies established under repealed Acts to be entitled to Exemptions and Privileges of this Act, if they do not grant Assurances beyond the Limits of this Act, § 46.
48. Societies not to re-deposit Monies with Commissioners for Reduction of National Debt without Consent of Comptroller General, § 47.
49. Provisions of this Act may be applied to benevolent and charitable Societies formed by voluntary Subscriptions, &c., if Rules are registered in pursuance of this Act, § 48.
50. Construction of Terms, § 49.
51. Public Act, § 50.
52. Act to be in force for One Year, § 51.

G.

Grants, &c. under the Great Seal, See Appointments to Offices.

Greenwich Hospital and Town Improvement.

1. To enable the Commissioners of *Greenwich Hospital* to improve the said Hospital, and also to enlarge and improve the *Billingsgate Dock*, and widen *Billingsgate Street*, in *Greenwich*; and for other Purposes, 13 & 14 *Vict. c.* 24.
2. Commissioners of *Greenwich Hospital* empowered to make the Improvement, § 1.
3. Power to stop up *Fisher Lane*, and to vest the *Ship Dock* and *Ship Stairs* in the Commissioners of *Greenwich Hospital*, § 2.
4. Power to widen *Billingsgate Dock*, § 3.
5. If required by the Admiralty, Dock to be widened, § 4.
6. Landing Stairs to be constructed according to Plan to be approved of by the Admiralty, § 5.
7. Works in the *Thames* to be approved by the Corporation of *London*, § 6.
8. Power to widen *Billingsgate Street*, § 7.
9. Footpath to be formed at West End of *Brewhouse Lane*, § 8.
10. Footpath to be formed along the South Side of the *Greenwich* Pier, § 9.
11. Power to purchase Houses, Lands, &c., § 10.
12. Custody and Inspection of Plans, Sections, and Book of Reference, § 11.
13. Errors and Omissions may be corrected, § 12.
14. Copies to be Evidence, § 13.
15. Extending Provisions of Lands Clauses Act to this Act, § 14.
16. Powers given to Commissioners to apply to Purchases already made, as well as to Purchases to be made, § 15.
17. Power to arch over Drains, &c. No such arching over, &c. to be done without the Sanction of the Metropolitan Commissioners of Sewers, § 16.
18. After Enlargement of *Billingsgate Dock* same to be Public Dock, § 17.
19. After Enlargement of *Billingsgate Street* and Footways, same to be a public Highway and Footways, § 18.
20. *Ship Dock*, *Ship Stairs*, and *Fisher Lane* not to be stopped up till *Billingsgate Dock* and *Billingsgate Street* are widened, and Footpaths formed, § 19.
21. Saving Rights of the Corporation of *London*, § 20.
22. Public Act, § 21.

H.

Hainault Forest.

1. For disafforesting the Forest of *Hainault* in the County of *Essex*, 14 & 15 *Vict. c.* 43.
2. Power to appoint Three Commissioners to carry this Act into execution, § 1.
3. Power to Commissioners to appoint Clerk, and employ Land Surveyor, § 2.
4. Remuneration of Commissioners and Clerk, § 3.
5. Commissioners to ascertain Boundaries, § 4.
6. Boundaries as ascertained to be held to be true, § 5.

7. Power to Commissioners to allot a Part of the *King's Woods* as a Compensation for the Forestal and other Rights of the Crown. On the making of the Award the Forest of *Hainault* to be disafforested, § 6.
8. Commissioners of Woods, &c. to produce Evidence in support of the Rights of the Crown, to enable Commissioners of this Act to make the Award, § 7.
9. Commissioners to inquire and ascertain the Value of certain Rights of poor Widows, and report Amount to Commissioners of Woods, &c., who shall invest the same, § 8.
10. On such Investment the Claims to cease, § 9.
11. Commissioners to consider the Value of the Widows Claims, and to allot an Equivalent to the Crown. Commissioners, if required, to apportion the Crown's Allotment in respect of each distinct Right, § 10.
12. Award to be made in Two Years, and to be executed in Duplicate, § 11.
13. Power to Commissioners of Woods, &c. to remove or destroy the Deer within the Forest. When Deer removed, &c., Right to keep Deer to cease, § 12.
14. The Crown to maintain Boundary Fences, and, if it appear convenient, to set out Roads, which shall become public Highways, § 13.
15. After Award is made, Forestal Offices to cease, § 14.
16. Expenses to be defrayed out of the Produce of Timber and Underwood standing on the Parts of the Forest not allotted to the Crown, § 15.
17. Power to Sir *Charles Hulse*, as Lord of the Manor of *Barking*, to proceed to a Trial at Law, in a feigned Action, to try his Rights to the Soil of certain Portions of the Forest of *Hainault*, § 16.
18. If Verdict be in favour of Sir *C. Hulse*, Commissioners to allot to him such Part of Crown Allotment as they shall deem an Equivalent for his Rights, § 17.
19. Trial not to impede the Commissioners in the Execution of the Act, § 18.
20. Act not to extend to *Epping Forest*, § 19.
21. General Saving of Rights, § 20.

Herring Fishery.

1. To amend the Acts relating to the *British* White Herring Fishery, 14 & 15 *Vict. c.* 26.
2. Necessity of the Expiration of Fifteen Days between salting and branding White Herrings repealed, § 1.
3. Commissioners to regulate the Time (being not more than Fifteen Days) between salting and branding, § 2.
4. Penalty for fraudulently branding Barrels filled with Herrings applied to fraudulently branding empty Barrels or Casks, § 3.
5. Repealing the Necessity of repacking Herrings for Exportation with Great Salt, § 4.
6. Authorizing the Exportation of Barrels under Weight when the Fish have not been Ten Days in Salt, § 5.
7. As to Nets to be used when the regular Herring Fishery is commenced, § 6.
8. For securing the Use of Quarter Cran Basket or Measure, § 7.
9. Forfeitures and Penalties, by whom to be enforced and sued for, § 8.
10. Sentence for Penalty may contain Decerniture for Imprisonment, failing Payment or Security, § 9.

High Peak, Derbyshire.

1. To define and amend the Mineral Customs of certain Parts of the Hundred of *High Peak* in the County of *Derby*, Part of the Possessions of Her Majesty's Duchy of *Lancaster*; to make Provision for the better Administration of Justice in the Barmote Courts therein; and to improve the Practice and Proceedings of the said Courts, 14 & 15 *Vict. c.* 94.
2. Short Title, § 1.
3. Interpretation Clause, § 2.
4. Steward, § 3.
5. Steward may appoint a Deputy, § 4.
6. Duties of Steward, § 5.
7. Courts to be held, § 6.
8. Business at Barmote Courts, § 7.
9. Seal of the Courts, § 8.
10. Barmasters, § 9.
11. Barmaster not to be answerable for his Deputies, § 10.
12. Removal of Deputy Barmasters, § 11.
13. Barmasters to take Oath, § 12.
14. Duties of Head Barmaster, § 13.
15. Duties of Deputy Barmasters, § 14.
16. Courts to be Courts of Record, § 15.
17. Jurisdiction and Customs, § 16.
18. Practice of Courts, § 17.
19. Examination of Parties, § 18.
20. False Evidence Perjury, § 19.
21. Penalty for refusing to give Evidence, § 20.
22. Penalty for insulting Steward or Disturbance, § 21.
23. Grand Jury, § 22.
24. Duties of Grand Jury, § 23.
25. Small Barmote Courts, § 24.
26. Service of Summons. Proviso in case Defendant shall refuse to appear or plead, § 25.
27. Proviso in case Plaintiff shall not proceed in the Action, § 26.
28. New Trials, § 27.
29. Costs, § 28.
30. Appeal, § 29.
31. Pleadings not to be repeated, § 30.
32. Service of Subpœnas on Witnesses good in any Part of *England*, § 31.
33. Execution may be issued against Mineral Property, and the same sold by the Barmaster, § 32.
34. Warrants and Executions to be returned to Steward's Office, § 33.
35. Jurors at Small Barmote Courts, § 34.
36. Ballot and Challenge of Jurors, § 35.
37. Provision in case of more than One Cause, § 36.
38. Penalty on Jurors for Non-attendance, § 37.
39. Penalty on Grand Jurors for Non-attendance, § 38.
40. Exemption from serving on Jury, § 39.
41. Subpœnas, § 40.
42. Execution may be superseded, § 41.
43. Barmaster not to be liable, § 42.
44. Steward not to be liable, § 43.
45. Register of Summons, &c., § 44.
46. Documents in Custody of Steward to be open to Inspection, § 45.
47. Interpleader Clause, § 46.
48. Penalties, § 47.
49. Forms of Proceedings, § 48.
50. Fees, § 49.
51. Application of Penalties, § 50.
52. Limitation, § 51.
53. Removal of Proceedings, § 52.
54. Costs, § 53.
55. Proceedings pending, § 54.
56. Parties may proceed in any other Court than Small Barmote Court, § 55.
57. Power to make new Rules, § 56.
58. Saving Rights of the Crown, § 57.

Highway Rates.

1. To continue an Act (4 & 5 *Vict. c.* 59.) for authorizing the Application of Highway Rates to Turnpike Roads, 13 & 14 *Vict. c.* 58., 14 & 15 *Vict. c.* 30.

Highways in South Wales.

1. For the better Management and Control of the Highways in *South Wales*, 14 & 15 *Vict. c.* 16.
2. County Roads Board to divide County into Districts for separate Management of the Highways situated therein. Power to County Roads Board to alter Limits of Districts from Time to Time, § 1.
3. Power to place Highways under the Care, &c. of Local Boards, to be styled Highway Boards, § 2.
4. First Meeting of Highway Board. Quorum. Appointment of Chairman and Vice Chairman, § 3.
5. Powers and Duties of Highway Board, § 4.
6. Highway Board of each District to hold an Annual General Meeting for examining Accounts, &c., § 5.
7. Power to County Roads Board to appoint District Surveyors, § 6.
8. Duties of the District Surveyor, § 7.
9. District Surveyors to contract for Materials, &c., § 8.
10. Existing Surveyors of Highways to continue, § 9.
11. Power to Highway Board to appoint a Clerk, and, with Consent of County Roads Board, fix Salary, § 10.
12. Duties of Clerks, § 11.
13. District Surveyor to give Security, § 12.
14. Highway Board to cause Orders, &c. to be entered in Books, which shall be Evidence, and be open to Inspection. Penalty for refusing to allow Inspection, &c., § 13.
15. Secretary of State to cause Forms of Accounts to be prepared, § 14.
16. Regulations as to the Adoption of new Roads to be maintained as public Roads under this Act, § 15.
17. Proceedings in case Highways are not kept in repair. Power to Justices to order Highways to be repaired at the Expense of the Parties liable. Money for repairing Highways recoverable under 5 & 6 *W.* 4 *c.* 50.—§ 16.
18. Provisions of 5 & 6 *W.* 4. *c.* 50. to remain in force, except as otherwise provided, § 17.
19. In construing this Act *South Wales* to include Six Counties, § 18.
20. Interpretation of Terms in this Act, § 19.

House Duty.

1. To repeal the Duties payable on Dwelling Houses according to the Number of Windows or Lights, and to grant in lieu thereof other Duties on Inhabited Houses according to their annual Value, 14 & 15 *Vict. c.* 36.
2. Duties granted on inhabited Houses, as specified in the Schedule annexed, in lieu of Duties herein-after repealed, § 1.
3. Duties granted to be under Care of Commissioners of Inland Revenue. Powers and Provisions of former Acts to be in force; except as herein provided, § 2.
4. Market Gardens and Nursery Grounds not to be included in Valuation of Houses, § 3.
5. Duties on Windows and Lights to cease on Commencement of the Duties granted by this Act; except those uncollected, and Penalties, &c., § 4.
6. Persons to be liable to the same Duty for Armorial Bearings as if chargeable to Duties under 48 *G.* 3. *c.* 55.—§ 5.
7. Assessors already appointed to be Assessors for the current Year under this Act, § 6.

I.

Inclosure.

1. To authorize the Inclosure of certain Lands in pursuance of the Fifth Annual General Report of the Inclosure Commissioners for *England* and *Wales*, and to confirm the Proceedings in the Matter of the *Common Wood* Inclosure, 13 & 14 *Vict. c.* 8.
2. Inclosures mentioned in Schedule to be proceeded with, § 1.
3. Proceedings in the Matter of *Common Wood* Inclosure confirmed, § 2.
4. Short Title, § 3.

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5. To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*, 13 & 14 *Vict. c.* 66.
6. Inclosures mentioned in Schedule to be proceeded with, § 1.
7. Short Title, § 2.

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8. To authorize the Inclosure of certain Lands in pursuance of the Sixth Annual Report of the Inclosure Commissioners, 14 & 15 *Vict. c.* 2.
9. Inclosures mentioned in Schedule be to proceeded with, § 1.
10. Short Title, § 2.

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11. To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners, 14 & 15 *Vict. c.* 54.
12. Inclosures mentioned in Schedule to be proceeded with, § 1.
13. Short Title, § 2.

See *Copyhold and Inclosure Commissions.*

Income Tax, See Property and Income Tax.

Indemnity, See Offices and Employments.

Interments (Metropolitan), See Metropolitan Interments.

Inventions, protecting.

1. To extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one, 14 & 15 *Vict. c.* 8.
2. Proprietors of new Inventions to be allowed to exhibit them without Prejudice to Letters Patent to be thereafter granted. Invention to be provisionally registered, and not to be used before granting of the Letters Patent, § 1.
3. Public Trial of agricultural or horticultural Implements, under the Direction of the Commissioners, not to prejudice Letters Patent, § 2.
4. Certificate of Invention to be granted for provisional Registration, § 3.
5. Certificate of Invention to be registered, § 4.
6. Description to be preserved, and Invention to be marked, § 5.
7. Provisional Registration to confer same Benefits as under the Designs Act, 1850, § 6.
8. Letters Patent thereafter granted to be as valid as if Inventions were not registered or exhibited, § 7.
9. Proprietors of new and original Designs exhibited to be entitled to Benefits of Designs Acts, although Designs have been previously published elsewhere than in United Kingdom, if not previously publicly sold or used, § 8.
10. The Designs Act, 1850, and this Act to be construed as One Act, § 9.
11. Short Title, § 10.

IRELAND.

Apprentices to Sea Service.

1. To extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in *Ireland*, and to enable such Guardians to place out Boys in the Naval Service, 14 & 15 *Vict. c.* 35.
2. Power to Guardians, &c. to apprentice Boys to the Sea Service. Manner of binding such Apprentices, § 1.
3. Such Apprentice to be furnished with Outfit, and sent to the Seaport. Expenses of Outfit, &c. to be borne by Union, &c., § 2.
4. Indentures may be sued on by Guardians, by their Name of Office, § 3.
5. Indentures may be assigned on the Death, &c. of the Master. Assignments to be registered. Penalty for Default, § 4.
6. Such Apprentices not to contribute to any Hospital Fund, &c.; and no Stamp Duty on Indentures, § 5.
7. Termination of Apprenticeships generally, § 6.
8. As to cancelling Indentures of Apprenticeship, § 7.
9. Justices to determine Complaints between Masters and Apprentices, § 8.
10. Certain Provisions of recited Act to apply as herein, § 9.
11. Boys in receipt of Relief, who are desirous of it, may be placed out by the Guardians in the Naval Service, § 10.

Assizes.

1. To provide for holding the Assizes of certain Counties of Cities and Towns in *Ireland* in the Assize Towns of the adjoining Counties at large, in certain Cases; and to make Provision as to Gaols in case of the Change of Assize Towns, 13 & 14 *Vict. c.* 85.
2. The Lord Lieutenant and Privy Council of *Ireland* may direct the Assizes of a County of a City or Town to be held at the Assize Town of the adjoining County at large in certain Cases, and the Prisoners to be sent, § 1.
3. Power to Lord Lieutenant and Council to make Regulations for the Purposes of this Act, § 2.
4. Place for holding Assizes not to be so changed, unless desired by Majority of Grand Jury, § 3.
5. Where Place of holding Assizes of Counties, &c. is changed, Lord Lieutenant and Council may appoint County Gaol, § 4.
6. Grand Juries may present Compensation to Officers of Gaols no longer required in consequence of such Change, § 5.

Borough Court of Record.

1. To amend the Law relating to Proceedings by Process of Attachment of Goods in the Borough and other Courts of Record in *Ireland*, 13 & 14 *Vict. c.* 73.
2. 3 & 4 *Vict. c.* 108. recited. So much of recited Act as regulates the Special Bail to be given in Attachments out of Borough Courts against Goods repealed, § 1.
3. No Foreign or other Attachment to issue unless Debt, &c. exceeds 20*l.*, § 2.
4. What Plaintiff's Affidavit must state where Plaintiff desires to proceed by Attachment of Goods, &c., § 3.
5. In Cases in which Goods shall be seized by Attachment, Special Bail by Defendant to be sufficient, § 4.
6. In default of Special Bail Appearance may be entered for Defendant, § 5.
7. Power to Defendant to get Goods appraised, and give Bail to the Amount of the Appraisement, § 6.
8. Mode of Surrender in discharge of Bail, § 7.
9. Mode of Surrender if a Defendant already in Custody, § 8.
10. If a Plaintiff shall not obtain Judgment for a Sum exceeding 20*l.* the Defendant shall be entitled to Costs, § 9.
11. Before whom Affidavits may be sworn, § 10.
12. So much of 3 & 4 *Vict. c.* 108. repealed as is inconsistent with this Act, § 11.
13. Interpretation of Terms, § 12.
14. Commencement of Act, § 13.

Bridges.

1. To amend an Act of the Sixth and Seventh Years of Her Majesty, to amend an Act of the Nineteenth and Twentieth Years of King *George* the Third for empowering Grand Juries in *Ireland* to present Bridges, and Tolls to be paid for passing the same, in certain Cases, 14 & 15 *Vict. c.* 21.
2. Parties having limited Interests, or being under Disability, enabled to sell and convey to Grand Juries in *Ireland* the Tolls of Bridges, § 1.
3. Purchase Money of such Parties to be deposited in Bank, subject to the Order of the Court of Chancery. Application of Monies deposited, § 2.
4. Order for Application and Investment of such Monies, § 3.
5. The Tolls to cease from the Time of such Payment into Bank, § 4.
6. Certain Presentments already made for the Purchase of Tolls of Bridges may be proceeded in and executed under this Act, § 5.
7. Extent of Act, §

Churches and Chapels.

1. To consolidate and amend the Laws relating to the Erection and Endowment of Churches and Chapels and Perpetual Curacies in *Ireland*, 14 & 15 *Vict. c.* 72.
2. Interpretation of Terms, § 1.
3. As to Appropriation of a Site for Erection of Chapel thereon. Endowment of Provision for Minister, and for Repairs, § 2.
4. Endowment of a Church or Chapel already built. Provision as to certain Churches built on Terms originally for 60 Years, § 3.
5. Patronage to be vested in Trustees. Trustees of Chapel already built enabled to consent, § 4.
6. Endowment of Chapels of Ease with Land in Fee Simple, § 5.
7. Parties endowing to have Patronage. Where several join in erecting and endowing, Patronage as by Deed of Endowment, § 6.
8. After Execution, &c. of Deed of Endowment, Rector of Parish exempt from Charge for Support of Minister, &c., § 7.
9. Power to Trustees to dispose of Government Securities, and invest Produce in Purchase of Lands, &c., § 8.
10. Power to erect Parochial Chapels of Ease without Endowment, with Consent of Incumbents, § 9.
11. As to building Chapels of Ease in large and populous Parishes, § 10.

12. Incumbent of Parish to nominate Curate for Chapel of Ease, § 11.
13. Power to Bishop to allocate such Salary to Curate as in Cases of other Stipendiary Curates, § 12.
14. Where Proprietary Church, &c. has been erected and endowed, Bishop empowered, with Consent of Incumbent, to assign a particular District to the same, § 13.
15. Description of Boundaries of assigned Districts to be registered, § 14.
16. Churches and Chapels to be under Episcopal Jurisdiction, § 15.
17. As to building District Parochial Churches, § 16.
18. As to building District Churches for several Parishes, § 17.
19. Power to Bishop to assign Bounds of Parochial Districts, § 18.
20. Bounds of Parochial Districts to be ascertained by the Bishop before the same shall be erected, and Copies sent to Incumbent and Lord Lieutenant for Consents, § 19.
21. Power to Bishop to allocate Salary to Curate, § 20.
22. As soon as District Parochial Church is erected, &c. Patronage to be vested in Incumbents, § 21.
23. Bishop to exercise Jurisdiction over District Incumbent, &c. Nothing to render Incumbent subject to any Bishop but that of his Diocese, § 22.
24. Churches and Chapels to be Perpetual Cures capable of Endowment, § 23.
25. As to Plurality of Benefices, § 24.
26. As to Non-residence, § 25.
27. Where Chapels, &c. are suffered to remain void for a certain Time, the same to lapse to the Bishop, § 26.
28. As to Appointment of Chapelwardens, § 27.
29. Where no Parish Church, Bishop may require Service to be performed in any licensed Building, § 28.
30. Power to appropriate and set apart Land for the Erection of a Church or Chapel, § 29.
31. Power to grant Land for Site of Church or Chapel, § 30.
32. Title to Site indefeasible, § 31.
33. Transfer of Freehold and Leasehold Property to new Trustees without Conveyance, § 32.
34. Endowment of Provision for Parochial Chapel by Incumbent of Parish, § 33.
35. Endowment of Provision for District Parochial Churches and Chapels of Ease and Proprietary Chapels by Strangers, § 34.
36. Application of Collections and Pew Rents. Certain Sittings to be set apart as Free Sittings, § 35.
37. Endowment of Provision for Rectors and Vicars by Restoration of Ecclesiastical Property. Patronage in respect of 10 & 11 *Car.* 1. *c.* 2. *s.* 5.—§ 36.
38. Endowment of Provision for Rectors, Vicars, and Curates by Lay Property, § 37.
39. Power to Archbishop, &c. to declare appropriate Parishes to be Perpetual Cures, &c., § 38.
40. Endowment by Ecclesiastical Persons of Vicarages appropriate, § 39.
41. Power to Persons seised of Ecclesiastical Benefices impropriate to present competent Clerks for such Benefices, § 40.
42. Registry and Enrolment of Deeds and Wills, § 41.

Civil Bills, &c.

1. To consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors, 14 & 15 *Vict. c.* 57.
2. Certain Acts and Parts of Acts repealed, § 1.
3. The present Chairman to continue in Office. Appointment of Assistant Barristers, including an Assistant Barrister (in future) for the County of *Dublin*, § 2.
4. Assistant Barristers to take the following Oath before Lord Chancellor before they act. Oath, § 3.
5. Salaries of Chairman of Sessions of the Peace for County of *Dublin* and Assistant Barristers, § 4.
6. Provision for granting an Annuity to Chairman of County of *Dublin* of 500*l.* a Year. To Assistant Barrister 400*l.* a Year. Conditions on which such Grant shall be valid, § 5.
7. Power to Lord Lieutenant to remove Assistant Barristers to other Counties, with their Assent, § 6.
8. When it appears to Lord Chancellor, upon Oath, that the Chairman or any Assistant Barrister is unable to attend, he may appoint another of Ten Years standing to do his Duty, who shall take the Oath before required, and shall be invested with all Powers of Chairman or Assistant Barrister during his Absence, § 7.
9. In case of Absence of Chairman or Assistant Barrister, Sessions may be adjourned by One Justice, or by Registrar or Clerk of Peace until Deputy arrives, § 8.
10. Persons appointed during Absence of Chairman or Assistant Barrister to be paid so much as Lord Chancellor shall think fit, out of Salary, § 9.
11. Clerks of the Peace to act as Clerks to Assistant Barristers and as Registrars; to keep Registry Books as Records. Penalty on Clerk of the Peace acting as an Attorney in Causes before Assistant Barristers, 50*l.*, § 10.
12. Clerk of the Peace to make Affidavit. Form of Affidavit, § 11.
13. In case of Death of Clerk of the Peace during Sessions, § 12.
14. No one to act as an Attorney before Assistant Barristers unless admitted in the Superior Courts, § 13.
15. Power to Assistant Barristers to suspend Attorneys acting corruptly, &c. from practising on Civil Bills. Attorneys may appeal to Judges of Assize, § 14.
16. Power to Assistant Barristers to appoint Officers to serve Civil Bill Processes in the several Counties and Ridings. After such Appointments, no other Persons shall serve any such Process. Service by unauthorized Persons declared void, § 15.
17. Names and Places of Abode of Officers to be published in County Newspapers, § 16.
18. Annual Salary to Officers serving Processes to be paid by Collector of Excise, on Certificate of Assistant Barrister, § 17.
19. Officers may receive certain Fees, in addition to their Salaries, for Service of Process, § 18.
20. Book to be kept by Officers for entering Particulars of Service of Process. Process Server's Books to be Evidence, § 19.
21. Salary of Interpreter to be paid by Grand Jury. Assistant Barrister to appoint Interpreter or Interpreters. Assistant Barrister may remove Interpreter, § 20.
22. Times of holding Quarter Sessions. Future Sessions to be appointed at the Sessions held before each *Michaelmas* Term in each Year, § 21.
23. Recorder of *Dublin* and of *Cork* to hold Civil Court as heretofore. Annual Payment to him in lieu of Fees, § 22.
24. The County of *Cork* to continue to be divided for the Purpose and in the Manner herein recited. Lord Lieutenant may alter Boundaries, § 23.

25. Five General Sessions shall be holden in every Year, alternately, in the East and West Riding. Lord Lieutenant may order that Four General Sessions, and no more, in each Year, shall be held in each of the Divisions of the County of *Cork*, § 24.
26. Power to Lord Lieutenant and Council to divide Counties into Ridings, § 25.
27. Power to appoint Assistant Barrister for such Ridings, and providing for Payment of Salaries, § 26.
28. In all Processes County shall be distinguished by *Cork* County East Riding and *Cork* County West Riding. No Process removeable from One Riding to the other, § 27.
29. The Two Assistant Barristers to settle the Time of holding the several alternate Sessions, &c., § 28.
30. Grand Jury of County of *Cork* to provide for Salaries of Criers at Sessions, § 29.
31. Existing Divisions and Sessional Towns to be continued until altered, § 30.
32. Power to alter existing Divisions, and appoint additional Places for holding Sessions, § 31.
33. Lord Lieutenant may direct Sessions to be held Four Times in every Year in any Town, § 32.
34. Assistant Barrister for the East Riding of the County of *Cork* shall try Causes in the City of *Cork*, § 33.
35. Assistant Barristers of certain Counties to have Jurisdiction in certain Cities and Towns, § 34.
36. What Actions Assistant Barristers may hear and determine to the Amount of 40*l.*, § 35.
37. Cause of Action not to be divided. Costs of Dismissal when Causes are split. Proviso if Sum does not exceed Jurisdiction of this Act, § 36.
38. Provisions as to Civil Bill in 15 *G.* 2. *c.* 8. *s.* 4. (*Irish*), 2 *G.* 3. *c.* 17. *s.* 18. (*Irish*), extended to Civil Bill before Barristers, and original Jurisdiction of Judges abolished, § 37.
39. How Tenant shall proceed in Cases of Distress by the head Landlord, where Rent shall have been paid to his immediate Landlord, and how and what Damages shall be recovered, § 38.
40. If Complainant prove Facts of Payment of Rent by Distress he may recover Damages, § 39.
41. As to Costs in case of Actions in Superior Courts, where the Proceedings might have been by Civil Bill, § 40.
42. Jurisdiction in Replevin Cases, § 41.
43. Appointment of Replevingers, § 42.
44. Mode of Proceeding in Replevin Cases. Form of Bond, § 43.
45. If proposed Sureties be objected to, the Reason of Refusal to be stated in Writing, § 44.
46. Copy of Civil Bill to be served on Defendant, § 45.
47. Assistant Barrister to hear and determine such Civil Bill, § 46.
48. Bailiff a competent Witness in Replevin, § 47.
49. Bond to be assigned if Plaintiff do not prosecute Suit. Mode of Assignment of Bond. If Goods returned, no Proceedings to be had on Bond, and Goods may be sold, § 48.
50. Legacies and distributive Shares payable out of Assets of any deceased Person (when Assets shall not exceed 200*l.*) recoverable by Civil Bill, § 49.
51. Executors and Administrators to lodge Accounts, if required. Penalty on Executors or Administrators neglecting to lodge such Account, § 50.
52. Examination of Executor or Administrator, § 51.
53. Executors or Administrators to produce Copy of Will and Letters of Administration, and to submit to be examined on Oath on Trial of Civil Bill, § 52.
54. Assistant Barrister may advertise for Claims or Assets, § 53.
55. Money may be ordered by Assistant Barrister to be paid into the Bank, § 54.
56. Legacies not exceeding 20*l.* charged on Real Estate to be recoverable by Civil Bill, § 55.
57. Legacies and Annuities not exceeding 20*l.* charged on Personal Estate to be recoverable by Civil Bill, § 56.
58. Executors *de son tort* to be liable, § 57.
59. One or more of several Persons liable may be sued by Civil Bill, § 58.
60. Where Assistant Barrister is Plaintiff or Defendant in any Suit, or resides within his County, Civil Bill may be brought to next adjoining County, § 59.
61. Civil Bill need not be signed by Attorney, but by the Plaintiff, or some one on his Behalf, save in Ejectment, § 60.
62. All Civil Bills, Decrees, and Dismisses to contain Addition and Residence of Parties, § 61.
63. Stamps on Civil Bill Forms of Process and Copies. Commissioners of Inland Revenue to issue stamped Forms. Penalty on taking more than Amount of Stamp Duty, § 62.
64. Distributors or others taking more than Stamp Duty chargeable on printed Forms to forfeit Five Pounds to Person injured. Plaintiff may sue either the Person who takes such greater Sum or the Person for whose Use taken, § 63.
65. Powers and Provisions of former Acts to be applied to the Stamp Duties imposed by this Act, § 64.
66. How Process to be served. No Decree to be made unless satisfactory Proof of Service, § 65.
67. As to Service of Process on Lodgers, § 66.
68. As to Service of Process outside Dwelling House, § 67.
69. As to Time when Processes are to be served, § 68.
70. Defendant not to be sued out of Division in which he lives, unless as herein specified. What shall be deemed a Residence within County, § 69.
71. In case of forcible Resistance to serving the Process, a Copy thereof may be posted on the Court House and on the posting Place in the nearest Market Town, § 70.
72. Assistant Barrister empowered to put Landlords in possession of deserted Tenements in arrear for Half a Year's Rent, § 71.
73. Ejectment for Premises held by Tenant at a Rent not exceeding 50*l. per Annum*, withheld after legal Notice, where Tenant's Interest is determined, and Possession has been demanded, § 72.
74. How Landlord shall proceed in Cases where a Year's Rent shall be due. Tenant, after Execution of Decree, may appeal therefrom; and may tender Rent and Costs to redeem Possession, § 73.
75. In Civil Bill Ejectments for Nonpayment of Rent the Amount claimed shall be stated, § 74.
76. Defendant may deposit Rent and Costs Five Days before the First Day of the Sessions, § 75.
77. In such Civil Bill Ejectments, if the Defendant, before a Decree, pay or tender the Rent and Costs, the Proceedings shall be stayed, § 76.
78. The Warrant for Execution in Ejectment for Nonpayment of Rent shall state the Amount due for Rent and Costs, and upon Payment thereof, with Fees, Execution shall be stayed, § 77.
79. Remedy for obtaining Arrears of Rent, § 78.
80. As to Ejectment on Title, § 79.
81. As to Ejectment on Acknowledgments, § 80.
82. As to Service of Bill in such Cases, § 81.

83. As to Ejectments against Tenants at Will or permissive Occupants, § 82.
84. What the Civil Bill in Ejectment Cases shall specify, § 83.
85. Where Tenement in question shall be situate in Two Counties, Proceedings to be in either of them, &c. Assistant Barrister to have Jurisdiction in a City or Town which is a County of itself. In case Assistant Barrister sues for Lands situate in his own Jurisdiction, Proceedings to be had in a Place without his Jurisdiction, § 84.
86. Assistant Barrister, being a Landlord in his own Jurisdiction, may proceed by Civil Bill before Assistant Barrister of any adjoining County. Appeal, § 85.
87. Service of Ejectment off the Premises on the Wife, Child, or Servant of Defendant at Dwelling House deemed good Service, § 86.
88. How Ejectment Process shall be fixed in extra-parochial Places, § 87.
89. Affidavits of Landlords admissible in Ejectments, § 88.
90. Assistant Barrister to sign Two Copies of Ejectment Decrees for Registry, § 89.
91. No greater Fee to be demanded for the Registry of a Decree than for Registry of a Deed. Penalty, § 90.
92. Clerk of Peace to keep Books in which Ejectments are to be entered, § 91.
93. Assistant Barrister, &c. to tax Costs of Ejectment. No Attorney entitled to recover until such Costs are taxed. Assistant Barrister to examine Attorney on Oath as to Costs, § 92.
94. Forms to be used in proceeding by Ejectment under this Act, § 93.
95. Assistant Barrister may order Costs to be paid by One Defendant in Ejectment only, § 94.
96. Sheriff to execute all Decrees for Possession within One Fortnight. Fee for the same. Sheriff may grant Warrant to Special Bailiff for Execution of Decree. Fee for such Warrant, § 95.
97. Title to Lands, &c. not to be drawn into question, § 96.
98. Courts of Chairman, &c. to be Courts of Record, § 97.
99. Time for sitting at Sessions, § 98.
100. Civil Bills to be heard at every Sessions in alphabetical Order, except Assistant Barristers vary the same. May be heard in Baronial or other Divisions, § 99.
101. Jury may be summoned for Trial of all Actions except in Ejectment and Replevin, § 100.
102. Power to issue Summonses to Witnesses. Fine for Non-attendance. Expenses of Witnesses summoned from another County to be taxed against the unsuccessful Party. Handwriting of Party or subscribing Witness may be proved when out of Jurisdiction, § 101.
103. Parties may appeal to the Oath of each other, § 102.
104. Civil Bill for Fines for Non-attendance, § 103.
105. Decree pro confesso, § 104.
106. Process not to be void for technical Errors, § 105.
107. Assistant Barristers may amend Variances and correct Misjoinders, § 106.
108. Official Copy of Judgment to be Evidence, § 107.
109. Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts, § 108.
110. Assistant Barrister may grant Time or adjourn the Hearing of a Cause, § 109.
111. Decrees and Dismisses to be in Form in Schedule. Execution against the Body or Goods, § 110.
112. Provision as to Costs, § 111.
113. Decrees may be ordered to be paid by Instalments, § 112.
114. Where more than One Defendant, a Dismiss may be given in favour of One and a Decree against the other, § 113.
115. Decrees of Assistant Barrister may be signed by his Successor, § 114.
116. All previous Decrees, Orders, &c. to remain in full Force, § 115.
117. When Defendant is exempted from Arrest by virtue of 11 & 12 *Vict. c.* 28. the Plaintiff may serve a Civil Bill Process requiring the Defendant to show Cause why Process of Arrest, &c. should not issue. Form of Civil Bill Process, § 116.
118. If Assistant Barrister shall find that Defendant has Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him. In default of Defendant's Appearance, Decree may be ordered, § 117.
119. Power to examine or commit at the original Hearing of a Civil Bill in certain Cases, § 118.
120. Jurisdiction of the Court for Relief of Insolvent Debtors on Circuit transferred to the Assistant Barristers. Assistant Barrister to whom the Petition as to Insolvents is referred to have the same Powers as the Insolvent Court, or a Commissioner, for discharging or remanding the Insolvent, &c. Order for bringing the Insolvent before the Assistant Barrister. The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment. Insolvent Court to have Jurisdiction before and pending an Adjournment. Exception as to Prisoners of unsound Mind, § 119.
121. Recognizances of Sureties entered into for enforcing Attendance of Insolvents to bind Persons to appear before Assistant Barrister, § 120.
122. Indemnity to Sheriffs, Gaolers, &c. for anything done under the Act, § 121.
123. Retiring Salary to senior Commissioner of the Insolvent Court on his Resignation, &c., and One Commissioner to perform the Duties thereafter, § 122.
124. Proviso as to appointing a Deputy in case of Illness, § 123.
125. Office of One of the Registrars of the Insolvent Court to be thenceforth abolished, &c., § 124.
126. Tools and actual Necessaries of Debtors not to be seized in Execution under Civil Bill, § 125.
127. Affidavits as to Civil Bill Proceedings may be taken by Assistant Barristers of their Counties, § 126.
128. Appeals may be made to Judge at next Assizes. Judges of Assize empowered to hear and issue Decree and Execution as herein. Assistant Barristers to receive Appeal and stop Proceedings, Appellant, if Defendant, first paying, &c. as herein. If Plaintiff, then to pay, as herein, § 127.
129. If Appearance by Attorney not made, or Recognizance not entered into, Money decreed, &c. may be deposited with Sheriff, upon which Proceedings shall be stopped, &c. Appellant to give Notice of Deposit Six Days before next Assizes. Proviso if not Time to give Six Days Notice. If Notice deemed not sufficient, Appeal to be dismissed, § 128.
130. Attorney to make Affidavit that Appeal is not made for the Purpose of Delay. Affidavit to be kept with Records of County. If Appearance not made, &c., Deposit not to be received by Sheriff, &c. unless Affidavit is made. Affidavit to be kept with Records, § 129.
131. Appeal in Cases when Parties appear by Attorney, but are not present to enter into Recognizance, § 130.

132. Sheriffs neglecting to pay over Deposit or Sums levied under Decrees, liable to pay double to the Party aggrieved, § 131.
133. Appeals from Civil Bill Decrees and Dismisses in the County and City of *Dublin* to be heard by the Courts provided by the 13 *Vict. c.* 18. *s.* 30.—§ 132.
134. If no Appeal, Decrees and Dismisses final. If Appeal made, the Decree of Judge of Assize final, § 133.
135. Where several Defendants, and where Assistant Barrister dismisses as to One and decrees as to the other or others, § 134.
136. One of several Plaintiffs or Defendants may appeal without the others, § 135.
137. Death of Parties not to abate Suit where several Plaintiffs or Defendants, but may be prosecuted by Survivor, § 136.
138. Notices on Parties below to be good in Cases of Appeal, § 137.
139. Opinion of the Court of Appeal on the Question of Law, § 138.
140. Decrees and Dismisses in force for One Year, and may be renewed every Six Months. No Renewal of Decree for Possession, except for Costs, § 139.
141. Decree not renewed till Affidavit in Schedule made. Provision as to Representatives. Affidavits for Renewal of Decrees or Dismisses may be made by Agent or Receiver, with Alterations herein directed, § 140.
142. Dismiss not renewed till Affidavit made. Affidavit on Renewal of Decree or Dismiss to be written on same Paper with Renewal, prepared for Assistant Barrister to sign. And may renew Decree or Dismiss, as herein. Affidavit to be kept with Records of County, § 141.
143. Decrees or Dismisses may be renewed by Plaintiff or Defendant, or their Executors, &c. No Renewal after Two Years, except upon Notice. Notice to be served of Renewal when to be granted to any but the original Parties, § 142.
144. Decrees, &c. previous to this Act may be renewed, § 143.
145. Decree or Dismiss not to be renewed after Six Years made, § 144.
146. Sheriffs to execute Decrees. Sheriffs of Counties and Cities and of Towns to make Warrants, &c. in like Manner as Sheriffs of Counties at large, § 145.
147. Bailiffs may sell Goods taken in Execution, § 146.
148. Cattle, &c. not to be taken more than Five Miles; and then publicly sold between Ten in the Forenoon and Four in the Afternoon, giving Four Days Notice of the same. Penalty of double the Value of the Cattle on selling, &c. otherwise than as herein, § 147.
149. Persons driving or taking Cattle or Goods between Sunset and Sunrise, guilty of a Misdemeanor. Property not altered by Sale, § 148.
150. Decree may be given in Evidence under General Issue, § 149.
151. Where Goods of a Third Person are taken under a Decree, that Person, on making Affidavit and lodging the Amount of the Civil Bill, or the Value of the Goods, with Sheriff, to have the Goods redelivered to him. Claimant to bring a Civil Bill at the next Session against Plaintiff in Decree, and Barrister to make a Decree or Dismiss thereof. Sheriff to pay the Money over to Party entitled. Damages may be given for original Taking. Party refusing to deliver up the Goods on Sheriff's Order, or retaking them, guilty of a Misdemeanor, § 150.
152. Power to Assistant Barristers to fine Clerks of Peace' Sheriffs, and Attornies guilty of any Breach of Duty. And may fine or commit to Prison Persons for disturbing the Court, &c., § 151.
153. Fees specified in Schedule to be deemed lawful Fees. Penalty for taking larger Fees, § 152.
154. Fees in Schedule chargeable against unsuccessful Party, § 153.
155. Fees payable to the Registrar of the City and County of *Dublin*. On the Appointment of an Assistant Barrister for the County of *Dublin* the Office of Registrar shall cease, and the Duties be transferred to the Clerk of the Peace or his Deputy, § 154.
156. Table of Fees to be exposed in some conspicuous Parts of the Office of the Clerks of Peace and Court of Quarter Sessions, § 155.
157. General Orders to be made for regulating the Forms and Manner of proceeding in Civil Bill Courts, § 156.
158. Perjury, § 157.
159. All Powers of Assistant Barristers, &c. under this Act conferred upon Chairman of Sessions and Recorders of *Dublin* and *Cork*, § 158.
160. Proceedings by Civil Bill under 3 & 4 *Vict. c.* 108., &c. to be had or taken before Recorders of Boroughs, shall be, as near as may be, in the Forms, &c. as by this Act is provided, § 159.
161. As to Compensation to Recorders for Loss of Fees, § 160.
162. Nothing in this Act to affect Duty of Chairman of County of *Dublin* in registering Voters by a Deputy. Upon Death, &c. of present Chairman, Lord Lieutenant to appoint a Barrister to perform the Duties with respect to Registration of Voters, § 161.
163. Interpretation of Terms, § 162.
164. Schedules deemed Part of this Act, § 163.
165. Commencement of Act, § 164.
166. Act to extend only to *Ireland*, § 165.

Constabulary Force.

1. To amend an Act of the Sixth Year of King *William* the Fourth, to consolidate and amend the Laws relating to the Constabulary Force in *Ireland*, 14 & 15 *Vict. c.* 85.
2. 6 *W.* 4. *c.* 13. recited. Offices of Paymaster, Storekeeper, and Clerk, under the said Act discontinued, § 1.
3. The Commissioners of the Treasury to make Rules as to the Performance of the Duties heretofore required from the Paymasters and Storekeepers, § 2.
4. The Receiver of Constabulary to submit to the Special Road Sessions Accounts of Sums chargeable on Counties, § 3.
5. 2 & 3 *Vict. c.* 75. *s.* 30. repealed. Expenses incurred in conveying Prisoners; in pursuit of Offenders; in carrying Witnesses; in carrying stolen Property, and in attending Assizes, &c.; to be certified by Justice, and to be paid by Sub-Inspector of Constabulary. Accounts of such Expenses to be laid before Boards of Superintendence of Gaols, and paid under their Order; Monies to be presented by Grand Juries. Sums advanced for the Pursuit of Offenders to be repaid by Presentment, § 4.
6. 6 & 7 *Vict. c.* 56. recited. Duties directed by recited Act to be performed by Paymaster to be performed by such Officer as may be directed by Inspector General, § 5.
7. Incapacitated Persons enabled to make Grants or Leases of Lands for the Use of the Constabulary, § 6.

County Cess.

1. To amend an Act of the last Session, for making Provision for the Collection of County Cess in *Ireland*, and for the Remuneration of the Collectors thereof, 13 & 14 *Vict.* c. 1.
2. 12 & 13 *Vict.* c. 36. recited. Power to Lord Lieutenant, by Order to be published in *Dublin Gazette*, to direct in what Counties and Baronies this Act shall be in force, and in such Places the Securities of Collectors of Cess given at or after the last Summer Assizes shall be deemed to be modified as if given under recited Act, § 1.
3. Three Members of Grand Jury at the Spring Assizes of this Year to examine Collector's Accounts, and to certify the Amount he might without Neglect or wilful Default have received. Certificate and Lists to be laid before Grand Jury, and if approved, and Money paid over, Collector to be entitled to Poundage, § 2.
4. Interpretation of Terms, § 3.

Court of Chancery.

1. To regulate the Proceedings in the High Court of Chancery in *Ireland*, 13 & 14 *Vict.* c. 89.
2. Suits may be instituted in the Court of Chancery in *Ireland* by Petition in all Cases, § 1.
3. Court to have same Jurisdiction on Petition, and Order to have same Authority as in a Suit, § 2.
4. Proviso. Court may direct a Suit to be instituted, § 3.
5. Persons objecting to Proceedings under the Act may apply for Order that a Suit be prosecuted in the ordinary Way at the Peril of Costs, § 4.
6. Verification of Petition, § 5.
7. Petitioners may annex Interrogatories to their Petition, § 6.
8. Respondents may file Interrogatories, to be answered by Petitioners, § 7.
9. Interrogatories not to be filed except by Leave of the Court, § 8.
10. Practice as to answering the Interrogatories to be same as on Bill and Subpœna, § 9.
11. Petitions to be heard before the Lord Chancellor as Causes are now heard, and Petitions and Affidavits to be filed in Rolls Office and entered in a Book. Table of Fees to be settled, and Fees to be paid over to the Suitors Fee Fund, § 10.
12. Power to petition for Opinion of Court upon Special Case, § 11.
13. The Court or Master may in all Suits direct Evidence to be taken *vivâ voce* or by Affidavit, as well as on Interrogatories, § 12.
14. In taking Accounts the Master may direct Books of Account that have been kept to be *primâ facie* Evidence, § 13.
15. In taking Accounts for Administration of Estate, Executors, &c. may prove Debts, § 14.
16. Certain Classes of Petitions may be referred summarily to Master, § 15.
17. Master to proceed on the Petition referred to him, and to have with respect thereto the same Jurisdiction as might have been exercised by the Court in a Suit, § 16.
18. State of Facts may be dispensed with, and Master to regulate Proceedings, § 17.
19. Master's Orders to take effect as Orders of Court, § 18.
20. Master may make special Reports or Orders, subject to Confirmation, § 19.
21. Service to be made as the Court or Master shall direct, § 20.
22. Power to Master to appoint Guardians to Infants for the Purpose of Proceedings under the Act, § 21.
23. After Reference to Master of Petition with respect to Administration, or after Decree, no Creditor to sue without Master's Leave, § 22.
24. Where Suit instituted, previous Proceedings before Master to be valid, § 23.
25. In case of Illness, &c. of a Master, another Master may act, § 24.
26. Payment, Taxation, and Recovery of Costs in Proceedings before the Master, § 25.
27. Masters within Six Months to make Rules for Procedure under the Act, § 26.
28. Petition may be presented to the Court for partial Relief, &c., § 27.
29. Two or more Proceedings may be consolidated, § 28.
30. Mode of continuing Proceedings on Transmission of Interest of Parties, § 29.
31. Appeal from the Master's Orders and Orders on Petition to be upon Motion; Re-hearings and Appeals to the House of Lords to be within a limited Time, § 30.
32. Lord Chancellor to make Orders for carrying the Act into effect, and extending its Scope, § 31.
33. Rules and Orders to be laid before the Houses of Parliament, and to be binding, unless objected to by Vote of either House, § 32.
34. The Master of the Rolls empowered to appoint a Secretary, with a Salary, § 33.
35. The Lord Chancellor's Secretary and the Masters Clerks and Examiners to be paid by a Salary in lieu of Fees, § 34.
36. The Clerks and Examiners of Masters and Assistant Clerks to hold Office during good Behaviour, and to be paid by Salary in lieu of Fees. Salary of Assistant Clerk to be in lieu of Salary payable under 6 *G.* 4. *c.* 30.—§ 35.
37. The Salaries to be paid quarterly, § 36.
38. The Lord Chancellor's Secretary and the Clerks and Examiners to pay over to the Suitors Fee Fund, monthly, all Fees received by them, § 37.
39. Providing retiring Allowances to Officers of the Court of Chancery, § 38.
40. Allowances to Clerk and Examiner on Retirement from their Offices; 4 & 5 *W.* 4. *c.* 24.—§ 39.
41. Abatement to be made from the Salaries of Clerks and Officers of the Court entitled to Superannuation Allowances, § 40.
42. Compensation for Diminution of Emoluments to be made to Officers out of the Suitors Fund, § 41.
43. Petition to be a *Lis pendens* within the Meaning of 7 & 8 *Vict.* *c.* 90.—§ 42.
44. Short Title of Act, § 43.
45. Interpretation of Act, § 44.

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46. To amend the Court of Chancery (*Ireland*) Regulation Act, 1850, 14 & 15 *Vict.* *c.* 15.
47. Regulations and general Orders made by the Lord Chancellor, but which have not been consented to by the Master of the Rolls, to be of the same Force as if they had received such Consent, § 1.

Courts of Common Law, See Process and Practice.

Court of Exchequer.

1. For the Transfer of the Equitable Jurisdiction of the Court of Exchequer to the Court of Chancery in *Ireland*, 13 & 14 *Vict. c.* 51.
2. The Jurisdiction of the Court of Exchequer as a Court of Equity, &c. abolished, and transferred to the Court of Chancery, § 1.
3. Suits depending and Proceedings transferred to Court of Chancery to be carried on according to the Practice of that Court. Writs returnable in Exchequer to be returnable in Chancery. Lord Chancellor may remit to the Court of Exchequer Causes partly heard by that Court, § 2.
4. Lord Chancellor to make General Orders for the Taxation of Costs, &c. by reason of the Transfer, § 3.
5. Stocks, &c. standing in the Name of the Accountant General of the Court of Exchequer to be transferred into the Name of the Accountant General of the Court of Chancery, and to be applicable to such Purposes as the same were respectively applicable to. Officers of Bank of *Ireland*, &c. directed to make the Transfer, § 4.
6. Accountant General of Court of Exchequer to make up Accounts with Accountant General of Court of Chancery, § 5.
7. Stocks, &c. to be entered Causewise, and the Cash to become One common Cash, § 6.
8. Funds transferred to Chancery not to be subject to Usher's Poundage, § 7.
9. Money directed by any Act, &c. to be paid into the Bank to the Credit of Accountant General of the Court of Exchequer to become payable to the Credit of Accountant General of Court of Chancery. Stocks, &c. transferable into the Name of the Accountant General of the Court of Exchequer to become transferable into the Name of the Accountant General of Court of Chancery, § 8.
10. Exchequer Compensation and Fee Fund invested under 6 & 7 *Vict. c.* 55. to be continued, § 9.
11. Power to Court of Chancery to direct the Sum invested to be called in, § 10.
12. Court of Chancery may make Orders as to the arranging of Balances with the Bank, &c. Lord Chancellor may make Orders as to Charity Box Fund, § 11.
13. Offices of the Court of Exchequer abolished, § 12.
14. Pleadings, &c. in Causes, &c. in the Court of Exchequer as a Court of Equity to be delivered to such Persons as the Master of the Rolls shall direct, and deemed Records of Court of Chancery; certain other Records to be transferred to Chancery; and certain other Records to be retained in the Exchequer, § 13.
15. Power to Lord Chancellor, &c. to reverse, &c. Orders of the Court of Exchequer, § 14.
16. Appointment of *A. Lyle* Esq. to be a Master in Chancery, § 15.
17. Her Majesty empowered by Letters Patent to appoint Successors to Mr. *Lyle*; no new Appointment to be made whilst there be Four Masters, without Consent of the Treasury, § 16.
18. Power to new Master to appoint Clerks, § 17.
19. New Master to have the like Salary and retiring Annuity as a Master appointed after passing of Act, § 18.
20. Certain Duties to be performed by the Master and Officers of the Pleas Side of the Exchequer, § 19.
21. Fees in respect to Revenue Business to cease, and Proceedings, &c. to be liable to Law Fund Duties in lieu thereof, pursuant to 1 & 2 *G.* 4. *c.* 112.—§ 20.
22. The Master on the Pleas Side also to perform all other Duties of the Equity Officers not otherwise provided for, and to audit Sheriffs Accounts, § 21.
23. The Master of Exchequer to have to aid him in discharge of his Duties One of the Clerks now employed in the Revenue Business, § 22.
24. Master in Chancery to audit certain Accounts now audited by Remembrancers, pursuant to 7 & 8 *Vict. c.* 97., 7 *W.* 4. & 1 *Vict. c.* 54., and 5 & 6 *W.* 4. *c.* 55. *s.* 39.—§ 23.
25. Accounts of Fines and Penalties to be audited by Chief or Under Secretary, under 6 & 7 *Vict. c.* 56. *s.* 21.—§ 24.
26. Persons deprived of Offices or Employments by this Act entitled to claim Compensation of the Treasury, § 25.
27. Compensations awarded under this Act to be paid out of Funds mentioned in 6 & 7 *Vict. c.* 55. and 7 & 8 *Vict. c.* 90. If Funds inadequate, Deficiency to be paid out of Consolidated Fund, to be repaid as herein mentioned, § 26.
28. Compensations to be a Charge in favour of the Crown against Suitors Funds, § 27.
29. Salaries of future Masters in Chancery in *Ireland* to be reduced to the same Amount as paid to Masters in *England*, § 28.
30. Retired Annuities of Masters fixed in same Proportion as hitherto, according to altered Salaries, § 29.
31. Power to diminish or increase Number of Officers, and their Salaries, § 30.
32. Interpretation of Terms, § 31.

Crime and Outrage Prevention.

1. To continue, for a Time to be limited, an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland*, 13 & 14 *Vict. c.* 106.
2. 11 & 12 *Vict. c.* 2. continued to 31st *Dec.* 1851, and to the End of the then next Session, § 1.

Dublin, Borough of.

1. To explain an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin*, 13 & 14 *Vict. c.* 81.
2. The Provision as to Notice required as to certain Taxes payable under 3 & 4 *Vict. c.* 108. not to apply to Taxes specified in Schedule of 12 & 13 *Vict. c.* 85.—§ 1.

Dublin, Corporation of.

1. To amend an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin*, 13 & 14 *Vict. c.* 55.
2. 12 & 13 *Vict. c.* 85. recited. Aldermen and Assessors of the old Wards of the Borough of *Dublin* shall in this Year be the Persons to preside at the Elections of Aldermen, &c., and act as Assessors for those new Wards that are respectively specified in the Schedule, § 1.
3. Vacancy in the Office of Alderman or Councillor or Assessor of any old Ward before the 25th of *November* in this Year to be filled up under the 3 & 4 *Vict. c.* 108. as if the Re-division of the Borough into new Wards had not taken place. In case of Vacancy on that Day, who to hold Elections, § 2.
4. Recited Acts and this Act to be construed as One Act, § 3.
5. Schedule Part of this Act, § 4.

Ecclesiastical Property Valuation.

1. To amend an Act of the Eleventh and Twelfth Years of Her Majesty, relating to Poor Rate Poundage and the Valuation of Ecclesiastical Property in *Ireland;* and to provide for the Renewal of Leases of Lands disappropriated from Bishoprics, 14 & 15 *Vict. c.* 74.
2. 3 & 4 *W.* 4. *c.* 37. and 11 & 12 *Vict. c.* 80. *s.* 2. recited. Deductions to be made under secondly-recited Act to be calculated upon a yearly instead of a half-yearly Return, § 1.
3. In Cases of Disappropriations of Rectories, Lands, or Glebes, &c. from a Bishopric, and the same being united to a Vicarage, &c., the Incumbent required to grant Renewals of Leases theretofore made by the Bishops of such See, § 2.
4. Power to the Bishop of *Down*, &c. to renew Leases of certain disappropriated Lands, § 3.

Ecclesiastical Residences.

1. To consolidate and amend the Laws relating to Ecclesiastical Residences in *Ireland*, 14 & 15 *Vict. c.* 73.
2. Construction of Terms in this Act, § 1.
3. Memorial of proposed Building or Improvement to be presented and approved of, § 2.
4. Power to grant a Commission to view and examine Buildings and Improvements made, &c. Power to administer Oath to Commissioners to return true Account, &c. Power to grant Commission to make a Survey and Valuation of Buildings, &c. previous to the said Inquiry, § 3.
5. Upon Return of Commission Lord Lieutenant, &c. empowered to hear and determine Objections as may be taken to Report. No greater Amount shall be made chargeable at One Time than Two Years Income. Certificate, subject to Power of Appeal, to be final, § 4.
6. Estimate of Income of See or Benefice, § 5.
7. Amount certified to be a Charge on the Ecclesiastical Emoluments of the See, &c., § 6.
8. Registry of Certificate, § 7.
9. Charge to be subject to progressive Diminution in respect of Lapse of Time. Saving in favour of the Person building, § 8.
10. Charge payable in respect of complete Buildings, § 9.
11. Time and Manner of recovering Charge. By Distress, Sequestration, or Action, § 10.
12. Successor dying or avoiding before entire Charge payable, § 11.
13. Successor proving insolvent, Charge recoverable from next Successor, § 12.
14. Successor in case of Union of Sees or Benefices, § 13.
15. Successor in case of Division or Disappropriation of Benefices. Apportionment by Lord Lieutenant and Council, § 14.
16. Successor paying only Part of Charge may recover same against his Successor, § 15.
17. Ordinary may direct Residence to be built, § 16.
18. Money levied to be expended under Directions of the Bishop, § 17.
19. Inquiry and Report of building and Improvements necessary, § 18.
20. Estimated Expense to be raised on Mortgage, § 19.
21. As to the Repayment of Amount of Mortgage and Interest, § 20.
22. As to the Expenditure of the Money in building or improving, § 21.
23. Power to contract for the Purchase of suitable Glebe Houses, § 22.
24. As to Endowment of Glebe Lands or Houses by Deed or Will, § 23.
25. As to Endowment of Purchase Money to build Glebe House, § 24.
26. As to Endowment of Lands not convenient to be exchanged for suitable Glebe, § 25.
27. As to Endowment in trust for Chapelry or Curacy to be void unless erected within reasonable Time, § 26.
28. Power to issue Commission for inquiring into Dilapidations, § 27.
29. Upon Confirmation of Report as to Dilapidations a Certificate of Allowance to be granted in respect to the same, § 28.
30. As to Expenditure of Money recovered in respect of Dilapidations, &c., § 29.
31. Power to issue a Commission to inspect and examine Houses, &c. of Ecclesiastical Persons. On Report of Commissioners that Dilapidations have been repaired, Ecclesiastical Person discharged from further Claim, &c., § 30.
32. As to Condemnation of Residences and unnecessary Offices, § 31.
33. As to Sale of unsuitable Residence, § 32.
34. Certificate in respect of new Residence to discharge all Liability and Charges in respect of former Residence, § 33.
35. Charge to be extinct on Sale or Exchange of Residence, § 34.
36. Appeal from Decisions as to Buildings and Dilapidations, § 35.
37. As to Purchase of Residences, § 36.
38. As to Purchase of Demesne, Mensal, and Glebe Lands, § 37.
39. Exchange of inconvenient Residences and Lands, § 38.
40. Memorial for Purchase or Exchange to set forth certain Particulars of Houses, &c., § 39.
41. Enabling Sale and Exchange of suitable House and Land for Glebe, § 40.
42. Power to issue Precept to Sheriff or Coroner to summon a Jury, § 41.
43. House and Lands purchased and taken in Exchange to be Glebe, § 42.
44. Former Ecclesiastical House or Glebe Lands to be subject to the like Uses as those taken in Exchange, § 43.
45. Application of Purchase Money, § 44.
46. Enabling Grant of Ecclesiastical Lands as Glebe at Half Rent, § 45.
47. Enabling Grant of neighbouring Glebe, § 46.
48. Enabling Grant of Lay Lands for Glebe at a Rent, § 47.
49. Enabling Surrender of Glebe Lands, § 48.
50. Registry of Deeds, § 49.
51. Remedies for Recovery of Rent in arrear, § 50.
52. Vouchers of Rent and Mortgage Instalments to be produced to Bishop, § 51.
53. Copy of Ejectment to be served on Bishop, § 52.
54. Insurance of Ecclesiastical Houses, § 53.
55. Archbishops, &c. may appropriate Lands for Demesne, § 54.
56. Disappropriation of unnecessary Demesne Lands, § 55.

57. Reservation of Rents of Demesne Lands under this Act, § 56.
58. Regulations as to the letting or demising Glebe Lands, § 57.

Elections.

1. To shorten the Duration of Elections in *Ireland*, and for establishing additional Places for taking the Poll thereat, 13 & 14 *Vict. c.* 68.
2. At contested Elections for Counties, Polling to continue for Two Days only, § 1.
3. Counties to be divided into Districts for Polling, according to the Schedule to this Act, § 2.
4. At contested Elections for Counties Booths to be erected so that not more than Six hundred be required to poll in One Booth, § 3.
5. Sheriff to appoint Deputies and Poll Clerks for each Polling Booth. Poll when to be declared, § 4.
6. Cities and Boroughs in Schedule (B.) to be divided into Polling Districts, § 5.
7. List of Electors of such Cities, Towns, &c. to be divided by Wards, &c., and so printed in the Register, § 6.
8. Electors in respect of Property not situate in any Ward to be inserted in List of adjoining Ward, § 7.
9. Electors for such Cities and Towns, &c. hereafter to be arranged and printed in like Manner, § 8.
10. Booths at which Freemen and other Voters are to give their Votes, § 9.
11. Freemen's Booths, § 10.
12. Booths in each Ward for other Voters, § 11.
13. Polling Places in Cities or Towns not mentioned in Schedule (B.), § 12.
14. At Elections for Cities and Towns, on Requisition of Candidate, Proposer, or Seconder, Arrangement to be made so that not more than Two hundred shall poll in each Booth, § 13.
15. At such Elections for Cities and Towns the Returning Officer to appoint Deputy and Poll Clerk for each Booth, and furnish List of the Persons to poll thereat, § 14.
16. At Elections for Cities and Towns, Commencement and Continuance of Poll for One Day only, § 15.
17. Duty of Poll Clerks at such Elections. Declaration of Poll, § 16.
18. Elections on or before 15th *March* 1851 to be taken as if Act had not passed. University of *Dublin* not to be affected, § 17.
19. Poll may be closed in certain Cases as heretofore. Proceedings in case of Riot, § 18.
20. Expense of Booths. Payment to Deputies and Poll Clerks, § 19.
21. Lists of Electors for each Booth, and Notice of Situation of Booths, § 20.
22. No Candidate to be liable to pay Fee of Assessor, § 21.
23. Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled, § 22.
24. Repeal of 10 & 11 *Vict. c.* 81. after this Act comes into operation, § 23.
25. Interpretation Clause, § 24.
26. Schedules to be Part of Act, § 25.

Engines for taking Fish.

1. To amend the Law relating to Engines used in the Rivers and on the Sea Coasts of *Ireland* for the taking of Fish, 13 & 14 *Vict. c.* 88.
2. Construction of Terms of recited Acts and of this Act, § 1.
3. In case of Lands and Fisheries vested in One Person, how he may act, § 2.
4. In case the Owner is under legal Disability, who to act, § 3.
5. Acts may be done by Agents duly authorized. Power of Attorney, § 4.
6. Conservators empowered at General Meetings to depute Conservators for Electoral Divisions to act for such Electoral Divisions, § 5.
7. Existing Fishery Districts, &c. may be altered from Time to Time by the Commissioners, § 6.
8. All Fisheries rated under Poor Law Valuation to pay the same Rate, in addition to Licence Duty, as Several Fisheries, § 7.
9. District Funds to be applied by the Conservators elected for the Year, § 8.
10. Appeal against Amount of Licence Duty, § 9.
11. Provisions in case of Vacancies in the Board of Conservators, § 10.
12. Justices of the Peace being Conservators not disqualified from sitting at the Trial of Offences against this Act, § 11.
13. Penalty for fishing without Licence increased, § 12.
14. Elections of Conservators to be triennial instead of annual, § 13.
15. Commissioners may adjudicate on Complaints of illegal Fishing, and order Weirs to be abated, § 14.
16. Appeals from such Adjudications, § 15.
17. Penalties for erecting or using Weirs contrary to this Act, § 16.
18. Penalties for erecting or re-erecting Weirs after Conviction, § 17.
19. Not to prevent, in certain Cases, the Erection of Weirs in or adjoining to the Place from which Weirs had been abated and removed by Order of Court, § 18.
20. Nothing to affect or impair Jurisdiction of Admiralty and other Courts, § 19.
21. Metes and Bounds not necessary to be set out on Records, § 20.
22. Further Powers for defining Mouths of Rivers, § 21.
23. Penalties for Neglect to make or maintain the Statutory Free Gap or Queen's Share, § 22.
24. Commissioners may require Owners of Weirs in certain Cases to make Gaps therein, and furnish a Claim for Compensation, § 23.
25. Satisfaction may be made and accepted, § 24.
26. Commissioners empowered to assess the Value in case of Dispute, § 25.
27. Any Person dissatisfied with the Adjudication of the Commissioners may appeal to a Judge at the Assizes. If no Appeal within 21 Days, Award to be final, § 26.
28. Judgments to be final, § 27.
29. Awards and Judgments to be recorded, § 28.
30. How the Award or Judgment shall be enforced, § 29.
31. If n paid it may be sued for, § 30.
32. Compensation to be paid over, when received, and the Alterations in the Weir, &c. to be made as directed by the 5 & 6 *Vict. c.* 106.—§ 31.
33. Savings for Mill Weirs, § 32.
34. Commissioners not bound to do more than open the Passages required by this Act, and not liable for consequential Damages, § 33.
35. Removal of Nets from the Banks of Rivers during Close Seasons, § 34.
36. Having in possession Part of a Salmon or Trout, liable to Penalty, § 35.
37. Penalty for poisoning Rivers for the Purpose of taking Fish, § 36.

38. Nets and other Engines not to be used within certain Distances of Weirs, § 37.
39. Boxes, Cribs, &c. in the Tideway during Weekly Close Time to be subject to Regulations of *5 & 6 Vict. c.* 106., upon the Certificate of the Commissioners, § 38.
40. Mill Sluices to be opened or shut as by Law required at all Times when Mills are out of use, subject to a Penalty, § 39.
41. Otters, Spears, Gaffs, &c. prohibited, § 40.
42. Power to make Oyster Beds, § 41.
43. Penalty for stealing Oysters or Oyster Brood, § 42.
44. Further Regulations as to Stake Nets, &c., § 43.
45. Nets for taking Salmon not to be used at the Mouths of narrow Rivers, nor to be stretched across the Mouths or any other Parts of Rivers, § 44.
46. Close Season for Trout Fishing, § 45.
47. Penalties for not opening or removing Cribs, &c. in Weekly Close Time, § 46.
48. Offences committed in Rivers, &c. forming Boundaries of Two Districts of Petty Sessions may be tried before Justice of either District, § 47.
49. Recovery of Expenses, § 48.
50. The Mode in which Penalties are to be levied, § 49.
51. Form of Conviction, § 50.
52. Appeal from Convictions to Judges of Assize, § 51.
53. Form of Dismissal. Appeal against Dismissal, § 52.
54. Proceedings on Appeal, § 53.
55. Courts may award Costs, § 54.
56. Recited Acts to be read with this Act, § 55.
57. Saving Rights of the Crown, § 56.

Established Church.

1. To repeal certain Statutes relating to the *Irish* Branch of the United Church of *England* and *Ireland*, 14 & 15 *Vict. c.* 71.
2. The Acts and Parts of Acts herein specified repealed. 10 & 11 *Car.* 1. *c.* 2., 15 *Car.* 1. *c.* 11., 10 *W.* 3. *c.* 6., 2 *Ann. c.* 10., 2 *G.* 1. *c.* 14., 6 *G.* 1. *c.* 13., 8 *G.* 1. *c.* 11., 8 *G.* 1. *c.* 12., 10 *G.* 1. *c.* 6., 12 *G.* 1. *c.* 10., 1 *G.* 2. *c.* 15., 1 *G.* 2. *c.* 18., 1 *G.* 2. *c.* 22., 3 *G.* 2. *c.* 12., 9 *G.* 2. *c.* 13., 15 *G.* 2. *c.* 5., 17 *G.* 2. *c.* 8. ,9 *G.* 2. *c.* 16., 31 *G.* 2. *c.* 11., 7 *G.* 3. *c.* 9., 11 & 12 *G.* 3. *c.* 16., 11 & 12 *G.* 3. *c.* 17., 13 & 14 *G.* 3. *c.* 27., 15 & 16 *G.* 3. *c.* 17., 23 & 24 *G.* 3. *c.* 49., 25 *G.* 3. *c.* 21., 25 *G.* 3. *c.* 49., 29 *G.* 3. *c.* 27., 31 *G.* 3. *c.* 19., 40 *G.* 3. *c.* 82., 43 *G.* 3. *c.* 108., 51 *G.* 3. *c.* 115., 54 *G.* 3. *c.* 117., 55 *G.* 3. *c.* 147., 6 *G.* 4. *c.* 8., 7 *G.* 4. *c.* 66., 7 & 8 *G.* 4. *c.* 43., 6 & 7 *W.* 4. *c.* 31., 8 & 9 *Vict. c.* 54., 11 & 12 *Vict. c.* 41., 12 & 13 *Vict. c.* 99. —§ 1.

Fee-farm Rents.

1. To extend the Remedies provided by the Renewable Leasehold Conversion Act, for the Recovery of Fee-farm Rents under that Act, to all other Fee-farm Rents, and to other Rents in *Ireland* reserved upon Grants of Land in which the Grantors have no Reversion, 14 & 15 *Vict. c.* 20.
2. 12 & 13 *Vict. c.* 105. *ss.* 20, 21. recited. Provisions of recited Act extended to Fee-farm and other Rents under Leases for Lives or for Years, save as herein excepted, § 1.

Fines, &c. Collection of.

1. For the better Collection of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in *Ireland*, 14 & 15 *Vict. c.* 90.
2. Officers who shall enter and account for Fines, &c., § 1.
3. All Fines, &c. to be entered in a Book. In case of Fines upon Jurors, Officer to send Notice. Judge's Register to certify Fines to Clerk of Rules for Entry, § 2.
4. Warrants for the Execution of Orders to be issued at certain Periods. Form, &c. of Warrant, and Power to imprison in default of Distress, to be as in Petty Sessions Act. Sheriffs not to levy Fines; but Issues to be levied by Sheriffs, § 3.
5. To whom Warrants shall be addressed: From Courts in *Dublin* to the Commissioners of Police: From Divisional Offices to Office Sergeant: From other Courts to Sub-Inspector of Constabulary. Warrants to be executed, certified, and backed as under Petty Sessions Act, § 4.
6. If levied under Warrants, to be paid over to Officer of Court. If paid to Gaoler, to be paid over within certain Period to Officer of Court. Board of Superintendence or Justices to compare Receipts and Warrants with the Gaol Books. Officer to receive all Fines. Officer to pay Parties. Penalty on any Persons but the proper Officers or their legal Deputies for receiving Fines, &c., § 5.
7. Chief or Under Secretary may make General Regulations as to Accounts. Declaration that Accounts are correct. Mode of enforcing Payment of Balances or Sums, § 6.
8. Mode of accounting by Officers not being Officers of Courts of Justice, § 7.
9. Penalty for Non-observance of Provisions of Act: Officers of Courts: Constabulary or Metropolitan Police: Keepers of Gaols: Other Persons, § 8.
10. Appeal against Imposition of Fine, &c. may be made to Court of Assize or Quarter Sessions, &c.; but subject to following Provisions. Appellant to enter into Recognizance to appeal: To lodge Certificate of Justice. In such Case no Warrant to be issued; or, if issued, not to be executed until Decision of Appeal. Party, if in Custody or Gaol, to be discharged. Court of Appeal may entertain Appeal. Order of Court of Appeal to be certified by its Officer. Execution of Order of Court of Appeal. Execution when Appeal dismissed or not prosecuted. In Cases of Jurors Fines, Party may have further Appeal to Superior Courts. Not to interfere with the Prerogative of Crown, &c., § 9.
11. Estreat of Recognizances. On Proof of Nonperformance of Condition, Court may order Levy or Recognizance so forfeited. Proof of Notice to be first given, § 10.
12. Forms in the Schedule deemed valid. Form of Book may be extended, § 11.
13. Receipts not to be subject to Stamps, § 12.
14. Appropriation of Fines and Penalties; but not to apply to Fines at Divisional Police Offices, § 13.
15. Crown Fines, &c. to be lodged in Bank, § 14.
16. Lord Lieutenant to charge Expense of Audit on the Fund, § 15.
17. Clerks of Divisional Offices to give Security, § 16.
18. Annual Account to be laid before Parliament, § 17.
19. Interpretation of Terms, § 18.
20. Fines and Penalties Act, 6 & 7 *Vict. c.* 56. repealed, § 19.
21. Short Title, § 20.
22. Commencement of Act, § 21.
23. Act to extend to *Ireland* only, § 22.
24. Schedule to be Part of Act, § 23.

Grand Jury Cess.

1. To extend the Remedies for the Collection of Grand Jury Cess in *Ireland*, 13 & 14 *Vict. c.* 82.

2. 6 & 7 *W.* 4. *c.* 116. recited. Grand Jury Cess may be levied by Distress and Sale of any Goods found on the Premises chargeable, save as herein excepted, § 1.
3. Recited Act and this Act to be as One, § 2.

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4. To continue certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland;* and also to provide for the due Annexation of an isolated District, formerly of the County of *Dublin*, to a Barony of the County of *Wicklow*, for the Purposes of Grand Jury Cess and other Purposes, 14 & 15 *Vict. c.* 65.
5. Certain Provision of 11 & 12 *Vict. c.* 26. further continued, § 1.
6. 11 & 12 *Vict. c.* 32. continued to the End of the Year 1852, § 2.
7. Provisions of 12 & 13 *Vict. c.* 36. still in force further continued, § 3.
8. For rectifying a clerical Error in Section 51. of 6 & 7 *W.* 4. *c.* 84. as to the Words "*Upper Talbotstown*" and "*Lower Talbotstown*," and authorizing Lord Lieutenant to issue a new Order in Council. Proportions of Grand Jury Cess to be payable by such Baronies to be adjusted by the Grand Juries, § 4.
9. Provisions of 13 & 14 *Vict. c.* 82. extended to County of *Dublin*, § 5.

Judgments.

1. To amend the Laws concerning Judgments in *Ireland*, 13 & 14 *Vict. c.* 29.
2. 5 & 6 *W* 4. *c.* 55., 3 & 4 *Vict. c.* 105., 7 & 8 *Vict. c.* 90., 11 & 12 *Vict. c.* 120., 12 & 13 *Vict. c.* 95. recited. Recited Provisions not to extend to Judgments, Decrees, &c. entered or made after passing of this Act, § 1.
3. Existing Judgments, &c. not to affect Land purchased after passing of this Act, § 2.
4. Judgments, &c. already registered to be re-registered within Five Years after passing of this Act, § 3.
5. All Judgments, &c. registered or re-registered after the passing of this Act to be re-registered every Five Years, § 4.
6. Lis Pendens not to affect Purchasers, &c. unless registered within Five Years before Execution of Conveyance, &c., § 5.
7. Creditors under Judgments, Decrees, &c. entered up or made after passing of Act may file Affidavit of Ownership of Lands, and register same in Office for registering Deeds, and Creditors under Judgments, Decrees, &c. entered up or made before passing of Act may file and register a like Affidavit in respect of Lands purchased after passing of Act, § 6.
8. Registration of Affidavit to have the Effect of a Mortgage, § 7.
9. Voluntary Conveyances after Judgment entered up void as against the Creditor. Not to affect Provisions as to fraudulent Conveyances, § 8.
10. Registrar of Deeds, upon Lodgment of Certificate of Satisfaction of Judgment, &c., to enter Memorandum thereof upon Entries of Affidavit, § 9.
11. Act not to affect Execution by Fieri facias, § 10.
12. Rights of Judgment Creditor in Administration of Assets preserved, § 11.
13. 3 & 4 *Vict. c.* 105. *s.* 22. not to extend to Interests created by Securities for Money, § 12.

See Registration of Judgments.

Justices of the Peace, See Summary Jurisdiction.

Lands Clauses Consolidation.

1. To alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to *Ireland*, 14 & 15 *Vict. c.* 70.
2. Short Title, § 1.
3. Act to apply to Railways in *Ireland* authorized in this Session, &c. and to those heretofore authorized, except 13 & 14 *Vict. c.* xxix., 13 & 14 *Vict. c.* xlv., 13 & 14 *Vict. c.* lxxvi., 13 & 14 *Vict. c.* lxxxviii., 14 & 15 *Vict. c.* cx., 14 & 15 *Vict. c.* ciii.—§ 2.
4. Certain Provisions of 8 & 9 *Vict. c.* 18. not to apply to this Act, § 3.
5. Company to deliver Maps, Schedules, and Estimates at the Office of Commissioners of Public Works, and deposit Copies with Clerks of the Peace and Clerks of Unions, § 4.
6. Commissioners of Public Works to appoint an Arbitrator, on Application of Company, § 5.
7. Arbitrator may call for Documents, and administer Oaths, § 6.
8. Arbitrator to make and subscribe Declaration, § 7.
9. Maps, &c. deposited with Commissioners of Public Works to be delivered to Arbitrator. Notice of Appointment of Arbitrator, &c. to be published, § 8.
10. Arbitrator to adjudicate upon Compensation to be paid for Lands, and upon Accommodation Works, § 9.
11. Separate Awards may be made as to Lands in the several Parishes or otherwise, § 10.
12. Clerks of the Peace and Clerks of Unions required to take charge of Documents deposited, as provided by 7 *W.* 4. & 1 *Vict. c.* 83.—§ 11.
13. Expenses of the Arbitrator to be borne by the Company, § 12.
14. Costs of Parties, § 13.
15. Certificates of Amount of Compensation to be delivered by Company, § 14.
16. Amount mentioned in Certificates to be paid to Parties on Demand, &c., § 15.
17. When Amount mentioned in Certificates is paid to Parties, Company may take Possession, § 16.
18. Receipts duly stamped to operate as a Conveyance, § 17.
19. Payment of Monies where Parties making Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced, § 18.
20. Where no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank, § 19.
21. Nothing to prevent Company requiring further Evidence of Title at their Costs, § 20.
22. Delivery of Certificate may be enforced by Court of Chancery, § 21.
23. After Deposit of Draft Award, Company may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands. Company to pay Interest from Time of Entry, § 22.
24. Mode of Deposit, § 23.
25. Deposit to remain as a Security, and to be applied under the Direction of the Court, § 24.
26. Company may deposit Money by way of Security while the Office of the Accountant General is closed, § 25.
27. Parties dissatisfied with Award may traverse at Assizes, § 26.
28. Verdict on Traverse to have Effect of Judgment, § 27.

29. Act to apply to the Purchase of Lands for extraordinary Purposes, § 28.
30. Provisions of 8 & 9 *Vict. c.* 18. incorporated with this Act, § 29.
31. Meaning of "the Company," § 30.
32. Act to extend to *Ireland* only, § 31.
33. Continuance of Act, Five Years, § 32.

Land Improvement.

1. To authorize the Transfer of Loans for the Improvement of Land in *Ireland* to other Land, 13 & 14 *Vict. c.* 113.
2. 13 & 14 *Vict. c.* 31. recited. Recited Enactment not to prevent new Orders for Loans upon Relinquishment of Advances under previous Order, § 1.
3. This Act to be deemed Part of recited Act, § 2.

Linen and Hempen Manufacture.

1. To continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*, 13 & 14 *Vict. c.* 48.
2. 5 & 6 *W.* 4. *c.* 27., 3 & 4 *Vict. c.* 91., 5 & 6 *Vict. c.* 68., and 7 & 8 *Vict. c.* 47. continued, § 1.

Lough Corrib Improvement Company.

1. To vest in the Commissioners of Public Works in *Ireland* certain Works and Rights of the *Lough Corrib* Improvement Company, and to compensate such Company for the same, 13 & 14 *Vict. c.* 112.
2. *Lough Corrib* Company not to proceed with their Works, § 1.
3. Commissioners of Public Works, with Consent of Treasury, to pay into Bank, to the Credit of the Company, 3,200*l.* and 1,800*l.* Application of the Money so paid in, § 2.
4. Upon Payment into the Bank the Works, &c. of the Company to vest in Commissioners of Public Works, § 3.
5. Money not to be liable to Ushers Poundage, § 4.
6. Said Sums of 3,200*l.* and 1,800*l.* to form Part of Expenses of Navigation and Drainage in the *Lough Corrib* District, § 5.

Lunatic Asylums.

1. To continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*, 14 & 15 *Vict. c.* 45.
2. 5 & 6 *Vict. c.* 123. continued until 31st *July* 1855, and to the End of then next Session, § 1.

Medical Charities.

1. To provide for the better Distribution, Support, and Management of Medical Charities in *Ireland;* and to amend an Act of the Eleventh Year of Her Majesty, to provide for the Execution of the Laws for the Relief of the Poor in *Ireland*, 14 & 15 *Vict. c.* 68.
2. Appointment of Commissioners to act with Poor Law Commissioners, § 1.
3. Appointment of Commissioners to be published in Gazette. Powers given by this Act how to be exercised, § 2.
4. Appointment of Inspectors, § 3.
5. Salaries of Commissioners and Inspectors to be paid from any Funds provided by Parliament for such Purpose, § 4.
6. No Medical Commissioner or Inspector to practise as Physician or Surgeon, § 5.
7. Power to Guardians to divide Unions into Dispensary Districts, § 6.
8. Appointment of Dispensary Committee, § 7.
9. Guardians to provide Offices for Meetings, &c., and also Medicines, &c. Committee of Management, with Approval of Commissioners, may appoint Officers, and with such Salaries as the Guardians, with the like Approval, may determine, § 8.
10. Power to afford Dispensary Relief, § 9.
11. Other Provision made for Dispensary Relief to cease after Day named in Order of Commissioners. Proviso as to County Infirmaries, &c. under 5 *G.* 3. *c.* 20.,—§ 10.
12. Members of Committee of Dispensary not to be concerned in supplying Articles for Use in Dispensary, under Penalty of 50*l.* and Costs, § 11.
13. Regulations as to Management of Dispensaries, § 12.
14. Regulations as to Vaccination, § 13.
15. As to existing Medical Officers of Dispensaries, § 14.
16. Salaried Medical Officers of Districts to attend at Examination of dangerous Lunatics, and to give Attendance at Bridewells within their Districts, § 15.
17. Power of Commissioners and Inspectors to inquire on Oath, or require a Declaration. Provisions as to the summoning of Witnesses, &c. by Commissioners and Inspectors, § 16.
18. Penalty for giving false Evidence. Penalty for refusing to attend to Summonses or to give Evidence, § 17.
19. Inspectors to visit Dispensaries and attend Meetings of Guardians, &c. Commissioners and Inspectors to inspect and report upon Hospitals, &c. supported by Public Funds, Rates, &c., § 18.
20. Commissioners to execute in *Ireland* the Nuisances Removal and Diseases Prevention Act, 1848, (11 & 12 *Vict. c.* 123.) and the amending Act (12 & 13 *Vict. c.* 111.) —§ 19.
21. Annual Reports to be made to Lord Lieutenant, and laid before Parliament, § 20.
22. Interpretation of Terms, § 21.
23. Commencement of Act, § 22.

Mills.

1. To amend an Act of the Parliament of *Ireland* of the Twenty-fifth Year of King *George* the Third, for explaining and amending several Laws for the Encouragement of Agriculture, so far as relates to Leases for the Erection of Mills, 14 & 15 *Vict. c.* 7.
2. 25 *G.* 3. (*I.*) recited. Like Leases of Lands may be made for erecting Mills with Steam Machinery, &c. as under recited Act may be made as to Mills turned by Water, § 1.

Offences, See Summary Jurisdiction.

Parliamentary Voters.

1. To amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in *Ireland*, and to alter the Law for rating immediate Lessors of Premises to the Poor Rate in certain Boroughs, 13 & 14 *Vict. c.* 69.
2. Occupiers of Lands rated for the Poor Rate at a net annual Value of 12*l.* or upwards, and being registered under this Act, to be entitled to vote at Elections for Counties in *Ireland*, § 1.
3. Persons entitled to Estates in Fee, or in Tail, or for Life, of the rated Value of 5*l.* to have Votes for Counties, § 2.
4. After Completion of first general Register, no one to vote at a County Election on a Qualification requiring Occupation, unless qualified under this Act, § 3.

5. No Persons to have Votes for Counties in respect of Lands situate within the Boundaries of Cities and Boroughs, § 4.
6. Occupiers of Lands or Premises rated for the Poor Rate at a net annual Value of 8*l.* or upwards, and being registered under this Act, to be entitled to vote at Elections for Cities or Towns in *Ireland*, § 5.
7. Provision as to joint Occupiers in Cities or Towns, § 6.
8. Provision as to Premises occupied in succession, § 7.
9. After Completion of the first general Register no one to vote at an Election for a City, Town, or Borough on a Qualification requiring Occupation, unless qualified under this Act, § 8.
10. Provisions as to Trust and Mortgage Estates in Counties and Boroughs, § 9.
11. Provisions of 2 & 3 *W.* 4. *c.* 88. in respect of Registration, &c. to be repealed from the 8th *Sept.* 1850, save as here excepted, § 10.
12. Laws in force before the passing of this Act, as to Right of voting and Registration, to continue in force until the Periods here mentioned, § 11.
13. No Person to vote after 15th *March* 1851, unless registered under this Act, § 12.
14. Length of Possession required previous to Registration under this Act for Counties, § 13.
15. Certain Conditions required previous to Registration under this Act for Boroughs, § 14.
16. Clerk of the Peace in Counties to prepare List of Persons now registered, § 15.
17. Precepts and Lists to be printed, and Clerk of Peace to send his Precept to Clerks of Unions, together with Copies of Registers of Voters, § 16.
18. In the Year 1850 Clerks of Unions to make out and transmit to Clerks of Peace Returns of Persons rated as Occupiers of Lands of annual Value of 12*l.* or upwards who have duly paid their Poor Rates, § 17.
19. Clerk of Peace in the Year 1850, at the End of the List of registered Voters for each Barony, to annex a Supplemental List of rated Occupiers returned by Clerk of Union not on former List, and to make Objections as herein required, and to publish such Lists, § 18.
20. Clerks of Unions to enter on the Copy of Register of each Barony Objections to all Persons therein stated to be qualified as rated Occupiers of Lands of annual Value of 12*l.* or upwards, who have not duly paid their Poor Rates, or are otherwise not entitled, and to return such Copy of Register to Clerk of Peace, § 19.
21. In every Year after 1851 Clerks of Unions also to transmit to Clerk of Peace Supplemental Lists of Persons rated as Occupiers of Lands of annual Value of 12*l.* or upwards, who have paid their Poor Rates, and are not already on the Register for the Barony, § 20.
22. Clerk of Peace on Copy of Register of each Barony returned by Clerk of Union to enter Objections to Persons not entitled as herein required, and to publish such Copy of Register, § 21.
23. Clerks of Peace to give Notice annually, requiring Voters to claim, § 22.
24. Clerks of Peace to prepare Lists of Claimants, make Objections, &c. Copies of Lists to be kept for Inspection, without Fee, for 14 Days, and may be sold, § 23.
25. List of registered Voters, or the Copy of Register for each Barony, with the List of Claimants, to be deemed the List of Voters for such Barony, § 24.
26. Claimants and registered Voters empowered to inspect Rate Books, and to take Extracts, without Fee, § 25.
27. Registered Voters empowered to object to Persons registered or claiming. Notice of Objection, § 26.
28. Clerk of the Peace to make out a List of Persons objected to, which shall be open to Inspection, and shall be published, § 27.
29. Clerk of the Peace acting for Boroughs to prepare Lists of Persons now registered, except as herein mentioned, § 28.
30. Precept, Forms, and printed Lists to be delivered by the Clerk of the Peace to Town Clerk, § 29.
31. Town Clerks of Boroughs, &c. to publish, previous to Registration, Notice requiring Payment of Poor Rate, § 30.
32. Town Clerks empowered to inspect Rate Books, and obtain List of Defaulters. Poor Rate Collector to deliver to Town Clerk List of Defaulters, if required. Town Clerk to keep List, to be open to Inspection without Fee, § 31.
33. Clerks of Unions to transmit to Town Clerk Lists of Persons rated as Occupiers of Premises of an annual Value of 8*l.* or upwards, § 32.
34. Town Clerk to make out annually Lists of Persons entitled to vote. Persons now registered to be placed on such Lists, unless disqualified. Lists when signed to be published and sold, § 33.
35. Persons omitted from Lists of Voters may claim, and Lists of Claimants to be made and published, and sold, § 34.
36. Registered Voters and Claimants may inspect Rate Books, § 35.
37. Who may object. Notice of Objection shall be given, § 36.
38. Lists of Persons objected to shall be made and published, and sold, § 37.
39. Town Clerk shall deliver Copies of Lists to the Clerk of the Peace, § 38.
40. Mode of Publication, § 39.
41. Term of Publication, § 40.
42. Penalty for hindering Publication, § 41.
43. Lists not to be invalidated by imperfect Publication, § 42.
44. If no List made out former List to be in force, § 43.
45. Abstracts of Lists to be transmitted to Assistant Barristers empowered to revise them, § 44.
46. Remuneration to Barristers, § 45.
47. Assistant Barristers of Counties to hold Courts for Purposes of Revision at the several Polling Places for such Counties, &c., § 46.
48. Assistant Barristers now acting in Registration of Voters for Boroughs to hold Courts of Revision in such Boroughs, § 47.
49. Officers who shall attend Courts of Revision in Counties. What Documents shall be produced, § 48.
50. Officers who shall attend Revision Courts in Boroughs. What Documents shall be produced, § 49.
51. Collectors of Rates shall attend Revision Courts, if required, § 50.
52. Voters who reside out of Polling District may make claim to vote at the Polling Place of the District where they reside, § 51.
53. Claimants, if omitted by Clerk of Peace from List of Claimants, may, on Proof of Notice and Qualification, be placed on List of Voters for Counties, § 52.
54. Like Provision as to Boroughs, § 53.
55. Such Persons may be objected to, § 54.
56. Duties of Barristers in revising Lists. Persons now registered (save as excepted) shall be *primâ facie* entitled to be registered under this Act, § 55.

57. Powers

57. Powers of Barristers to adjourn Courts, administer Oaths, &c., § 56.
58. Court of Revision under this Act a Court of Record. Power of Assistant Barrister to fine Officers, &c., § 57.
59. Appeal from Barrister's Decision on Points of Law, § 58.
60. Who shall be Respondents in Appeal, § 59.
61. Power to consolidate Appeals, § 60.
62. Proceedings on consolidated Appeals, § 61.
63. Barrister may award Costs to or against Claimants or Objectors, § 62.
64. Revised Lists of Voters to be transmitted to the Clerk of Peace in Counties, who shall cause them to be printed in a Book, which shall be delivered to the Sheriff, § 63.
65. Revised Lists for Boroughs shall be delivered to the Clerk of the Peace acting for such Borough, who shall cause them to be printed in a Book, and deliver the same to the Returning Officer, § 64.
66. Books so prepared shall constitute the Register for One Year. Printed Copies of Register to be kept for Sale, § 65.
67. Officers may be fined by Barrister for Non-attendance, § 66.
68. Clerks of Unions, Clerks of Peace, and Town Clerks may be fined for Neglect of Duty, § 67.
69. Fines, to whom payable, § 68.
70. Application of Monies arising from Sale of Register and Forms, § 69.
71. Expenses of the Clerks of Peace, how to be defrayed in Counties and Boroughs wholly situate in One County at large, § 70.
72. Such Expenses, how to be apportioned and defrayed in Boroughs situate in Two or more Counties, § 71.
73. Expenses of Town Clerks to be settled by Barrister, and defrayed by Grand Jury Presentment, § 72.
74. Guardians of Unions to allow annual Remuneration to Clerks of Unions for Duties under this Act, § 73.
75. Appeals to be heard by Court of Exchequer Chamber, consisting of Three or more Judges, § 74.
76. Notice of Prosecution of Appeal to be given, § 75.
77. Sittings of the Court of Exchequer Chamber for Purposes of this Act, how to be fixed, § 76.
78. No Appeal to be heard unless Notice shall have been given, § 77.
79. No Appeal on Questions of Fact. Court may remit Appeal to Assistant Barrister, to be more fully stated, § 78.
80. Decisions of Court of Appeal final and binding, § 79.
81. Register to be corrected in pursuance of Decision of Court of Appeal, § 80.
82. Copies of Decisions shall be Evidence, § 81.
83. Appeal pending not to affect Right of Voting, § 82.
84. Power to Court to make Orders respecting Costs, § 83.
85. Costs and Fines imposed by Barristers, how recoverable, § 84.
86. Register to be conclusive Evidence of Right to vote, § 85.
87. Persons rejected by Barrister may tender their Votes, § 86.
88. In the Case of rated Occupiers, the Diminution of Value on Appeal, or the quashing of the Rate after a Vote given at an Election, not to invalidate such Vote, § 87.
89. No Inquiry at Election, except as to Identity of Voter, and whether he has already voted, § 88.
90. No other Oath to be taken, § 89.
91. Persons personating Voters guilty of a Misdemeanor, § 90.
92. Aiders and Abettors punishable as Principals, § 91.
93. Agents to detect Personation may be appointed, § 92.
94. Persons charged with Personation of Voters may be taken into Custody, § 93.
95. And brought before Two Justices, § 94.
96. Offenders may be committed for Trial, § 95.
97. Justices may award Compensation to Persons unjustly charged, § 96.
98. Power to provide a sufficient Attendance of Constables at Polling Places, § 97.
99. Duty of Returning Officer when Vote has been received, and another Party tenders in respect of the same Qualification, § 98.
100. Provision for Custody of Poll Books, § 99.
101. Office Copies Evidence, § 100.
102. Clerk of Crown and Hanaper shall keep Poll Books, § 101.
103. And produce them before Committee of House of Commons, when required, § 102.
104. Officers liable to Action for Breach of Duty, § 103.
105. Powers of Select Committee of House of Commons on Petition in respect of Right of voting, § 104.
106. Select Committee may correct Poll and Register in certain Cases, § 105.
107. Who shall discharge Duty of Town Clerk when there is no such Officer in any Borough. In *Galway* all Matters required to be done, &c. by the Town Clerk shall be done, &c. by the Clerk of the Commissioners acting under 6 & 7 *W.* 4. *c.* 117.—§ 106.
108. Poor Law Commissioners to cause the Names of Baronies in which Townlands are situate to be inserted in Rate Books, § 107.
109. Rate Books, or compared Copies thereof, to be *primâ facie* Evidence, § 108.
110. Collector of Poor Rates, or Deputy, &c., shall attend to receive Poor Rates. Penalty for not making Return of Payments, and for other Offences, § 109.
111. Occupiers of Land or Premises valued at 12*l.* in Counties, or 8*l.* in Towns, may claim to be rated, § 110.
112. No Person entitled to be registered who has received Relief under Acts for Relief of destitute Poor, § 111.
113. How Distances to be measured in respect of Boroughs, § 112.
114. Notices of Objections may be sent by Post, § 113.
115. Other Notices, how sent, § 114.
116. Errors and Misdescriptions not to prevent Operation of Act, &c., § 115.
117. Certain Provisions of 6 & 7 *Vict. c.* 92. repealed as to certain Boroughs. Where Premises in certain Boroughs are rated at a Value under 8*l.*, the Rate is to be made on the immediate Lessors, § 116.
118. Interpretation of Terms, § 117.
119. Schedules deemed Part of Act, § 118.
120. Act not to extend to University of *Dublin*, § 119.

Party Processions.

1. To restrain Party Processions in *Ireland*, 13 & 14 *Vict. c.* 2.
2. What Processions shall be unlawful; Persons attending thereat guilty of a Misdemeanor, § 1.
3. Power to Justices to command such Assemblies or Processions to disperse, § 2.
4. Penalty on Persons refusing to disperse after such Command, &c., § 3.

5. Fire-arms in possession of Persons forming Part of any Assembly, &c. to be forfeited, § 4.
6. Party proceeded against for not departing after Notice not to be indicted for Misdemeanor for being present at Assembly at which Notice was read, § 5.

Petty Sessions.

1. To consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in *Ireland*, 14 & 15 *Vict.* *c.* 93.
2. Existing Districts, &c. to be confirmed where they do not require Alteration. But where they require Alteration, Justices at Quarter Sessions may revise them, proceeding as follows: To divide the County into Petty Sessions Districts: Parts of an adjoining County may be included: To fix Place for holding Petty Sessions: To fix Frequency of holding Petty Sessions: The Clerk of the Peace to enter all Particulars of any Alterations in the Crown Book, and transmit Copy to Secretary of Grand Jury, § 1.
3. Districts being formed, Justices to appoint a Clerk. Clerk to give Security by Recognizance, § 2.
4. The Clerk to be entitled to certain Fees. Scale of Fees: But not to exceed a certain Amount in certain Cases; and not to be payable in certain Cases; nor in Cases prosecuted by Crown or Constabulary when no Costs are recovered. Clerk to keep an Account of Fees. Justices may appropriate Surplus, after paying Clerk, to Court Requisites. A List of the Fees to be posted in Court House, § 3.
5. Clerk to hold subject to the following Provisions: To follow no Occupation inconsistent with his Duties, and to forfeit his Office if he engages in certain Employments: To hold his Office at the Pleasure of the Justices; and may be dismissed by the Lord Lieutenant for Neglect or Misconduct: In Cases of Necessity, Substitute may be appointed, § 4.
6. Duties of Clerk of Petty Sessions: To make Minutes of Proceedings and Entries in Books: To have Custody of Books: To prepare all Forms, &c.: To copy in a Book all Orders, Circulars, and Opinions of Law Officers of the Crown, and also to make Copies of Informations, &c.: To enter Cases in consecutive Order: To enter and account for all Fines, &c. under Fines Act: To make Returns, and to observe general Regulations: Clerk to attend Assizes or Quarter Sessions, if required, to answer any Complaint of Neglect of Duty as to Informations, § 5.
7. On Death, Suspension, or Dismissal of Clerk, Sub-Inspector to take charge of all Books, &c. Justice may grant Search Warrant for Books, &c. if detained, § 6.
8. Justice may act for One County whilst being in another adjoining County of which he shall also be Justice; or whilst in adjoining County of a City, though not a Justice of same; but not to act as to Matters arising in such County of a City, &c. Inspector-General of Constabulary may act wherever he may be. Justices for One County may act for annexed Townlands of another. Constables, &c. may take Offenders before Justice in adjoining County, § 7.
9. Petty Sessions to be held in Court House. Where no Court House, Grand Jury may present Rent of Justice Room. In Summary Proceedings Complaint not to be heard or determined out of Petty Sessions, except in certain Cases; but Two Justices may act out of Petty Sessions where Offender cannot find Bail. Proviso, § 8.
10. Place in which Justices shall sit to hear Summary Proceedings to be deemed an open Court. Parties to be allowed to plead by Counsel or Attorney. Place where Examinations in Proceedings for Indictable Offences are taken not to be deemed an open Court without Consent of Justice. Power to commit and fine for Contempt of Court, § 9.
11. Justice may receive Information or Complaint: As to Offences within his Jurisdiction: As to Offences out of his Jurisdiction: As to Civil Cases. It may be verbal, and without Oath, in certain Cases. It must be in Writing, and on Oath, in certain other Cases. Binding the Informant to prosecute. In Summary Proceedings Complaints must be made for Poor Rate, &c. at any Time after the Date of the Warrant; for Wages, &c. within One Year; for Trespass, within Two Months; in other Cases, within Six Months. In Summary Proceedings Defendant entitled to Copy of Information or Complaint when in Writing, § 10.
12. In Cases of Indictable Offences Warrant to issue in the first instance. But in certain Cases a Summons may issue. If Party appears or is arrested Justice to proceed under subsequent Provisions. In Cases of Summary Jurisdiction Summons to issue in the first instance; but in certain Cases a Warrant may issue. If Party is arrested Justice may either commit or discharge on Recognizance. Warrant or Summons to be signed, but not in Blank. Summons or Warrant may run into an adjoining County, § 11.
13. Justices to appoint a Summons Server. By whom Summons to be served. What shall be due Service. Proof of Service. But this not to affect any special Mode of Service, § 12.
14. Justice may force Witnesses to attend and give Evidence. Issue of Summons. In Cases of Indictable Offences Warrant may issue in the first instance. If Summons be not obeyed, Justices may issue Warrant to arrest Witness. What Persons shall be competent Witnesses: Prosecutors and Complainants in all Cases: Defendants in Wages Cases. Witnesses to be examined on Oath. Witnesses refusing to be examined may be committed from Time to Time till they consent to be examined. But this not to prevent Case from being disposed of on other sufficient Evidence. In Cases of Indictable Offences Witnesses may be bound to give Evidence, and on Refusal may be committed: but if Party is not committed or bailed, Witness to be liberated. Justices may order Payment to Witnesses in Civil Cases, not exceeding 2*s.* 6*d.* Witnesses to be protected from Arrest for Debt; and if arrested shall be discharged by the Court, § 13.
15. Justices to take Depositions. Depositions of Witnesses who have died. Statement of Prisoner. Justices to caution Prisoner, and then take down his Statement; but Prosecutor may give any other Statement also in Evidence. Remanding Prisoner. May be remanded for any Time not exceeding Eight Days; but may be ordered up sooner. In Cases of Indictable Offences, after the Examinations, &c. have been completed, Defendant entitled to Copies of Depositions, § 14.
16. When Evidence has been completed, Justices to discharge, or commit, or admit to Bail. Justice of One County may examine as to Offence committed in another County, and either commit Prisoner or admit him to Bail. If Evidence is not sufficient, Justice may send Prisoner to County where Offender was committed; but if Evidence not sufficient, and Party not bailed, former Recognizance to be void, § 15.

17. Persons charged with certain Felonies and Misdemeanors may be admitted to Bail at the Discretion of the Justice before Commitment for Trial. In such Cases the committing Justice to certify on Warrant his Consent to Bail; and any other Justice may admit to Bail. Persons charged with other Misdemeanors shall be admitted to Bail at any Time as of Right. When Sureties cannot attend, Justice to give a Duplicate Certificate. When Justice admits a Person to Bail after Commitment, he shall order his Discharge, if not detained for any other Offence, or under Civil Process; but no Bail in Cases of Treason or of Felony under 11 & 12 *Vict.* *c.* 12., but by Order of the Lord Lieutenant, or Chief Secretary, or Queen's Bench, § 16.
18. Where Party is about to abscond, Justice may, upon Application of Bailsman, order Arrest, and require new Bail, § 17.
19. Warrant to arrest a Party against whom an Indictment is found. Party so arrested to be committed for Trial or bailed. If Party indicted be in Prison for some other Offence, Justice to order his Detention. But not to interfere with Bench Warrants, &c., § 18.
20. Informations, &c. taken before Justice out of Petty Sessions to be transmitted to Petty Sessions. Informations, &c. to be transmitted to the Clerks of the Crown and Peace; but when detained, Justice to certify Reason. Mode of transmitting Informations, &c. Grand Jury to present Amount of Postage, § 19.
21. Where both Parties appear, Case to be heard on both Sides. Right of Reply. Proof of a Negative. Where Defendant does not appear, Hearing may be *ex parte.* Where Complainant does not appear, Case to be dismissed or adjourned. Justices to take down Evidence in Offence Cases in Writing, if required by Party. Justices may adjourn the Court generally, or may adjourn particular Cases, and either allow Defendant to go at large, or commit him, or bind him by Recognizance to appear, § 20.
22. Justices either to convict, or to dismiss the Complaint on the Merits, or without Prejudice. Entry of Orders. If Order made out of Petty Sessions. Return and Entry of Cases decided out of Petty Sessions in which Constabulary prosecute or act. Copies of Convictions need not be returned to Quarter Sessions as hitherto; but Certificate of Order to be given to Party; and Certificate of a Dismissal on the Merits to be a Bar to future Proceedings; and to be good Evidence of Conviction, § 21.
23. General Powers in adjudicating. Justices may in all Cases fix the Time and Manner of Payment. In all Cases Distress may be ordered on Nonpayment. In Offence Cases Imprisonment may be ordered in default of Distress, according to Scale; and may be directed by same Warrant. So also in like Cases in the first instance, where no Goods or the Distress would be ruinous. In Offence Cases Justices at Petty Sessions may substitute Distress for Committal, and *vice versâ* on Failure of First Warrant. Power to award Hard Labour in Offence Cases. Imprisonment may commence at Expiration of Imprisonment under previous Conviction. Any Compensation awarded shall be paid to Party aggrieved, except in certain Cases. Appropriation of Fines and Penalties. Power to award Costs in all Cases to either Party. Aiders and Abettors in the Commission of Offences to be punishable on Summary Conviction as Principals, § 22.
24. In Offence Cases Warrant to issue peremptorily. In Civil Cases Warrants to issue on Application of Party; but no Execution of Order pending an Appeal, except in certain Cases: or if Warrant issue, not to be executed, or if executed, Party to be discharged or Distress to be returned, § 23.
25. In what Cases Appeals shall be permitted. Appeal only to next Quarter Sessions of the Division. Notice to be given within Three Days. Recognizance to prosecute Appeal. Amount of Recognizance. Form of Appeal. Recognizance to appeal to be transmitted to Clerk of Peace. Appellant to give Notice to opposite Party. Court of Quarter Sessions or Recorder may decide Appeal, and give Costs not exceeding 40*s.* Clerk of Peace or proper Officer of Recorder's Court to certify Decision; or certify upon and return Recognizance if Appeal is not prosecuted. If Order is not varied on Appeal, Justice shall issue Warrant for Execution of the same. But where Order is varied, Warrant to issue for Execution of Order of Quarter Sessions. Costs of Appeal how recovered. Where Party has been imprisoned, he is only to be imprisoned for Remainder of Period. In certain Case, where Party fails to prosecute Appeal, Justice may estreat Recognizance, § 24.
26. To whom Warrants to be addressed in Offence Cases; in other Cases. Committals need not be addressed to Gaoler. Gaoler to produce Prisoner in Cases of Adjournments or Remands, § 25.
27. Executing Constabulary Warrants in the District. Certifying to some other District of same County. Certifying out of the County. But in case of Emergency, Warrant may be executed by any Constable, &c. in the same or adjoining County, § 26.
28. Backing Warrants. Constabulary Warrants: To any Constabulary District in *Ireland:* To the Police District of *Dublin* Metropolis: To *England,* &c. Inspector General, &c. to indorse; and any Justice, &c. may back. The above Provisions also to apply to other Cases, § 27.
29. Warrants addressed to other Persons than the Constabulary, § 28.
30. Backing Warrants from *England,* &c. into *Ireland,* § 29.
31. The above Provisions to apply also to Judges Warrants, § 30.
32. Warrants so backed to be valid for Execution; but if the Prosecutor or Witnesses be on the Spot, Examinations may be taken, § 31.
33. Execution of Warrants: When addressed to Constabulary; when addressed to other Persons. Distress may be sold in a certain Time. On Payment of Penalty, &c. Distress not to be levied. Distress may be sold by Auction without Licence. If Sum paid after Committal, Prisoner to be discharged. Gaoler to give Receipts for Prisoners. To what Prisons Offenders shall be committed in Summary Proceedings, § 32.
34. Return of unexecuted Warrants, § 33.
35. Mode of binding by Recognizance. Amount of Recognizance: To contain particular Description of Parties bound: To be in Form in Schedule. Recognizances to appear, &c. at Assizes, &c. to be transmitted to Clerks of Crown, &c., and to be estreated by Court. Recognizances to appear before Justices, or to keep the Peace, &c., to be deposited with Clerk of Petty Sessions; and may be estreated by Justices; after Proof on Oath of Notice to Parties, § 34.
36. Offences against Act:—Entry of Summonses. Clerk taking more than his legal Fees. Clerk engaging in Occupation inconsistent with his Duties. Service of Summonses. Constabulary, &c. not returning Warrants, or committing any wilful Default. Retaining Petty Sessions Books, &c. Hindering Search for Books, &c. Any other Neglect of Duty. Justices may award the foregoing Penalties, § 35.
37. Forms

37. Forms in the Schedule to be deemed valid, and the proper Forms in all Proceedings. But Informality not to vitiate any Proceeding. Form of Order Book may be extended by Lord Lieutenant in Council. Warrants, &c. need not be sealed, § 36.
38. General Terms to be used in the Forms of Procedure, § 37.
39. Description of the Property of Partners, &c.; of the Property of Counties; of the Property in Goods provided for the Poor; of the Property in Materials for Roads; of the Property in Materials for Turnpike Roads, &c.; of the Property of Commissioners, &c., § 38.
40 No Objection to be allowed for any Variance between Information and Evidence as to Time or Place of committing Offence, if Information be in Time, or Offence be actually committed within the Jurisdiction. No Objection to be allowed for Defect of Substance or Form in Warrant, or for any Variance between it and Evidence adduced; but if the Party charged is deceived by such Variation or Defect, he may be committed, or discharged upon Recognizance till adjourned Hearing, § 39.
41. Receipts not to be subject to Stamps, § 40.
42. Act not to extend to Police District of *Dublin* Metropolis, § 41.
43. Act shall not extend to Revenue, &c. Cases, § 42.
44. After Commencement of this Act the following Statutes and Parts of Statutes repealed: 7 & 8 *G.* 4. *c.* 67., 6 & 7 *W.* 4. *c.* 34., 12 & 13 *Vict. c.* 70., 12 & 13 *Vict. c.* 69., —§ 43.
45. Interpretation of Terms, § 44.
46. Short Title of Act, § 45.
47. Commencement of Act, § 46.
48. Act to extend to *Ireland* only, and not to affect Jurisdiction of Court of Queen's Bench, § 47.
49. Schedule to be Part of Act, § 48.

Poor.

1. To authorize a further Advance of Money to certain distressed Poor Law Unions, and to make Provision for the Repayment of Advances made and authorized to be made to Poor Law Unions and other Districts, in *Ireland*, 13 & 14 *Vict. c.* 14.
2. Treasury empowered to issue 300,000*l.* towards the Discharge of Debts of distressed Unions in *Ireland*, § 1.
3. Treasury to ascertain the Liabilities of the several Unions and other Districts in *Ireland* where they may think a Consolidation desirable, § 2.
4. The Liabilities of the several Districts to be proportionately charged on the Townlands comprised therein, § 3.
5. Treasury to transmit Statements of the Annuities to Poor Law Commissioners, who are to issue Orders to the Guardians of each Union, § 4.
6. Treasurer of each Union to reserve a Third Part of the Lodgments for Rates on account of the Division for Payment of Annuities, § 5.
7. Rate in Aid under 12 & 13 *Vict. c.* 24. to be paid before Annuities under this Act, § 6.
8. Treasury may make Additions to Annuities in respect of Advances under this Act and future Workhouse Loans, § 7.
9. Treasury may suspend the Recovery of Workhouse Loans and Monies levied by Grand Jury Presentments, § 8.

Population.

1. For taking an Account of the Population of *Ireland*, 13 & 14 *Vict. c.* 44.
2. Account of Population to be taken, § 1.
3. By whom the Account shall be taken, § 2.
4. Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof, § 3.
5. Forms, &c. to be furnished for their Use, § 4.
6. Power to make the Inquiry, § 5.
7. Penalty for refusing to answer, or for giving false Answers, § 6.
8. Penalty on Persons employed if guilty of wilful Default or Neglect, § 7.
9. Penalties how to be recovered and applied, § 8.
10. The Persons taking the Accounts to certify and affirm as to their Correctness, and deliver them to the Officer appointed to receive them. Such Officer to transmit them to the Office of the Chief Secretary. An Abstract thereof to be laid before Parliament, § 9.
11. Punishment of Persons wilfully making false Affirmation or Declaration, § 10.

Process and Practice in Courts of Law.

1. For the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland*, 13 & 14 *Vict. c.* 18.
2. Process for Commencement of Personal Actions shall be according to Form in Schedule, and be called Writ of Summons, § 1.
3. Residence and Description of Parties to be mentioned in Writ. Writ may be served anywhere, and remain in force Four Months, § 2.
4. No Writ of Summons to be invalid on account of verbal or technical Error or Omission, § 3.
5. Act not to affect 3 & 4 *Vict. c.* 105.—§ 4.
6. Mode of Appearance, § 5.
7. Days for appearing to run in Vacation as well as in Term. Provision as to Holidays, § 6.
8. In default of Appearance, on personal Service being proved, Plaintiff may enter Appearance, § 7.
9. Mode of Service in Cases against Corporations, &c., § 8.
10. Court may direct Substitution of Service, § 9.
11. This Act shall extend to Actions of Replevin and Ejectment, § 10.
12. Action of Replevin to be commenced by Writ of Summons. Particulars to be stated in Writ. Service of Writ, § 11.
13. Plaintiff in such Action may sue out of the same Court a Writ of Replevin. Form of Writ to be settled by Judges. Sheriff, upon Security being given, to execute and return Writ within Eight Days. Value of Property to be ascertained as heretofore; and Bail Bond to be assignable, § 12.
14. Provision for Removal of Replevin Suits from Inferior to Superior Courts, § 13.
15. Writs to be in such Form as Judges shall direct, § 14.
16. Action of Ejectment shall be commenced by Writ of Summons. Particulars to be stated in Writ. Service of Writ, § 15.
17. Proceedings after Appearance in Replevin and Ejectment. Judges to make Regulations as to Declarations and Proceedings in Ejectment, § 16.
18. Proceedings where Defendant does not appear, § 17.
19. Judges to settle upon and approve of a simple Form of Declaration to be hereafter used in all Actions, § 18.
20. Costs in Cases of Judgment by Default, § 19.
21. Writs of every Description may be tested and returnable in Vacation as well as in Term, § 20.

22. And

22. And Writs of Execution may be directed to Sheriff of any County without regard to Venue in Pleadings, § 21.
23. Rules shall issue and run in Vacation as well as in Term Time, § 22.
24. Holidays, § 23.
25. Courts may hold Sittings in Vacation. Such Sitting to be holden by Order published with Week's Notice. Judgments and Orders to have same Effect as if made in Term, § 24.
26. Judges to establish Uniformity of Practice by a General Order. Code to be agreed upon by Judges, and be the uniform Practice. Proviso for Alteration or Amendment of Code, § 25.
27. Every Judge of either Court may try Issues and make Orders in Chamber in Business depending in any of the Courts, § 26.
28. Consolidated Court of Nisi Prius for the Trial of Issues arising in any Superior Courts, § 27.
29. Such Court to sit continuously, § 28.
30. Officers of consolidated Nisi Prius Court, § 29.
31. Appeals to be heard by consolidated Nisi Prius Court, § 30.
32. Unequal Distribution of Business to be remedied. Writ and Appearance and Seal Offices to be consolidated, § 31.
33. Chief Justices to select Clerk of Writs and Assistants from amongst those now similarly employed; such Clerk of Writs and Assistants to have same Powers, &c. as under 7 & 8 *Vict. c.* 107.—§ 32.
34. Future Appointments to be made as herein directed, § 33.
35. Clerk of the Writs not to take Affidavits, or receive and file returned Writs, § 34.
36. Officers now in Writ Offices not included in consolidated Office to cease to be such Officers, &c., § 35.
37. Office of Chief Crier of Court of Exchequer abolished, and One Crier only to be appointed. Crier to be paid in future by Salary, as in the other Courts, § 36.
38. Compensation to Persons affected by Act, § 37.
39. Writs for Commencement of Actions to be issued in rotation for the several Courts, § 38.
40. No Plea in Abatement on ground of Privilege to be valid, § 39.
41. One Common Seal to be used for the Three Courts, § 40.
42. All Pleadings, &c. to be of uniform Shape and Dimensions. Judges to fix the Shape and Dimensions of Pleadings, &c., § 41.
43. Officers to file Pleadings, &c. after the Manner of Books. When Judgment to be made up, Attorney to deliver to Officer a Summary of Pleadings; and Officer to put Pleadings together on Judgment File as the permanent Record, § 42.
44. It shall not be necessary to transcribe the whole Pleadings on the Judgment Roll, or to insert Continuances, &c., but only a Summary or Recital, &c. No Judgment to be disturbed on the Ground of Error on account of Omissions hereby authorized. Proviso for Cases of Writs of Error, &c., § 43.
45. On filing any Pleading, Affidavit, &c., Copy must be delivered with the Notice, and, except in certain Cases, attested Copy shall not be necessary, § 44.
46. Expenses certified as proper to be paid as Part of incidental Expenses, § 45.
47. Commissioners for taking Affidavits in One Court shall be Commissioners for all the Law Courts, § 46.
48. And hereafter shall be appointed by Court of Queen's Bench, § 47.
49. As to Disqualification of Commissioners, § 48.
50. Commencement of Act, § 49.
51. Schedule to be Part of this Act, § 50.
52. Interpretation of Act, § 51.

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53. To explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland*, 13 & 14 *Vict. c.* 19.
54. 13 & 14 *Vict. c.* 18. recited. The Words "*Trinity* Term" in recited Act to mean *Trinity* Term, 1850, § 1.
55. Provision as to Costs in Section 19. of recited Act to apply only to Cases herein specified, § 2.

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56. To explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland*, 14 & 15 *Vict. c.* 17.
57. 13 & 14 *Vict. c.* 18. *s.* 25. recited. The recited Provision to extend to the Court of Exchequer Chamber in *Ireland*, § 1.
58. Recited Act extended to Exchequer Chamber, and Time for Claims for Compensation to Officers of the Exchequer Chamber extended to Six Months after the passing of this Act, § 2.

Processions, See Party Processions.

Public Works.

1. To authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland*, 14 & 15 *Vict. c.* 51.
2. Appointment of Commissioners, § 1.
3. Treasury may, out of the 360,000*l.* *per Annum* granted by 14 & 15 *Vict. c.* 23., apply a Sum not exceeding 15,000*l.* *per* Quarter for Public Works in *Ireland*, § 2.
4. The separate Account already opened to be continued at the Bank of *England*, § 3.
5. When Treasury shall have sanctioned Loans, Commissioners of Public Works to certify Amount of Issue to Commissioners for Reduction of the National Debt. Upon Certificate being produced Payment to be made. Approval of Treasury of such Issue to appear on Certificate, § 4.
6. Order to be entered by the proper Officer, countersigned by the Actuary, and addressed to the Cashiers of the Bank of *England*, who shall pay the same, § 5.
7. Commissioners for Reduction of National Debt to furnish an annual Account for Audit, § 6.
8. Bank of *Ireland* to continue Account with Paymaster of Civil Services of Repayments, § 7.
9. Appropriation and Entry of Repayments, § 8.
10. All Sums paid into the Bank of *Ireland* to be carried to and made Part of the Consolidated Fund, § 9.
11. Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act; § 10.

Registration of Deeds.

1. To amend the Laws for the Registration of Assurances of Lands in *Ireland*, 13 & 14 *Vict. c.* 72.
2. Ordnance Maps to be adapted and used for the Purposes of this Act, § 1.
3. Land Indexes to be made, having References to the Maps, § 2.
4. Commissioners of the Treasury to give Notice of Commencement of Registration under this Act, § 3.

5. No Memorial of Assurances to be registered; but all such Assurances may be registered by depositing an Original, and making the proper Entries. The Documents deposited to be made up into Books or Parcels, and numbered, § 4.
6. An Index, to be called "The Index of Titles," to be kept for all *Ireland;* and Assurances to be indexed in such Index, under Heads designated by Numbers. Where the Grantor does not derive Title under any registered Assurance, the Assurance is to be indexed under a new Head. Where the Grantor does derive Title under a registered Assurance, the Assurance is to be indexed under the same Head as the Assurance under which Title is derived. Power enabling an Assurance required by Regulation 2. to be indexed under an existing Head to be indexed under a new Head. No Assurance to be indexed under more than One Head. Particulars to be expressed on indexing an Assurance. The Grantor of an Equity of Redemption is not to be considered as deriving his Title under the Mortgage Deed, § 5.
7. Entries to be made in Land Index containing References to the Entries in the Index of Titles, § 6.
8. Decrees in Equity creating, declaring, transferring, foreclosing, or determining Interests in Land, and also Decrees in Equity by which any such Decree shall be varied or reversed, and Orders of Exchange, Partition, or Division and Allotment made by Incumbered Estates Commissioners, are to be considered Assurances. Civil Bill Decrees under 56 *G.* 3. *c.* 88. may be registered, § 7.
9. Every Private Act of Parliament affecting Lands to be an Assurance, § 8.
10. Affidavit of Ownership made under 13 & 14 *Vict. c.* 29. to be an Assurance, § 9.
11. Where by a Public Act any Lands are vested upon the Payment of Money, &c., a Memorandum of the Payment or other Act may be registered. This Clause not to extend to the vesting of the Estate of a Bankrupt or Insolvent, § 10.
12. Equitable Mortgage by Deposit of Deeds may be registered by depositing a Memorandum, § 11.
13. Liens by reason of Nonpayment of Purchase Money may be registered by depositing a Memorandum, § 12.
14. The Assurance to be considered to have been made by the Person whose Right, &c. in the Lands shall be bound by the Decree, &c., § 13.
15. Registration of Wills, § 14.
16. Letters of Administration or Affidavit of Intestacy may be registered, § 15.
17. An Index, to be called "The Index to Wills and Administrations," to be kept for *Ireland;* and where a Will, Letters of Administration, or Affidavit is registered, an Entry of the Testator's or Intestate's Name to be made in such Index, and also an Entry of the Will, Letters, or Affidavit, § 16.
18. Where the Original is lost, a Copy or Extract may be deposited. In case of an Extract, the Registration to be effectual only as far as the Extract agrees with the Original, § 17.
19. Where the Document directed by this Act to be deposited at the Register Office is required to be deposited at any other Office or Place, a Copy may be deposited at the Register Office, § 18.
20. Power to any Person claiming under an Assurance to compel the Registration thereof by Application to a Judge, § 19.
21. Power to Judge to make Order as to Costs, and to order an Office Copy to be furnished at the Expense of the Applicant, § 20.
22. Appointments of Assignees in Bankruptcy in *England* and *Ireland* and Acts and Warrants of Confirmation in *Scotland* may be registered by Deposit of Copy and making proper Entry, § 21.
23. Any Order or Appointment, &c. of Assignees in Insolvency may be registered by Deposit of a Copy or Certificate and making the proper Entry, § 22.
24. An Index, to be called "The Index to Bankrupts and Insolvents," to be kept for *Ireland*, § 23.
25. Assurances authorized to be registered to be void as against Purchasers, unless registered, § 24.
26. Estate or Interest arising under Public Act upon Payment of Money, &c. Equitable Mortgage by Deposit of Deeds, and Lien for Purchase Money, to be void as against Purchasers, unless Memorandum registered, § 25.
27. Assurance duly entered as to Part only of the Lands to be deemed duly registered as to such Part, § 26.
28. Unregistered Will to be void against Purchaser from Persons entitled under a registered Will, or in default of a Will where Letters of Administration or Affidavit of Intestacy registered, § 27.
29. Purchasers protected against Bankruptcy and Insolvency, unless Appointment of Assignees, &c. be registered, § 28.
30. The Priority given by the preceding Clauses to be enforced in Equity, notwithstanding Notice, § 29.
31. Purchaser for valuable Consideration not to be affected by Notice of Uses or Trusts not manifested by a registered Assurance, nor by Uses or Trusts declared by reference to an unregistered Assurance, § 30.
32. Persons interested under Uses or Trusts affecting Estates vested under a registered Assurance may enter an Inhibition against Alienation, § 31.
33. Inhibition to be entered in Index of Titles, § 32.
34. Provision for cancelling Inhibition, § 33.
35. Court of Chancery may restrain Registrar from cancelling Inhibition, § 34.
36. Persons claiming under Assurances made while Inhibition is on the Register to be affected by Uses and Trusts not shown by a registered Assurance, § 35.
37. Assurances registered at the same Time to have Priority according to the Time of Execution, § 36.
38. The Protection of the Act to extend to Persons who claim under Purchasers, § 37.
39. Protection by legal Estate and tacking not to be allowed, § 38.
40. Power for any Person to require an Entry to be made under any Head in Index of Titles referring to any Assurance indexed under any other Head, § 39.
41. An Assurance which would have the Effect of merging any Interest not to have such Effect as against a subsequent Purchaser of such Interest, unless an Entry be made to lead such Purchaser to the Assurance, § 40.
42. Power to enter a Caveat, § 41.
43. Mode of entering Caveats, § 42.
44. Extent of Protection to be afforded by Caveats, § 43.
45. The Protection of Caveats restricted to specified Cases, § 44.
46. A Seal to be kept, and the Impressions to be taken judicial Notice of, § 45.
47. Duplicates of deposited Documents may be compared at the Office, and certified. Every Document so certified to be received as Evidence that another Part of the same Assurance has been deposited, § 46.

48. Copies of and Extracts from deposited Instruments to be provided, on Application, and to be certified. The Seal of the Office, with a Certificate, to be Evidence of such Copies and Extracts, § 47.
49. Where there are Duplicates of a registered Assurance, One Duplicate to be exempted from Stamp Duty, provided the deposited Document is duly stamped. The Exemption not to apply to Duplicates of Leases where either Part is executed by Lessee, § 48.
50. Memorials, Office Copies, Extracts, and Requisitions to be exempt from Stamp Duty, § 49.
51. Documents deposited at the Register Office not to be removed except on legal Process, § 50.
52. Wills deposited at the Register Office may be removed for the Purpose of being proved, &c. After being proved, &c. the Will is to be returned, § 51.
53. Searches of the Indexes to be permitted, and Inspections of deposited Instruments allowed. Searches of the Indexes to be made on Requisition, and Certificates given, § 52.
54. The Duties of Attornies, &c. to be fulfilled by causing an Office Search to be made. Attornies, &c. indemnified in relying on the Accuracy of Certificates, § 53.
55. Power to the Registrar to order that Documents to be deposited shall be written bookwise or otherwise, &c. Additional Payment on Persons sending Documents to be deposited which shall not be conformable with such Order, § 54.
56. Power to the Registrar to require Statements for regulating the Entries to be sent with Assurances, § 55.
57. No Officer of the Register Office to be responsible for Omissions or Mistakes occasioned by Defects in the Statement, § 56.
58. Treasury to fix Fees to be taken under this Act, § 57.
59. Power for the Treasury to make Regulations as to numbering Documents, making Entries, examining Documents, making Copies, Extracts, and Searches, granting Certificates, &c., § 58.
60. Registration under this Act to have the same Effect against Acts prior to Commencement of Registration as Registration under former Acts, § 59.
61. Entries of Decrees, Judgments, Rules, Statutes, Recognizances, Crown Debts, and Acceptances of Office under 7 & 8 *Vict. c.* 90. not affected, § 60.
62. Shares in Companies not to be affected, § 61.
63. Punishment for forging Signatures required by this Act, or counterfeiting Impressions of the Seal of the Register Office, § 62.
64. Power to the Treasury to consolidate the Registrar of Judgments Office with the Office established under 7 & 8 *Vict. c.* 90.—§ 63.
65. Interpretation of Terms, § 64.

Registration of Judgments.

1. For the better Regulation of the Office of Registrar of Judgments in *Ireland*, 13 & 14 *Vict. c.* 74.
2. 7 & 8 *Vict. c.* 90. recited. Registrar of Judgments shall employ a sufficient Number of Clerks for searching and writing, who shall be paid according to the Quantity of Work done, at the Rates herein specified. Proviso as to Number of Clerks, § 1.
3. Power to Treasury to authorize Salaries in addition to rateable Payments to Searching Clerks, § 2.
4. 11 & 12 *Vict. c.* 120. recited. Fees in Office of Registrar of Judgments made payable under 7 & 8 *Vict. c.* 90. and 11 & 12 *Vict. c.* 120. to cease, and Stamp Duties to be substituted in lieu thereof, § 3.
5. Duties of Stamps as specified in Schedule to be in addition to other Duties payable by Law, § 4.
6. Duties heretofore provided to be denoted Judgments Registry Duties, § 5.
7. Duties to be under Management of Commissioners of Inland Revenue, § 6.
8. Provisions of recited Acts as to Application of Fees and Payment of Salaries, &c. repealed, § 7.
9. Compensations charged on Fees to be charged on Consolidated Fund, § 8.
10. Salaries to be paid out of Consolidated Fund. Incidental Expenses, § 9.
11. Registrar of Judgments shall give Certificates of Registry, &c., § 10.
12. Costs of Registration of Judgments, &c. to be added to Judgment, and recoverable therewith, § 11.
13. Registrar of Judgments shall be an Officer of each Court in respect to the Business thereof, § 12.

Savings Banks.

1. To continue the Act for amending the Laws relating to Savings Banks in *Ireland*, 13 & 14 *Vict. c.* 110.
2. 11 & 12 *Vict. c.* 133. continued to 1st of *August* 1852, § 1.

Stamp Duties on Law Proceedings.

1. To repeal the Stamp Duties on Proceedings in the Courts of Law in *Ireland*, and to grant certain other Stamp Duties in lieu thereof, 13 & 14 *Vict. c.* 114.
2. Law Fund Stamp Duties to be repealed, and other Duties of the same Nature granted in lieu thereof. Schedule to be Part of Act, § 1.
3. Duties to be under Care of Commissioners of Inland Revenue. Provisions of 1 & 2 *G.* 4. *c.* 112. to continue in force, and applicable to the Duties hereby granted; except as affected by this Act or by 7 & 8 *Vict. c.* 107. —§ 2.
4. Stamps on Transcripts of Records may be cancelled when the Duty has been again paid, § 3.
5. No Bill of Costs to be taxed by any Law Taxing Officer, except on Requisition duly stamped, § 4.

Summary Jurisdiction.

1. To consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise a Summary Jurisdiction in *Ireland*, 13 & 14 *Vict. c.* 102.
2. Justices may decide all Cases under this Act on Evidence of Witnesses or Confession, § 1.
3. In all Cases Justices may fix Time for Payment of Sums ordered, and may allow Payment by Instalments. In Cases of Offences, Justices may order either the Fine or the Imprisonment; or in Cases of Offences, Justices may order Imprisonment in default of Distress, according to Scale. Scale of Imprisonment. Imprisonment for Offences may be with or without Hard Labour, § 2.
4. Common Assaults. Assaults with Intent to prevent Sale of Corn, &c. The preceding Provisions not to apply to aggravated Assaults; nor to any Assault where a Title to Lands, &c. is in question, § 3.
5. Justices may order Punishment in following Cases: Journeymen, &c. for spoiling Goods or Work. Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. Destroying, &c. Vegetable Productions not growing in

in Gardens, &c. First Offence. Second Offence. Destroying or damaging Trees, Shrubs, &c. of any Value under 5*l*. Destroying, &c. any Fence, Wall, Stile, or Gate. First Offence. Second Offence. Obstructing Export of agricultural Produce. Breaking Windows or injuring other Property of a Workhouse. Damage to Property in any Case not previously provided for. Malice against the Owner not essential to any such Offences; but not to apply to unintentional Trespasses, § 4.

6. Persons in the Act of offending may be apprehended without Warrant, § 5.
7. Justice may require Person to account for having in his Possession certain Articles, and on failing so to do such Person shall be liable to Punishment in following Cases: Persons in possession of shipwrecked Goods. Shipwrecked Goods offered for Sale. Officers of Customs, &c. may seize the Goods. Persons in possession of stolen Mutton, &c. Persons in possession of stolen Wood. Justices may order Restitution of stolen Property. In case they are not convicted, Justice may summon other Persons, § 6.
8. Justices may order Punishment in the following Cases: Stealing, &c. Deer in any inclosed Ground. Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny. Stealing, &c. any live or dead Fence, Wooden Stile, or Gate. First Offence. Subsequent Offence. Stealing Trees, Shrubs, &c. under the Value of 5*l*. growing anywhere. First Offence. Second Offence. Stealing Trees, Plants, Vegetables, &c. severed from the Soil, or Turf Fuel, not exceeding 40*s*. in Value. First Offence. Second Offence. Workman making away with Goods committed to his Care. Justices may order Restitution of stolen Property, § 7.
9. If any such last-mentioned Offence be deemed fit for Indictment, Case to be dealt with as such, § 8.
10. Persons in the Act of committing such Offences may be apprehended without Warrant, § 9.
11. A Justice upon good Grounds of Suspicion, proved on Oath, may grant a Search Warrant. Any Person to whom stolen Property is offered to seize the Party, § 10.
12. Receivers of Property, where the original Offence is punishable summarily, shall be punishable as original Offenders, § 11.
13. Persons not exceeding Fourteen Years of Age committing certain Offences may be summarily convicted. If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties with or without Sureties. If the Charge is thought fit for Indictment, &c. Case to be dealt with as if this Act had not passed, § 12.
14. No Forfeiture upon Convictions of juvenile Offenders under this Act, but presiding Justices may order Restitution of Property; and if not forthcoming, may order Compensation, § 13.
15. Justices may order Punishment in the following Cases: Corn, &c. adulterated offered for Sale. Frauds in the Sale of Meat, &c. in Markets, § 14.
16. Trespass on Fields, &c. after Warning; but not to extend to certain Cases of Trespass; and not to prevent Right of Civil Action, § 15.
17. Justices may order Punishment in the following Cases: Deepening Ditches without Consent of County Surveyor: Omitting to scour Ditches, or to have Drains under Passages in and out of Roads, after Notice: Building Houses: Altering Fences without Consent of County Surveyor, &c.: Scraping Roads without Consent of County Surveyor, &c.: Drawing Timber, &c. so as to injure Road: Riding on Footpaths. What shall be deemed the Centre of the Road. Surveyors may fill Drains and remove Nuisances, at Expense of Party offending, § 16.
18. Surveyor or Contractor may require Owners of Land to prune Hedges or Trees injuring Roads. Owners not complying to be summoned before Justices at Petty Sessions. Justices may order Hedges or Trees to be pruned by Owner; and on Refusal of Owner, Surveyor or Contractor may do it. Owner to pay Expenses, which may be levied by Distress and Sale. Hedges, &c. not to be cut or pruned at certain Seasons, § 17.
19. Penalty on taking Materials to the Injury of any Road or Building, § 18.
20. Penalty for destroying any Pay Gate or Turnpike Gate, &c.; or rescuing any Person in Custody for such Offences, § 19.
21. Penalty for assaulting Engineers, Surveyors, or Contractors on public Roads, § 20.
22. Penalty for using new Road for certain Time after making, § 21.
23. Justices may order Punishment for the following Offences: Turning Horse, &c. loose: Injury from Negligence or Wantonness in driving Cattle, &c.: Flying Kites or making Slides: Fireworks, &c.: Leaving Ploughs, Harrows, &c. on the Road: Slaughtering Beasts on a Road: Laying Stones, Timber, &c.: Scalding Casks, beating Flax, or winnowing Corn, &c.: Keeping unlogged Dogs: Drying Flax or burning Weeds, &c.: Carrying Timber crosswise. Surveyor or Contractor not liable to Fine, except in certain Cases, § 22.
24. Swine, &c. wandering on Roads may be seized and impounded, and Owner fined, &c. Notice of Seizure to be posted, § 23.
25. Justice may order Removal of Nuisances. Fine for every Day that Materials are left on Road after Notice to remove the same. Justices may order dangerous Dogs to be killed, § 24.
26. Justices may order Punishment for the following Offences: Carrying more than a certain Number: Carrying Luggage on the Top of any Carriage with Inside Passengers exceeding a certain Height: Omitting to paint Number of Passengers to be conveyed, on the Doors, &c. of public Carriages: Misconduct of Drivers, &c. to Passengers, &c.: Drivers leaving their Horses until a proper Person shall stand at their Head. Summons for the Driver left with the Book-keeper to be good Service, § 25.
27. Justices may order Punishment, &c. for the following Offences: Where Names of Owners are not painted on Carts, &c.: One Driver taking charge of more than One Cart, &c., except in certain Cases: Drivers of Carts riding thereon without some other Person to guide them: Drivers leaving their Carts: Drivers refusing to tell Owner's Name: One-horse Cars without double Reins, § 26.
28. Justices may order Punishment for the following Offences: Keeping on wrong Side of the Road: Passing with a led Horse: Obstructing free Passage: Furious driving: Negligent driving: Children under 13 Years of Age not to drive, § 27.
29. Compensation for Damage not exceeding 40*s*. recoverable before Justices in such Cases. Owners may recover over against Drivers, § 28.
30. Constabulary to take cognizance of Offences. Offenders, if known, to be summoned; if not known, may be arrested. Proceedings if Driver will not discover his Name. Offenders as to Carriages, &c. on Roads may be proceeded against wherever they may be, § 29.

31. Horses,

31. Horses, Carriages, &c. of Offenders may be detained, § 30.
32. Possession of small Tenements may be recovered by Summons before Justices of the Peace, § 31.
33. If Party summoned shall give Undertaking to deliver up Possession and pay Arrears of Rent in Fourteen Days, no Warrant shall issue till the Expiration of that Period. If Party continues in possession at the End of Fourteen Days, Justice may issue Warrant without further Notice, § 32.
34. Manner in which such Summons shall be served. Substitution of Service in certain Cases, § 33.
35. But Act not to protect Persons who have no legal Right, § 34.
36. Justice may punish Servant, &c. for not observing Contract, § 35.
37. Justice may order Wages to be paid, § 36.
38. How Servants, &c. shall recover their Wages in Cases of Absence of Masters, &c., § 37.
39. Justices may award further Sum to Servants, &c. as Compensation for Loss of Time in recovering Wages, § 38.
40. Labourers defined, § 39.
41. The Hire of Horses, Carts, &c. to be recoverable in like Manner, § 40.
42. Remuneration for Tuition to be recoverable in like Manner, § 41.
43. Justices may make Awards as to Disputes at Sales in Fairs and Markets, where Value does not exceed *5l.*, § 42.
44. Justices may make Regulations as to Markets, § 43.
45. Persons obstructing with Hackney Cars, Carts, &c., liable to a Fine. Justices may appoint Stands for Cars, § 44.
46. Head Constable shall be Inspector of Weights and Measures, § 45.
47. Grand Jury may provide Sub-Standard Weights and Measures, § 46.
48. Compensation awarded to be paid to Party aggrieved, except in certain Cases, § 47.
49. Application of Fines, § 48.
50. What Persons shall be competent Witnesses. Complainants in all Cases; Defendants in Wages Cases, § 49.
51. The Justice may discharge the Offender in certain Cases, § 50.
52. Pardon for Nonpayment of Money, § 51.
53. All Complaints to be made within Six Months, except for Wages, &c., which may be made within Twelve Months, § 52.
54. In what Cases Appeals shall be permitted. Appeal only to next Quarter Sessions of the Division, § 53.
55. Notice to Clerk or Justice, and also to opposite Party, to be given within Three Days, and in certain Cases specifying Grounds. Recognizance to prosecute Appeal. Amount of Recognizance, § 54.
56. On Appeal being duly made, the Justice to discharge the Defendant, § 55.
57. In case of Appeal the Period of Imprisonment to run from the Decision of the Appeal, § 56.
58. Offences may also be punished on Indictment, § 57.
59. No Order or Adjudication made on Appeal shall be quashed for Want of Form, § 58.
60. Interpretation Clause, § 59.
61. Repeal of 5 *G.* 2. *c.* 12., 11 *G.* 3. *c.* 7. *s.* 1., 27 *G.* 3. *c.* 53., 49 *G.* 3. *c.* 84. *s.* 30., 50 *G.* 3. *c.* 32., 54 *G.* 3. *c.* 116., 58 *G.* 3. *c.* 82., 4 *G.* 4. *c.* 34., 9 *G.* 4. *c.* 55., 9 *G.* 4. *c.* 56., 10 *G.* 4. *c.* 34., 4 & 5 *W.* 4. *c.* 50., 6 & 7 *W.* 4. *c.* 116., 7 & 8 *Vict.* *c.* 106., 11 & 12 *Vict.* *c.* 28., 11 & 12 *Vict.* *c.* 59., 7 & 8 *Vict.* *c.* 8., 12 & 13 *Vict.* *c.* 15., and 12 & 13 *Vict.* *c.* 30.—§ 60.
62. Act to take effect on the 1st *October* 1850, § 61.
63. Act to extend to *Ireland* only, § 62.
64. Short Title of Act, § 63.

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65. To consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise Summary Jurisdiction in *Ireland*, 14 & 15 *Vict.* *c.* 92.
66. Justices may decide all Cases under this Act on Evidence of Witnesses or Confession, § 1.
67. Common Assaults. Assaults with Intent to prevent Sale of Corn, &c. Certificate of trifling or justifiable Assaults. The preceding Provisions not to apply to felonious Assaults; nor to any Assault where a Title to Lands, &c. is in question, § 2.
68. Journeyman, &c., for spoiling Goods or Work (under the Value of *5l.*) Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. Destroying, &c. Vegetable Productions not growing in Gardens, &c. First Offence. Second Offence. Destroying or damaging Trees, Shrubs, &c. (the Value being under *5l.*) Destroying, &c. any Fence, Wall, Stile, or Gate. First Offence. Second Offence. Obstructing Export of agricultural Produce. Breaking Windows or injuring other Property of a Workhouse (where Value under 40*s.*) Damage to Property in any Case not previously provided for (where Value under *5l.*) Persons in the Act of offending may be apprehended without Warrant. Exception of unintentional Trespasses, § 3.
69. Justice may issue Search Warrant for certain Articles, and require Person to account for having same in his Possession; and on failing so to do he may be committed to Gaol till next Petty Sessions. Possession of shipwrecked Goods. Possession of stolen Mutton, &c. Possession of stolen Wood. Offering shipwrecked Goods for Sale. Officers of Customs, &c. may seize the Goods. Justices may order Restitution of the stolen Property. In case the Persons in possession are not convicted, Justices may summon other Persons, § 4.
70. Stealing, &c. Deer in any inclosed Ground. Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny. Stealing, &c. any live or dead Fence, Wooden Stile or Gate. Stealing Trees, Shrubs, &c. (under the Value of *5l.*) growing anywhere. Stealing Trees, Plants, Vegetables, &c. severed from the Soil, or Turf Fuel (not exceeding 40*s.* in Value.) Workman making away with Goods (not exceeding *5l.* in Value) committed to his Care. Stealing Poultry (not exceeding 5*s.* in Value.) A Justice may grant a Search Warrant for such stolen Propery. Persons in the Act of committing such Offences may be apprehended without Warrant. Any Person to whom the stolen Property is offered to seize the Party. Justices may order Restitution of the stolen Property, or Sale if Owner is not known. If any such last-mentioned Offence be deemed fit for Indictment, Case to be dealt with as such, § 5.
71. Persons not exceeding Fourteen Years of Age committing certain Offences may be summarily convicted; if a Male, may be whipped. If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties, with or without Sureties. No other Forfeiture; but Justices may order Restitution of Property; or if not forthcoming,

forthcoming, may order Compensation. If the Charge is thought fit for Indictment, &c. Case to be dealt with as such, § 6.

72. Offering adulterated Corn, &c. for Sale. Offering unwholesome or fraudulently prepared Meat, &c. for Sale, § 7.

73. Trespass on Fields, &c. and refusing to leave. Repetition of Trespass after Warning. But not to extend to certain Cases of Trespass; nor to prevent the Right of Civil Action, § 8.

74. Omitting to scour Ditches, or to have Drains under Passages in and out of Roads, after Notice. Building Houses within Thirty Feet. Deepening Ditches without Consent of County Surveyor. Altering Fences without Consent of County Surveyor, &c. (What shall be deemed the Centre of the Road.) Scraping Roads without Consent of County Surveyor, &c. Drawing Timber, &c. so as to injure Road. Riding on Footpaths. Taking Materials to the Injury of any Road or Building. Destroying any Pay Gate or Turnpike Gate, &c.; or rescuing any Person in Custody for such Offences. Assaulting Engineers, Surveyors, or Contractors on public Roads. Using new Road for certain Time after making. County Surveyor or Contractor may require Owners of Land to remove Obstructions, &c. and to prune Hedges or Trees injuring Road. Owners not complying to be summoned before Justices at Petty Sessions; who may order Obstructions, &c. to be removed; and on Refusal of Owner, the Surveyor or Contractor may do it at Expense of Owner; Expenses may be levied by Distress and Sale; But Trees, &c. not to be cut or pruned at certain Seasons, § 9.

75. Turning Horse, &c. loose. Negligence in driving Cattle, &c. Flying Kites or making Slides. Fireworks, &c. Leaving Ploughs, Harrows, &c. on the Road. Slaughtering Beasts on a Road. Laying Stones, Timber, &c. Fine for every Day that Materials are left on Road after Notice to remove the same. Scalding Casks, beating Flax, or winnowing Corn, &c. Keeping Dogs either unlogged or unmuzzled. Justices may order dangerous Dogs to be killed. Drying Flax or burning Weeds, &c. Carrying Timber crosswise. Exposing Horses, &c. for Show, Sale, or Hire. Allowing Swine, &c. to wander on Roads. Swine, &c. wandering on Roads may be impounded if Owner is not known. Surveyor or Contractor not liable to Fine, except in certain Cases, § 10.

76. Carrying more than a certain Number: Carrying Luggage on the Top of any Carriage with Inside Passengers exceeding a certain Height: Omitting to paint Number of Passengers to be conveyed, on the Doors, &c. of public Carriages: Misconduct of Drivers, &c. to Passengers, &c.: Drivers leaving their Horses until a proper Person shall stand at their Head: or allowing others to drive, § 11.

77. Where Names of Owners are not painted on Carts, &c.: One driver taking charge of more than One Cart, &c., except in certain Cases: Drivers of Carts riding thereon without some other Person to guide them: Drivers leaving their Carts: Drivers refusing to tell Owner's Name, § 12.

78. Keeping on wrong Side of the Road: Passing with a led Horse: Obstructing free Passage or Crossings: Furious Driving: Negligent Driving: Children under Thirteen Years not to drive, § 13.

79. Constabulary to take cognizance of Offences, and summon Offenders, if known, in any Petty Sessions District where found. If Name not known, may be arrested. Proceeding if Offender will not discover his Name. Horses, Carriages, &c. of Offenders may be detained. Justice may order Removal of Nuisances. Compensation (not exceeding 40*s.*) for Damage recoverable before Justices in such Cases. Owners may recover over against Drivers. Summons for the Driver of Stage Carriage left with the Book-keeper to be good Service, § 14.

80. Possession of small Tenements may be recovered by Order of Justices. Manner in which such Summons shall be served. Substitution of Service in certain Cases. On Proof of Right, Justices may issue Warrant to deliver Possession. If Party summoned undertakes to deliver up Possession and pay Arrears of Rent in 14 Days, no Warrant to issue till the Expiration of that Period. If Party continues in possession at the End of the 14 Days, Justices may issue Warrant without further Notice. But Act not to protect Persons who have no legal Right, § 15.

81. Justices may order Payment of Sums due: For Wages: For the Hire of Horses, Carts, &c.: For Tuition: (The Demand not exceeding 10*l.*) Justices may award further Sum to Servants, &c. as Compensation (not exceeding 40*s.*) for Loss of Time in recovering Wages. How Servants, &c. shall recover their Wages in Cases of Absence of Masters, &c. Justices may punish Servant, &c. for not observing Contract. Justices may punish Servants, &c. for hiring under false Discharges, § 16.

82. Justices may make Awards as to Disputes at Sales in Fairs and Markets (where Value does not exceed 5*l.*) Justices may appoint Stands for Cars, &c., and make Regulations as to Thoroughfares in Markets. Punishment for Offences against these Provisions. Breaking through Regulations, &c. Obstructing Streets or Market Places, § 17.

83. Head Constable shall be Inspector of Weights and Measures. Grand Jury may provide Sub-Standard Weights and Measures; and may present Expenses. Punishment for false Weights and Measures, § 18.

84. Establishment of Pounds. Grand Jury may present Expense of erecting or repairing Pounds. Justices may appoint Keeper of County Pounds. No Persons to act as Pound Keepers unless when licensed by the Justices. Pound Keeper to enter into Recognizance. Pound Fees to be as follows. Rates of Sustenance to be fixed by Justices. Tables of Fees and Rates to be posted. No Animals to be impounded in any other than a licensed Pound or Manor Pound, except in Cases of Emergency. Notice of impounding to Owner, &c. Public Notice of impounding straying Animals to be given by Pound Keeper and Constabulary. When Owner of straying Animal is not known, it may be sold. Notice of Sale to be posted. How Produce of Sale to be applied. Punishment for Offences against these Provisions. Pound Keepers acting without Authority, or before entering into Recognizance, or not keeping Pound clean, &c., or demanding more than legal Fees, or omitting to post Tables or give Notices, or liberating without Authority, &c. Persons rescuing Distresses, or injuring Pounds, or liberating Distresses. But such Offences may be sent for Trial by Indictment. Any Person impounding elsewhere than in licensed Pound, or omitting to give Notice of impounding, or injuring Distresses. But no Interference with Establishment, &c. of Manor Pounds, § 19.

85. No impounding when Owner of Animals is known; but Occupier of Land to deliver up Animals found trespassing to their Owner, and shall then be entitled to the following Rates of Trespass. But when Owner of Animal is not known, it may be impounded. Pound

Keeper to deliver up Animal to Owner, on Authority of Justice, on Payment of Rates, &c. Pound Keeper to pay over Rates of Trespass, except in certain Cases. When Parties are not satisfied, Justices to investigate the Case and award the legal Rates, (whether actual Damage proved or not), unless in case of Neglect of the Occupier of the Land; First Trespass, Second Trespass, &c.; but in case of actual Damage done, may award Compensation. Justices may allow Credit for, or order refunding of any Rates already paid, according to the Case. Justices may order Repair of Fences by Person who ought to repair the same. Punishment for Offences against these Provisions: Any Person impounding, when Owner is known, or without lodging proper Notice: Pound Keeper neglecting to liberate Animals, or to pay over Amount received. Justices may adopt such Means of Proof as they shall see fit, § 20.

86. The Justices may discharge the Offender in certain Cases, § 21.
87. Pardon for Nonpayment of Money, § 22.
88. In what Cases Appeals shall be permitted; to be made to next Quarter Sessions of Division, or to Recorder's next Sessions. Quarter Sessions, &c. may decide Appeal; subject to the Provisions of the Petty Sessions Act as to Form, Notices, &c., § 23.
89. No Order or Adjudication made on Appeal shall be quashed for Want of Form, § 24.
90. Interpretation Clause, § 25.
91. Repeal of certain Acts, 10 *C.* 1. *c.* 25., 37 *G.* 3. *c.* 27., 40 *G.* 3. *c.* 71., 5 *G.* 4. *c.* 43., 7 *G.* 4. *c.* 42., 13 & 14 *Vict. c.* 102., 5 *G.* 2. *c.* 12., 11 *G.* 3. *c.* 7. *s.* 1., 27 *G.* 3. *c.* 53., 49 *G.* 3. *c.* 84. *s.* 30., 50 *G.* 3. *c.* 32., 54 *G.* 3. *c.* 116., 58 *G.* 3. *c.* 82., 4 *G.* 4. *c.* 34., 9 *G.* 4. *c.* 55., 9 *G.* 4. *c.* 56., 10 *G.* 4. *c.* 34., 4 & 5 *W.* 4. *c.* 50., 6 & 7 *W.* 4. *c.* 116., 7 & 8 *Vict. c.* 106., 11 & 12 *Vict. c.* 28., 11 & 12 *Vict. c.* 59., 7 & 8 *Vict. c.* 8., 12 & 13 *Vict. c.* 15., 12 & 13 *Vict. c.* 30. —§ 26.
92. Commencement of Act, § 27.
93. Act to extend to *Ireland* only, § 28.
94. Short Title of Act, § 29.

Trustees of Turnpike Roads and Bridges, See Turnpike Roads and Bridges.

Turnpike Roads and Bridges.

1. For requiring the Transmission of annual Abstracts of Accounts and Statements of Trustees or Commissioners of Turnpike Roads and Bridges in *Ireland* to the Lord Lieutenant to be laid before Parliament, 13 & 14 *Vict. c.* 4.
2. Trustees of Turnpike Roads and Bridge Trusts in *Ireland* to examine and audit Accounts annually, and make up and sign Abstracts thereof, and of Revenues and Debts, § 1.
3. Clerks of Turnpike Road and Bridge Trusts, &c. annually to transmit to the Lord Lieutenant Abstracts of Accounts and Statements of Revenues and Debts, § 2.
4. Lord Lieutenant to cause Abstracts to be laid before Parliament, § 3.
5. If Road or Bridge Acts proposed to be amended, Clerk to transmit Resolution and Particulars to the Lord Lieutenant, § 4.
6. Penalties how to be recovered and applied, § 5.

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7. To continue certain Acts for regulating Turnpike Roads in *Ireland*, 13 & 14 *Vict. c.* 34.
8. Acts for making, &c. Turnpike Roads in *Ireland* which will expire on 31st *July* 1850, &c., further continued, § 1.
9. Nothing in this Act to extend to Acts 7 & 8 *G.* 4. *c.* lxvi., 9 *G.* 4. *c.* lxxx., or 1 & 2 *G.* 4. *c.* xxxviii.—§ 2.

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10. To continue certain Acts for regulating Turnpike Roads in *Ireland*, 14 & 15 *Vict. c.* 44.
11. Acts for making, &c. Turnpike Roads in *Ireland*, which will expire on 31st *July* 1851, &c., further continued, § 1.
12. 7 *G.* 4. *c.* xxvi. to continue till 1st *October* 1852, and no longer, &c., § 2.

Unlawful Oaths.

1. To continue an Act of the Second and Third Years of Her present Majesty, "to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty *George* the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty *George* the Third, for preventing the administering and taking unlawful Oaths in *Ireland*," as the same is amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign, 14 & 15 *Vict. c.* 48.
2. 2 & 3 *Vict. c.* 74., as amended by 8 & 9 *Vict. c.* 55. and 11 & 12 *Vict. c.* 89., to continue in force from the passing of this Act, for the further Period of Five Years, and until the End of the then next Session. 2 & 3 *Vict. c.* 74., to continue in force for a further Period of Five Years, &c., § 1.

J.

Judicial Committee, See Court of Chancery.

L.

Labour in Factories.

1. To amend the Acts relating to Labour in Factories, 13 & 14 *Vict. c.* 54.
2. No young Person or Female to be employed before Six in the Morning or after Six in the Afternoon, or on *Saturdays* after Two in the Afternoon, § 1.
3. Provision of 7 & 8 *Vict. c.* 15., requiring Notices of Times of beginning and ending Work to be hung up, repealed, § 2.
4. Meal Times to be taken between Half past Seven in the Morning and Six in the Evening, § 3.
5. Young Persons or Females not to be employed under 7 & 8 *Vict. c.* 15. in recovering lost Time after Seven in the Evening, § 4.
6. Time during which young Persons and Females may be employed under 7 & 8 *Vict. c.* 15. *s.* 34. in recovering lost Time, § 5.
7. Power to employ young Persons from Seven in the Morning to Seven in the Evening from 30th *September* to 1st *April*, under certain Regulations, § 6.
8. Repeal of Provision in 7 & 8 *Vict. c.* 15. as to Children above Eleven Years of Age employed solely in winding and throwing of Raw Silk; and in lieu thereof Children above Eleven may be employed as young Persons, § 7.
9. Young Persons and Females employed during Meal Times, &c. to be held to be employed contrary to Acts, § 8.
10. Recited Acts and this Act to be construed as One Act, § 9.

Landlord and Tenant.

1. To improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures, 14 & 15 *Vict. c.* 25.
2. On Determination of Leases or Tenancies under Tenant for Life, &c. instead of Emblements Tenant to hold until Expiration of current Year, &c., § 1.
3. Growing Crops seized and sold under Execution to be liable for accruing Rent, § 2.
4. Tenant may remove Buildings and Fixtures erected by him on Farms, unless Landlord elect to take to them, § 3.
5. Tenant quitting, leaving Tithe Rentcharge unpaid, Landlord, &c. may pay the same, and recover from the first-named Tenant as if it were a simple Contract Debt, § 4.
6. Act not to extend to *Scotland*, § 5.

Larceny.

1. For the further Extension of Summary Jurisdiction in Cases of Larceny, 13 & 14 *Vict. c.* 37.
2. 10 & 11 *Vict. c.* 82. and 11 & 12 *Vict. c.* 59. recited, and extended to all Cases in which the Age of the Person charged does not exceed Sixteen Years. Offenders above Fourteen Years of Age not to be liable to Punishment of Whipping, § 1.
3. Justice to ask whether Accused wishes the Charge to be tried by a Jury, § 2.
4. Act not to extend to *Scotland*, § 3.

Law of Evidence.

1. To amend the Law of Evidence, 14 & 15 *Vict. c.* 99.
2. Proviso in sect. 1 of 6 & 7 *Vict. c.* 85. repealed, § 1.
3. Parties to be admissible Witnesses, § 2.
4. Nothing herein to compel Person charged with criminal Offence to give Evidence tending to criminate himself, &c., § 3.
5. Not to apply to Proceedings in consequence of Adultery, &c., § 4.
6. Nothing to repeal any Provisions of 7 *W.* 4. & 1 *Vict. c.* 26.—§ 5.
7. Common Law Courts authorized to compel Inspection of Documents whenever Equity would grant Discovery, § 6.
8. Foreign and Colonial Acts of State, Judgments, &c. provable by certified Copies, without Proof of Seal or Signature or judicial Character of Person signing the same, § 7.
9. Apothecaries Certificates admissible without Proof of Seal, § 8.
10. Documents admissible without Proof of Seal, &c. in *England* or *Wales* equally admissible in *Ireland*, § 9.
11. Documents admissible without Proof of Seal, &c. in *Ireland* equally admissible in *England* and *Wales*, § 10.
12. Documents admissible without Proof of Seal, &c. in *England*, *Wales*, or *Ireland* equally admissible in the Colonies, § 11.
13. Registers of British Vessels and Certificates of Registry admissible as *primâ facie* Evidence of their Contents, without Proof of Signature, &c., § 12.
14. Where necessary to prove Conviction or Acquittal of Person charged, not necessary to produce Record, but may be certified under Hand of Clerk of Court, § 13.
15. Examined or certified Copies of Documents admissible in Evidence, § 14.
16. Certifying a false Document a Misdemeanor, § 15.
17. Court, &c. may administer Oaths, § 16.
18. Persons forging Seal, Stamp, or Signature of certain Documents, or wilfully uttering same, guilty of Felony, § 17.
19. Act not to extend to *Scotland*, § 18.
20. Interpretation of "*British* Colony," § 19.
21. Commencement of Act, § 20.

Leases under Powers (Defects in).

1. To amend an Act of the last Session of Parliament for granting Relief against Defects in Leases made under Powers of Leasing, 13 & 14 *Vict. c.* 17.
2. 12 & 13 *Vict. c.* 26. *s.* 3. repealed, § 1.
3. Where there is a Note in Writing showing Intent to confirm, Acceptance of Rent to be deemed a Confirmation, § 2.
4. Where Reversioner is able and willing to confirm, Lessee to accept Confirmation, § 3.

Liberties uniting with Counties.

1. For facilitating the Union of Liberties with the Counties in which they are situate, 13 & 14 *Vict. c.* 105.
2. Petition for Union of Liberty with County, § 1.
3. Preparation of Petition, § 2.
4. Union of Liberty with County, § 3.
5. After Union no separate Commission of the Peace to issue for Liberty. Sessions for the County to have Jurisdiction in Liberty. Inhabitants of Liberty to serve on Juries for County, § 4.
6. Gaol of Liberty to become Gaol of County, § 5.
7. Prisoners to be tried at Sessions for united County and Liberty, and, where necessary, at Assizes, § 6.
8. Records to be delivered to Custos Rotulorum of County, § 7.
9. Treasurer of Liberty to pay over Monies to Treasurer of County, § 8.
10. Interpretation of Terms, § 9.
11. Boroughs within Liberties, § 10.
12. Act not to extend to *Southwark*, *Scotland*, or *Ireland*, § 11.

Libraries and Museums.

1. For enabling Town Councils to establish Public Libraries and Museums, 13 & 14 *Vict. c.* 65.
2. 8 & 9 *Vict. c.* 43. repealed, and this Act may be adopted in any Municipal Borough, § 1.
3. Mayor to appoint Places for taking the Votes, § 2.
4. Burgesses on the Burgess Roll entitled to vote, § 3.
5. Town Councils to provide the Things necessary for the Enjoyment of such Museums and Libraries, and to appoint proper Officers, § 4.
6. Council, with Approbation of Treasury, may borrow Money on Credit of the Borough Rates, &c. § 5.
7. Buildings for Museums and Libraries, and the Property therein, to be held by the Council of the Borough in trust for the Benefit of the Inhabitants, § 6.
8. Admission to Museums, &c. to be free, § 7.
9. If Burgesses determine not to adopt this Act, it shall not be again proposed for Two Years, § 8.
10. Museums begun or established under repealed Act to be maintained, &c. § 9.
11. Short Title of Act, § 10.

Liverpool Gunpowder Stores.

1. To repeal so much of an Act of the Twelfth Year of King *George* the Third, relating to the making, keeping, and Carriage of Gunpowder, as exempts therefrom certain Gunpowder Magazines and Stores near *Liverpool*, and to make certain temporary Provisions with regard to the said Magazines and Stores, 14 & 15 *Vict.* c. 67.
2. 12 *G.* 3. *c.* 61. recited. Exemption in recited Act as to keeping Gunpowder in certain Storehouses repealed after Ten Months from Notification of suitable Moorings for Vessels in the *Mersey* is provided, § 1.
3. Regulations as to the Use of the Magazines previously to their Discontinuance, § 2.
4. Lord High Admiral, with Approval of the Master General of the Ordnance and the Conservators of the River *Mersey*, may appoint Places for mooring Vessels for storing Gunpowder in the said River, § 3.
5. Ordnance to appoint Officer to superintend Stores, with Authority to enforce Regulations, § 4.
6. Power to discontinue Places appointed, and to appoint others, § 5.
7. Master General of the Ordnance may make Regulations concerning Vessels moored in the River *Mersey*. Penalty on Persons failing to observe such Regulations, § 6.
8. Power to Corporation to pay 9,780*l.* to the Lessees of Storehouses, and thereupon the Interest of the Lessees to cease, § 7.
9. The Sum of 9,780*l.* to be paid out of Borough Fund of *Liverpool*, § 8.
10. Meaning of "Lessees," § 9.
11. Power to Three or more Lessees to demand Payment, § 10.
12. Payment by Corporation to Three or more of the Lessees to be sufficient, § 11.

Loan Societies.

1. An Act to continue an Act (3 & 4 *Vict. c.* 110.) to amend the Laws relating to Loan Societies, 13 & 14 *Vict. c.* 45. and 14 & 15 *Vict. c.* 31.

Local Acts.

1. To repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof, 14 & 15 *Vict. c.* 49.
2. 11 & 12 *Vict. c.* 129. repealed, §. 1.
3. Where Works proposed on Tidal Lands, Admiralty may require Statements, &c., § 2.
4. Admiralty may appoint Inspectors, § 3.
5. Inspectors may summon Witnesses, and examine them upon Oath, § 4.
6. Penalty for Non-attendance or refusing to answer Questions, § 5.
7. Admiralty may take Security for Payment of Expenses of Inquiry, § 6.
8. Petitioners for Private Bill to be deemed Promoters, § 7.
9. Form of citing the Act, § 8.

Bridges, Canals, Docks, Harbours, Piers, &c.

1. *Montrose.*—Harbour, 13 & 14 *Vict. c.* xlii.
2. *Swansea.*—Dock, 13 & 14 *Vict. c.* xlvii.
3. *London.*—*Victoria* Dock, 13 & 14 Vict. *c.* li.
4. *Tyne.*—Navigation of, 13 & 14 *Vict. c.* lxiii.
5. *Severn.*—Bridge over, 13 & 14 *Vict. c.* lxvi.
6. *Clyde.*—Bridge over, 13 & 14 *Vict. c.* xci.
7. *Birkenhead.*—Docks, 13 & 14 *Vict. c.* c.
8. *Lee.*—Navigation of, 13 & 14 *Vict. c.* cix.
9. *Hartlepool.*—West Harbour, 13 & 14 *Vict. c.* cxi.
10. *Westminster.*—Temporary Bridge, 13 & 14 *Vict. c.* cxii.
11. *Ousebourn.*—Building Bridge, 14 & 15 *Vict. c.* iii.
12. *Greenwich and Woolwich Road.*—Building Bridge over, 14 & 15 *Vict. c.* xix.
13. *Baglan Bay.*—Making Docks, 14 & 15 *Vict. c.* xlix.
14. *Liverpool Docks and Harbour.* — Altering Acts, 14 & 15 *Vict. c.* lxiv.
15. *North Shields.*—Making Quay, 14 & 15 *Vict. c.* lxxiii.
16. *Dee.*—Restoring Standard, 14 & 15 *Vict. c.* lxxxvii.
17. *Cam.*—Amending Acts, 14 & 15 *Vict. c.* xcii.
18. *Hartlepool.*—Building Pier, 14 & 15 *Vict. c.* cxii.
19. *Wicklow.*—Amending Harbour Act, 14 & 15 *Vict. c.* xxi.
20. *Warkworth.* — Constructing Wet Dock, 14 & 15 *Vict. c.* cxxii.
21. *Thames Haven Dock and Railway.*—Amending Acts, 14 & 15 *Vict. c.* cxxiii.
22. *Wexford Free Bridge.*—Amending Acts, 14 & 15 *Vict. c.* cxxiv.

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2. *Kent Waterworks Company.*—Raising Money, 13 & 14 *Vict. c.* lix.
3. *Shipwrecked Fishermen's and Mariners Society.* —Incorporating, 13 & 14 *Vict. c.* lxxiii.
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8. *Reading Cemetery.*—Raising Money, 14 & 15 *Vict. c.* ix.
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20. *Shrewsbury* to *Bridgenorth.* — Repairing, 14 & 15 *Vict.* *c.* xxiv.
21. *Richmond and Lancaster.* —Amending Acts, 14 & 15 *Vict.* *c.* xxxi.
22. *Derby, Ashbourne, and Hurdloe.*—Continuing Term, 14 & 15 *Vict.* *c.* xxxii.
23. *Derby* to *Sheffield,* and *Duffield* to *Wirksworth.* — Repairing, 14 & 15 *Vict.* *c.* xxxvii.
24. *Manchester and Audenshaw.* — Continuing Term, 14 & 15 *Vict.* *c.* xli.
25. *Stroud,* through *Pitchcomb,* to *Gloucester.*—Repairing, Term, 14 & 15 *Vict.* *c.* l.
26. *Huddersfield* to *New Hey.* — Repairing, 14 & 15 *Vict.* *c.* lix.
27. *Uttoxeter* to *Stoke.*—Repairing, 14 & 15 *Vict.* *c.* lx.
28. *Buckingham, Brackley, and Banbury.* — Extending Term, 14 & 15 *Vict.* *c.* lxi.
29. *Malmesbury* District.—Extending Term, 14 & 15 *Vict.* *c.* lxxvi.
30. *Sheffield* to *Marple Bridge Road.*—Repairing, 14 & 15 *Vict.* *c.* cxxxiii.

MISCELLANEOUS.

1. *Kew and Petersham.* — Extinguishing Vicarial Tithes, 13 & 14 *Vict.* *c.* xvi.
2. *Saint Michael, Chester Square.*—Church of, 13 & 14 *Vict.* *c.* civ.
3. *Saint Peter's, Pimlico.* — Erecting *St. Gabriel's Church,* 13 & 14 *Vict.* *c.* cvii.
4. *Laird's Patent.*—Rendering valid, 14 & 15 *Vict.* *c.* v.
5. *Royal Naval School.*—Extending Benefit of, 14 & 15 *Vict.* *c.* xxix.
6. *County of Aberdeen.*—Erecting Public Offices, 14 & 15 *Vict.* *c.* xxxviii.
7. *Widows of Ministers of Free Church.*—Raising Fund for, 14 & 15 *Vict.* *c.* lxxviii.
8. *Saint Patrick's Cathedral, Dublin.*—Repairing, 14 & 15 *Vict.* *c.* lxxxii.
9. *Brighton Cemetery.*—Consecrating, 14 & 15 *Vict.* *c.* xcviii.
10. *Lands in Lincolnshire.* — Reclaiming from the Sea, 14 & 15 *Vict.* *c.* cxxxvi.
11. *Coal Acts of London* and *Westminster.* — Amending, 14 & 15 *Vict.* *c.* cxlvi.

Lodging Houses (Common).

1. For the well-ordering of Common Lodging Houses, 14 & 15 *Vict.* *c.* 28.
2. Short Title, § 1.
3. Interpretation of Terms in this Act, § 2.
4. By whom the Act is to be executed, § 3.
5. As to Expenses of executing this Act, § 4.
6. Meaning of the Term "the local Authority," § 5.
7. Notice of this Act to be given to the Keepers of the Common Lodging Houses, § 6.
8. Registers of Common Lodging Houses to be kept, § 7.
9. Lodgers not to be received in Common Lodging Houses until registered under this Act, § 8.
10. Power to local Authority to make Regulations respecting Common Lodging Houses, § 9.
11. Power to local Authority to impose Penalties for Offences committed against Regulations, § 10.
12. Keepers of Common Lodging Houses to give Notice of Fever, &c. therein, § 11.
13. As to Inspection of Common Lodging Houses, § 12.
14. As to cleansing of Common Lodging Houses, § 13.
15. Penalty for Offences against this Act, § 14.
16. Recovery of Penalties, § 15.
17. General Powers of local Authority, &c., § 16.
18. Act not to extend to the City of *London,* § 17.
19. Nor to *Scotland,* § 18.

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20. To encourage the Establishment of Lodging Houses for the Labouring Classes, 14 & 15 *Vict.* *c.* 34.
21. Short Title of Act, § 1.
22. Act may be adopted in certain Boroughs and Parishes, § 2.
23. Interpretation of Terms. § 3.
24. Council of any Borough may adopt the Provisions contained in this Act if they think fit, § 4.
25. Expenses of carrying this Act into execution in a Borough shall be charged upon the Borough Fund, and Income arising to be carried to the same, § 5.
26. Any Local Board of Health may adopt the Provisions of this Act if they think fit, § 6.
27. On Requisition of Ratepayers, Board to postpone Proceedings till after next Day for Election of Members of Board, § 7.
28. Expenses of carrying this Act into execution by Local Board of Health shall be charged on the District Fund, and Income arising to be carried to the same, § 8.
29. Any Improvement Board may adopt the Provisions of this Act if they think fit, § 9.
30. On Requisition of Ratepayers, Board to postpone Proceedings till after next Day for Election of Members of Board, § 10.
31. If Majority of Board not elected by Ratepayers, Consent of Ratepayers to be obtained, § 11.
32. Expenses of carrying this Act into execution by Improvement Commissioners shall be charged on General Improvement Rate, and Income arising to be carried to the same, § 12.
33. Auditing Accounts of Improvement Commissioners with respect to Act, § 13.
34. On the Requisition of Ten Ratepayers, Churchwardens, &c. to convene Vestry Meeting to determine whether this Act shall be adopted. If Vestry resolve to adopt the Act, a Copy of Resolution to be sent to Secretary of State, &c. Resolution not deemed to be carried unless Two Thirds vote for it, § 14.

35. Where

35. Where Act adopted Vestry to appoint Commissioners for carrying the same into execution, § 15.
36. Resignation of Commissioners, § 16.
37. Vacancies to be filled up by Vestry, § 17.
38. Meetings of Commissioners, § 18.
39. Special Meetings of Commissioners, § 19.
40. Quorum of Meetings of Commissioners, § 20.
41. Commissioners may appoint and remove Officers, &c., § 21.
42. Minutes of Proceedings of Commissioners to be entered in Books, § 22.
43. Commissioners to keep Accounts, which shall be open to Inspection. Penalty for refusing to allow Inspection, § 23.
44. Auditors to be appointed yearly, who shall examine the Accounts and report to Vestries, § 24.
45. Expenses of executing Act in any Parish to be paid out of the Poor's Rate, § 25.
46. Overseers to levy as Part of the Poor's Rate such Sums as Vestry shall deem necessary to pay Expenses, § 26.
47. Monies raised, and the Income arising from Lodging Houses in the Parish, to be applied towards defraying Expenses, § 27.
48. Vestries of Two or more Parishes may concur in carrying this Act into execution, subject to the Approval of the Secretary of State, § 28.
49. Incorporation of Commissioners, § 29.
50. Acts of Commissioners to be good, notwithstanding Informalities, § 30.
51. Councils, &c. may borrow Money for the Purposes of the Act, with the Approval of the Treasury, § 31.
52. The Public Works Loan Commissioners may advance Money for the Purposes of this Act, § 32.
53. Certain Provisions of 8 & 9 *Vict. c.* 16. incorporated with this Act, § 33.
54. Provisions of 8 & 9 *Vict. c.* 18. incorporated with this Act, § 34.
55. In Boroughs the Council may appropriate, with Consent of the Treasury, Lands vested in the Mayor, &c. In Parishes the Commissioners may, with Approval of Vestry, &c., appropriate Lands belonging to Parish; or contract for Purchase of the same, § 35.
56. Councils and Commissioners may erect Lodging Houses, § 36.
57. Councils and Commissioners may enter into Contracts for the Purposes of this Act. No Contract above 100*l.* to be entered into without Notice, § 37.
58. Council or Commissioners may purchase existing Lodging Houses, § 38.
59. Power to Water and Gas Companies to supply Water and Gas to Lodging Houses, § 39.
60. Councillors and Commissioners not to be personally liable, § 40.
61. Persons may appeal against Orders of Councils and Commissioners, § 41.
62. Council, &c. empowered to make Sale and Exchange of Lands, with Consent, § 42.
63. When Lodging Houses are considered too expensive, they may, with Approval of Treasury, be sold, and Proceeds of Sale carried to Borough Fund or Poor's Rate, § 43.
64. Commissioners to cease to be a Corporation when their Duties have ceased, § 44.
65. Management to be vested in Council and Parish Commissioners, § 45.
66. Council, &c. may make Byelaws for regulating the Lodging Houses. Byelaws to be approved by the Secretary of State, § 46.
67. Byelaws to be hung up in every Room in the Lodging Houses, § 47.
68. Charges for Occupation, &c. to be fixed by Councils and Commissioners, § 48.
69. As to Tenants of Lodging Houses receiving Parochial Relief, § 49.
70. Lodging Houses to be open to Inspection of Local Boards of Health, § 50.
71. Penalty on Council, Commissioners, or Officers taking Fees beyond Salaries, or being interested in Contracts, § 51.
72. Application of Penalties, § 52.
73. Not to extend to *Scotland*, § 53.

London Bridge Approaches Fund.

1. To authorize further Charges on "The *London Bridge* Approaches Fund" for the Completion of certain Improvements in the Metropolis, 13 & 14 *Vict. c.* 103.
2. Commissioners of Woods empowered to make a further Charge upon the Fund, § 1.
3. Commissioners of Woods empowered to raise Monies on the Credit of the Charge, § 2.
4. Commissioners of Woods to continue incorporated, § 3.
5. Commissioners empowered to advance Monies for completing Improvements in *Southwark* and *Westminster*, § 4.
6. Application of Monies subject to such Advances, § 5.
7. Exemptions from Stamp Duty under former Acts extended to this Act, § 6.
8. Common Council empowered to raise on the Credit of the Fund the Sum of 88,000*l.*, § 7.
9. Priority of 176,000*l.*, § 8.
10. Corporation to execute Bonds for securing Repayment of Money, § 9.
11. Bonds to be assignable by Indorsement, § 10.
12. Fund charged with the Annuities, § 11.
13. The Fund continued until the Sums charged thereon by this Act are paid, § 12.
14. Surpluses of the Fund, how to be applied, § 13.
15. The Sums of 176,000*l.* and 88,000*l.* not to have Priority over Sums charged by former Acts, § 14.
16. Upon Notice of Redemption of the Annuities, and Tender of the Monies, Annuities to cease, § 15.
17. Deficiencies to be paid out of the Chamber of *London*, § 16.
18. Securities to be entered in Book, § 17.
19. This Act not to affect any of the City's present Creditors, § 18.
20. Chamberlain to keep Account of Receipts and Disbursements, § 19.
21. Accounts to be yearly laid before Parliament, § 20.
22. Application of ultimate Surplus of the *London Bridge* Approaches Fund, § 21.
23. Public Act, § 22.

M.

Manchester (Parish of).

1. To authorize the Division of the Parish of *Manchester* into several Parishes, and for the Application of the Revenues of the Collegiate and Parish Church, and for other Purposes, 13 & 14 *Vict. c.* 41.
2. A new District may be assigned to any Church or Chapel in *Manchester* by the Ecclesiastical Commissioners for *England* by any Scheme prepared by them, and ratified by the Queen in Council, with certain Consents, § 1.

3. Each District when constituted to become a Parish for Ecclesiastical Purposes; and the Church of every such Parish shall be a Church and Rectory, § 2.
4. Parts of contiguous Parishes, &c. may be included in the District, § 3.
5. Residue of the Parish after the Districts are severed to be the Rectory and Parish of *Manchester* for all Ecclesiastical Purposes, § 4.
6. The Chaplains to be appointed by the Dean, and their Duties restricted to the Cathedral and Parish annexed thereto, § 5.
7. Reserving the Rights of the Chaplains and Clerks of the Collegiate Church, § 6.
8. Laws, Canons, and Customs relating to Marriages, &c. to remain in force during Incumbency of Chaplains, &c., § 7.
9. Mode of ascertaining Compensation to Chaplains, &c., § 8.
10. Act not to affect Laws relating to the Poor, &c., § 9.
11. Provisions of 6 & 7 *Vict. c.* 37. as to Churchwardens extended to this Act, § 10.
12. Customs, &c. as to Appointment of Churchwardens as far as regards newly constituted Parishes to cease, § 11.
13. Nothing in Act to affect Church Rates, § 12.
14. Monies payable to Ecclesiastical Commissioners by the Dean and Canons to be applied in providing for the Cure of Souls in the Parish of *Manchester*, § 13.
15. After the next Avoidance, the Dean to be paid 1,000*l. per Annum*, and each Canon 600*l. per Annum*, § 14.
16. To each of the Canonries in the Cathedral One Rectory to be annexed, § 15.
17. Patronage of the new Rectories, &c., § 16.
18. Parish Clerks, Sextons, and Officers, § 17.
19. Saving Rights of Sir *Thomas Joseph De Trafford*, § 18.
20. The Commissioners with Consent of Bishop, &c. may assign Patronage to Persons who may make an Endowment, § 19.
21. Power to Commissioners to sell Residence Houses held in trust, and apply Purchase Monies in procuring fit Residences, &c., § 20.
22. Houses of Residence to be provided for the Dean and Canons and Incumbents, § 21.
23. Incumbent to reside within his Rectory or Parish, § 22.
24. Application of the Monies to be paid to the Commissioners by the Dean and Chapter. Compensation to Persons having vested Rights, &c. Payments to Incumbents, § 23.
25. Commissioners to set aside surplus Monies for the permanent Endowment of Incumbents, § 24.
26. Provision for abolishing Pew Rents, and providing free Seats, § 25.
27. As to Pew Rents in Galleries of Cathedral Church, § 26.
28. The Bishop to be Visitor of the College, and exercise all Powers, &c. under Letters Patent of *Car.* I., § 27.
29. For fencing the Ground to be provided in lieu of *Walker's Croft*, and providing a Chapel and Buildings, &c., § 28.
30. Provisions of certain General Acts made applicable to this Act, § 29.
31. Benefactions may be received towards Purposes of this Act, § 30.
32. Assurances to be valid notwithstanding Statutes of Mortmain, &c., § 31.
33. Notices of Citation, &c., how to be published, § 32.
34. Table of Fees to be fixed by Bishop of Diocese, and no double Fees to be taken, § 33.
35. No Fees to be demanded for Baptisms, § 34.
36. Accounts to be rendered yearly to Ecclesiastical Commissioners. Power to Agents, &c. to inspect Documents, &c., § 35.
37. Nothing herein contained to disappropriate Rectory of *Manchester*, § 36.
38. Not to relieve the Members of the Chapter from Liabilities, &c., otherwise than as expressly provided, § 37.
39. Short Title of Act, § 38.
40. Public Act, &c., § 39.

Manchester, warehousing customable Goods in.

1. To enable the Council of the Borough of *Manchester* to determine their Liability to defray the Expenses of Customs in respect of Goods warehoused in the said Borough, and to authorize the Commissioners of Her Majesty's Treasury to direct the Discontinuance of the further warehousing of Goods in such Warehouses without Payment of Duty, 13 & 14 *Vict. c.* 84.
2. 7 & 8 *Vict. c.* 31. recited. Council of Borough of *Manchester* exempted from Liability to pay Expenses of Management and Collection of Customs, &c. in respect of Foreign Goods warehoused, &c. Treasury empowered to discontinue warehousing of Goods without Payment of Duty, § 1.
3. Treasury may order Duties to be paid or Goods to be removed, § 2.
4. Council to pay out of Borough Fund Expenses of Management, &c. in respect of Goods deposited under recited Act, § 3.
5. Expenses of Act, § 4.
6. Public Act, § 5.

Marines.

For the Regulation of Her Majesty's Royal Marine Forces while on Shore, 13 & 14 *Vict. c.* 6. and 14 & 15 *Vict. c.* 5.

Markets, See Fairs and Markets.

Marlborough House.

To enable Her Majesty to make Provision for the Residence of His Royal Highness *Albert Edward* Prince of *Wales* in *Marlborough House* during the joint Lives of Her Majesty and His Royal Highness, 13 & 14 *Vict. c.* 78.

Marriages at Upton cum Chalvey.

1. To render valid certain Marriages solemnized in the new Church at *Upton cum Chalvey* in the County of *Buckingham* and Diocese of *Oxford*, 13 & 14 *Vict. c.* 38.
2. All Marriages already solemnized in the new Church of *Upton cum Chalvey* declared to be valid, § 1.
3. Ministers having solemnized such Marriages not to be liable to Penalties, § 2.
4. Registers of Marriages so solemnized to be Evidence, § 3.

Mercantile Marine.

1. For improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline, in the Merchant Service, 13 & 14 *Vict. c.* 93.
2. Short Title, § 1.
3. Number and Gender; "Her Majesty;" "Her Majesty's Dominions;" "United Kingdom;" "Board of Trade;" "Consular Officer;" "Ship;" "Home Trade Ship;" "Foreign-going Ship;" "Seaman;" "General Merchant Seamen's Act;" "Seamen's Protection Act;" § 2.
4. Explanation and Alteration of Terms in 8 & 9 *Vict. c.* 116., § 3.

5. As to Parts which affect or repeal former Acts; as to Remainder, § 4.
6. As to Boards, &c., Shipping and Register Offices, and Examinations; as to Production of Certificates, &c.; as to Remainder, § 5.
7. New Duties and Powers generally, § 6.
8. Constitution and Functions of Local Marine Boards, § 7.
9. Minutes and Business of Local Boards, § 8.
10. Qualification of Voters for Members to Local Marine Boards, § 9.
11. Register of Votes for Election of Members of Board, § 10.
12. Revision of List of Voters, § 11.
13. Registers to be produced, § 12.
14. Expenses of Collector, Mayor, or Provost, to be repaid to him, § 13.
15. Persons on List qualified to vote, § 14.
16. Qualification of Members of Local Marine Boards, § 15.
17. Certain Functions of Admiralty may be transferred to Board of Trade, § 16.
18. New Officers and Servants to be appointed, § 17.
19. Accounts to be laid before Parliament, § 18.
20. Minutes, &c., if sealed, to be received as Evidence, § 19.
21. The Board to sanction Forms required by 7 & 8 *Vict. c.* 112.—§ 20.
22. The Board to settle and issue Forms required by this Act. No Form not marked to be received as Evidence. Forms to be published previously, § 21.
23. Forms to be exempt from Stamp Duty, § 22.
24. Penalties for Forgery of Seal, and fraudulent Alteration of Forms; for not using Forms issued by the Board, § 23.
25. Examinations to be instituted for Masters and Mates of "Foreign-going Ships," § 24.
26. Fees to be paid by Applicants, § 25.
27. Certificates of Competency to be granted to those who pass, &c., § 26.
28. Certificates of Service to be delivered to Persons who are already Masters and Mates, and to Officers in the Service of Her Majesty and the *East India* Company. Board may in some Cases give them Certificates of Competency, § 27.
29. Power to Board of Trade, under certain Conditions, to cancel or suspend Certificates, § 28.
30. The Registrar to have Notice of Grants, Cancellations, &c. of Certificates, and to record the same. Duplicates and Entries to be Evidence. In case of Loss a Copy to be granted, § 29.
31. No Foreign-going Ship is to proceed to Sea without Production of the Certificates of the Master and Mates, § 30.
32. Penalties for false Representations; for forging or altering or fraudulently using; for neglecting to give up Certificate when cancelled; and for going to Sea without Certificate, § 31.
33. Transfer to Board of Trade of Control over Registrar. Power to dispense with so much of 7 & 8 *Vict. c.* 112. as relates to Register Tickets. Power to alter or abolish the Office. Treasury to regulate Salaries, § 32.
34. Registry, how to be kept in future, § 33.
35. Shipping Masters and other Officers to transmit Documents to Registrar to be preserved. Registrar to permit Inspection, to produce Originals, and give Copies, § 34.
36. Local Boards may establish and regulate Shipping Offices, § 35.
37. Business of such Offices generally, § 36.
38. Business may be transferred from Customs to Shipping Masters, § 37.
39. Fees to be paid upon Engagements and Discharges, not exceeding Sums in Schedule B., § 38.
40. Masters to pay Fees, and to deduct Part from Wages. Schedule C., § 39.
41. Shipping Masters taking other Remuneration to be liable to Penalty, § 40.
42. Forms issued by the Board to be sold at Shipping Offices, § 41.
43. Business of Shipping Offices may be transacted at Custom Houses, § 42.
44. The Board may authorize Sailors Homes to take and retain Fees; and may appoint Sailors Homes in *London*, § 43.
45. The Board may in any Cases dispense with the Shipping Master's Superintendence, § 44.
46. Repeal of so much of 7 & 8 *Vict. c.* 112. as relates to Agreements with Seamen, § 45.
47. Agreements to be made with Seamen containing certain Particulars, § 46.
48. For Foreign-going Ships such Agreements, except in special Cases, to be made before and attested by a Shipping Master; to be in Duplicate; one Copy to be retained, the other for the Master. Provision for Engagements abroad and for Substitutes, § 47.
49. In Home Trade Ships the Agreement to be entered into either before a Shipping Master or on board, § 48.
50. Alterations to be void unless attested to have been made with the Consent of all Parties, § 49.
51. Agreements to be produced by Foreign-going Ships on Departure, and delivered on Arrival; otherwise they are not to be cleared inwards, § 50.
52. Agreements to be produced by Home Trade Ships half-yearly, otherwise they are not to receive Transire, &c., § 51.
53. Seamen not to be bound to produce any Agreement or Copy, § 52.
54. Seamen not to lose Lien for Wages. Certain Stipulations to be void, § 53.
55. Copy of Agreement to be made accessible to Crew, § 54.
56. Penalties on Masters for taking Seamen to Sea without Agreement; for Non-production of Agreement; for not giving Agreement to Crew; for falsifying Agreement, § 55.
57. Right to Wages and Provisions, when to begin, § 56.
58. Seamen discharged before Voyage to have Compensation, § 57.
59. Repeal of 8 & 9 *Vict. c.* 116. *s.* 7.—§ 58.
60. Regulation of Advances and Advance Notes, § 59.
61. Advances made contrary to the above Regulations to be no Discharge of Wages, § 60.
62. Advance Notes to be receipted when discounted; may be sued on summarily; certain Evidence to be sufficient, § 61.
63. Stipulations for Allotment to be inserted in Agreements, § 62.
64. Place appropriated to Seamen to have Nine Superficial Feet for each Man, and to be properly constructed, § 63.
65. Board to issue Scale of Medicines according to 7 & 8 *Vict. c.* 112. *s.* 18.—§ 64.
66. Board may dispense with Lime Juice, &c. in certain Cases, § 65.
67. Board of Trade and Local Boards may appoint Inspectors of Medicines, who are to see that Ships are properly supplied, § 66.
68. Persons selling bad Drugs liable to Penalty, § 67.
69. Masters to keep Weights and Measures on board, § 68.
70. Penalties for Want of Space; for improper Construction or Ventilation of Sleeping Places; for not keeping Weights and Measures, § 69.

71. Refusal to join, and Desertion, to be punishable with Three Months Imprisonment; with Power to Justice to send the Offender on board, § 70.
72. Master or Owner may give Deserters, &c. in charge without Warrant, § 71.
73. On Voyage Seamen found absent without Leave may be carried on board, § 72.
74. Wages forfeited for Desertion to be recoverable by Master, &c. who has suffered by the Desertion, 7 & 8 *Vict. c.* 112. *s.* 9.—§ 73.
75. Entries and Certificates of Desertion abroad to be copied, sent home, and admitted in Evidence, § 74.
76. False Statement as to last Ship or Name to be Forfeiture, § 75.
77. Board may dispense with Sanction for Discharge of Men in Colonies required by 7 & 8 *Vict. c.* 121. *s.* 46.—§ 76.
78. Misconduct endangering the Ship, or Life or Limb, a Misdemeanor, § 77.
79. Certain Offences to be punishable on Arrival in Port: Theft or wilful Damage; Assaulting Officers; Act of Disobedience or Neglect of Duty; combining to disobey, or Neglect of Duty, § 78.
80. Fines to be deducted from Wages, and paid to Shipping Master. Penalty, § 79.
81. Both Imprisonment and Forfeiture may be inflicted, if Justice so requires, § 80.
82. No Allowance for Reduction in Provisions during Neglect of Duty or Confinement, or according to Agreement, § 81.
83. Naval Court for hearing Complaints on the High Seas and Abroad; its Constitution and Powers; Report to be sent home, § 82.
84. Costs of Proceeding and Compensation for Delay, § 83.
85. Penalty for preventing Complaint, § 84.
86. The Board is to sanction Forms of Log Books, which are to be invariably employed, and properly kept, § 85.
87. Entries of Fines and Punishments to be made in the Log and attested; also Entries as to Conduct generally, § 86.
88. Entries of Illness, Injury, and Death to be made in Log Books; also of Seamen leaving Ship, § 87.
89. List in Schedule (G.) 7 & 8 *Vict. c.* 112. *s.* 26. not required. Changes in Crew to be reported, § 88.
90. Official Logs to be delivered by Foreign-going Ships on Arrival; otherwise they are not to be cleared, § 89.
91. Official Logs to be delivered by Home Trade Ships half yearly; otherwise they are not to receive Transire, § 90.
92. Logs to be sent Home in case of Transfer of Ship; and in case of Loss, § 91.
93. Logs to be re-delivered to Master or Owner, § 92.
94. Penalties for not keeping Log; for not reporting Change in Crew; for not delivering Log; for making Entries in Log more than Twenty-four Hours after Arrival; for making false Entries, § 93.
95. No Seaman to sue for Wages abroad except in Cases of personal Danger. Remedy on Return to the United Kingdom, § 94.
96. Masters to deliver Accounts to Seamen, § 95.
97. Discharge from Foreign-going Ships to be made before Shipping Master, § 96.
98. Shipping Master may decide Questions which Parties refer to him, § 97.
99. Release to be signed before and attested by the Shipping Master; and to be kept; and to be a Discharge; and no other Receipt to be a Discharge. Voucher to be given to Master, and to be Evidence, § 98.
100. Master to make Reports of Character, § 99.
101. Master, &c. to produce Ship's Papers, &c. to Shipping Masters, and give Evidence, § 100.
102. Penalties for not discharging before Shipping Master; for not giving Account to Seamen; for not giving Evidence; for falsifying, forging, or fraudulently using Certificates of Character, § 101.
103. Power of procuring Returns, &c., § 102.
104. Shipping Masters, Naval Officers, Consuls, and Officers of Customs may call for Log, &c., § 103.
105. In Cases of Accident, Misconduct, and of gross Violation of Law, the Board may appoint special Inspectors to report, § 104.
106. Inspectors may call for the Production of Evidence. Expenses of Witnesses, § 105.
107. Penalties for obstructing Inspectors in the Execution of their Duty; and for not giving Evidence to Inspector, § 106.
108. Misdemeanors to be prosecuted by Information or Indictment. Penalties and other Sums to be recovered and Offences punished summarily, § 107.
109. Jurisdiction to be where the Offence is committed, or wherever the Offender is, § 108.
110. Service to be good if made personally, or on board Ship &c., § 109.
111. Parties may give Evidence, § 110.
112. Amount and Application of Penalties, § 111.
113. No Proceeding to be void for Informality, § 112.
114. Distress not unlawful for Want of Form, § 113.
115. Limitation of Time, § 114.
116. Depositions taken before Consuls to be received as Evidence when the Witness cannot be produced, § 115.
117. Shipping Masters and other public Servants receiving or recovering Money to pay or account for the same to the Board, § 116.
118. Monies not presently required to be invested in Parliamentary Securities, § 117.
119. Monies to be applied in payment of Expenses, &c., § 118.
120. Certain Provisions in 7 & 8 *Vict. c.* 112. extended to *India*, § 119.
121. *East Indian* and Colonial Governments may appoint Officers, and give Directions for enforcing 7 & 8 *Vict. c.* 112. and this Act, § 120.
122. The Provisions of 7 & 8 *Vict. c.* 112., 8 & 9 *Vict. c.* 116., and this Act, when applied by *East Indian* and Colonial Governments to their own Ships, may be enforced throughout the Empire. Conflict of Laws, § 121.
123. *East Indian* and Colonial Acts to be subject to Disallowance, and require Sanction as in other Cases, § 122.
124. Penalty for obtaining Passage surreptitiously, § 123.
125. Corporations, &c. may grant Sites for Sailors Homes, § 124.

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126. To amend the Mercantile Marine Act, 1850, 14 & 15 *Vict. c.* 96.
127. Short Title, § 1.
128. To be taken as part of the Mercantile Marine Act, 13 & 14 *Vict. c.* 93.—§ 2.
129. If any Local Marine Board fail to discharge its Duties, the Board of Trade may assume its Duties, or direct a new Election, § 3.
130. Increased Powers of cancelling or suspending Certificates, § 4.
131. Certificates of Masters, &c. may be appropriate to Station of Holder or of superior Grade, § 5.
132. Certificates of Masters and Mates to be produced to Shipping Masters, who are to certify the same, and the proper Execution of the Agreement, for the Satisfaction of the Officers of the Customs, § 6.

133. As to Engagements and Discharges for Colonial Ships made before Shipping Masters. Provisions of 7 & 8 *Vict. c.* 112. as relate to the Transmission of Accounts, &c., referred to in Schedule C., to apply to all Ships, &c., § 7.
134. Colonial Ships merely touching in the United Kingdom not to be deemed on that Account to fall within the 13 & 14 *Vict. c.* 93. *s.* 4.—§ 8.
135. Foreign-going Ships making short Voyages may have running Agreements. Manner of commencing and terminating such Agreements, § 9.
136. Engagement and Discharge of Seamen in the meantime, § 10.
137. Duplicates of Agreements may be either kept by the Shipping Master, or returned, § 11.
138. Fees to be paid on such running Agreements, § 12.
139. Enactments concerning Agreements, &c. to apply to certain Cases, § 13.
140. Shipping Masters are to assist in binding Apprentices, and may receive Fees, § 14.
141. Coasters to be relieved from carrying Official Logs, and if of less than Eighty Tons Burden, from carrying Agreements, § 15.
142. Advance Notes may be given at the Time of signing Agreement, § 16.
143. Repeal of Section 61. of 13 & 14 *Vict. c.* 93., and other Provisions substituted. Advance Notes to be receipted when discounted. Certain Evidence to be sufficient, § 17.
144. Power of dispensing with Lime Juice, &c. extended, § 18.
145. Power to substitute other Articles for Lime Juice, § 19.
146. Penalty for harbouring Deserters to extend to harbouring Men who refuse to join, § 20.
147. Misconduct in Pilots endangering Ship, Life, or Limb, to be a Misdemeanor, § 21.
148. Costs of procuring Imprisonment may, to the Extent of 3*l.*, be deducted from Wages, § 22.
149. Naval Courts, constituted under 13 & 14 *Vict. c.* 93. *s.* 82., to have Power to make certain Decisions as to Wages, § 23.
150. Such Courts to have the Powers given to Consuls by 7 & 8 *Vict. c.* 112. *ss.* 59, 60.—§ 24.
151. Orders of such Courts to be entered in Official Log, § 25.
152. In case of Wreck or Abandonment a Naval Court may be summoned, as under 13 & 14 *Vict. c.* 93. *s.* 82., to investigate the Case, and report to the Board of Trade. If the Loss is reported to have been caused by Misconduct, &c. in Master or Mates, their Certificates may be cancelled or suspended, § 26.
153. Entry of Offences in Log to be read over to Offenders, § 27.
154. Schedule annexed substituted for *s.* 39. and Schedule C. of 13 & 14 *Vict. c.* 93.—§ 28.
155. Accountant to the Naval Department of the Board of Trade, § 29.
156. Delivery of Lists, &c. to be made to Shipping Masters, § 30.
157. Clerks to Justices, &c. to account to Board of Trade for Penalties received by them, § 31.

Merchant Seamen, See Mercantile Marine.

Merchant Seamen's Fund.

1. To amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime, 14 & 15 *Vict. c.* 102.
2. Short Title, § 1.

3. Interpretation. "United Kingdom:" "Board of Trade:" "President and Governors:" "the Fund:" "Ship:" "Home-trade Ship:" "Foreign-going Ship:" "Owner:" "Master:" "Seaman:" § 2.
4. Repeal of so much of 20 *G.* 2. *c.* 38. as enables President, &c. to purchase Lands and erect a Hospital; so much of Sections 4, 16, 19, 20, and 21. of 4 & 5 *W.* 4. *c.* 52. as relates to Purchase of Lands, &c.; so much of Sections 16, 19, 20, and 21. of 4 & 5 *W.* 4. *c.* 52. as relates to Appointment of Receivers; the whole of Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35. of 4 & 5 *W.* 4. *c.* 52.; the whole of 6 *W.* 4. *c.* 15.; and the whole of Section 31. of 7 & 8 *Vict. c.* 112. —§ 3.
5. Board of Trade to superintend the Business of winding up the Fund, § 4.
6. Corporation and Trustees, nominated under Provisions of 20 *G.* 2. *c.* 38. and 4 & 5 *W.* 4. *c.* 52., to continue so long as necessary for carrying this Act into effect. No Trustees to be appointed where there have hitherto not been any, § 5.
7. In certain Cases the Board of Trade may suspend the Functions of the President and Governor or Trustees, § 6.
8. Their Functions in that case may be undertaken by Board of Trade, or committed to Local Marine Board, § 7.
9. Shipping Masters appointed under the Mercantile Marine Act, 13 & 14 *Vict. c.* 93. *ss.* 35, 42, 43. to act as Receivers, § 8.
10. Persons now employed in distributing Relief, &c. may be continued, with Power to Board of Trade to regulate Remuneration and to dismiss them, § 9.
11. No new Officer to be appointed without Sanction of the Board of Trade, § 10.
12. Board of Trade may require Security from all Officers employed, § 11.
13. Salaries, &c. to be approved by Treasury, § 12.
14. Salaries, &c. to be paid out of General Fund, § 13.
15. One General Fund to be formed, § 14.
16. President and Governors and Trustees to apply Property belonging to Fund as Board of Trade directs, § 15.
17. Property held upon Special Trusts to be retained or transferred to new Trustees, as the Case may require, § 16.
18. Provisions for facilitating Arrangements, § 17.
19. President and Governors and Trustees to give Accounts; and deliver Documents; and are to exist for the Purpose of Conveyance, § 18.
20. Payments, &c. to be valid, but not to operate as Release from Breach of Trust, § 19.
21. No compulsory Contributions in future, § 20.
22. No one who has not contributed to be allowed to contribute, § 21.
23. Those who have contributed to be allowed to continue, § 22.
24. Time of Commencement of new System of Contributions, § 23.
25. Rate and Mode of voluntary Contribution for Men discharged before a Shipping Master according to 13 & 14 *Vict. c.* 93. *s.* 96.—§ 24.
26. Rate and Mode of voluntary Contribution for Men not discharged before a Shipping Master, § 25.
27. Provision for the Case of Men entering the Navy, § 26.
28. Commissioners of the Treasury to make up any Deficiencies out of the Public Monies, § 27.
29. The Sum contributed by the Treasury to be at least One half, § 28.
30. Masters to take charge of or sell Effects of Seamen dying on Board, and to remit them to the Board of Trade, § 29.

31. Penalties

31. Penalties for not taking charge of, selling, remitting, or accounting for such Monies and Effects, § 30.
32. Provision for Payment of such Wages and Effects until due Notice can be be given of the foregoing Provisions, and until the new Receivers undertake their Duties, § 31.
33. Schedules C. and D. to 7 & 8 *Vict. c.* 112. to be made to contain the Particulars necessary to show the Amount of Wages, &c. of deceased Seamen, § 32.
34. Consuls, &c. to remit Effects of Seamen dying abroad on shore, § 33.
35. Wages and Effects of Seamen dying at home to be paid to the Board of Trade, § 34.
36. If less then 50*l.* they may be paid without Probate or Administration to Person entitled to them; if more, to personal Representatives, § 35.
37. If unclaimed for Seven Years to go to Friendly Society or to Seamen's Hospital Society, § 36.
38. Punishment for Forgery and false Representations in order to obtain Wages, &c. of deceased Seamen, § 37.
39. Unclaimed Deposits of Seamen in Savings Banks may be paid to Seamen's Hospital Society, § 38.
40. Time of Commencement of new System of Pensions, § 39.
41. Until then Pensions may be granted as heretofore. Aggregate Pensions at each Port not to exceed those of preceding Years, § 40.
42. Present Pensions not to be diminished, § 41.
43. No Seamen to earn Pensions unless they contribute for Five Years, § 42.
44. Failure to contribute for Three Years to be an Abandonment of Right to Relief, § 43.
45. Persons who are to be entitled to Pensions, § 44.
46. Pensions to be on One uniform Scale according to average Rate of present Pensions, § 45.
47. Masters Pensions to be Twice the Rate of Seamen's Pensions, § 46.
48. Board of Trade may commute Pensions and give Gratuities to Widows, § 47.
49. Aggregate Number of Pensions in each Port not to exceed Average of last Five Years. Those who have contributed longest to be first provided for, § 48.
50. Pensions to be inalienable, § 49.
51. Board of Trade may regulate the Right to Relief, subject as above mentioned, § 50.
52. Payment to Seamen's Hospital Society for Seven Years, § 51.
53. President and Governors and Trustees, unless suspended, to distribute Relief, § 52.
54. Board of Trade to make Regulations as to Applications for Pensions, § 53.
55. Certificates to be exempt from Stamp Duty and from Fees to Consuls, § 54.
56. Punishment for Forgery and Personation, § 55.
57. Board of Trade may open Account with Bank, § 56.
58. Accountant for the Purposes of this Act, § 57.
59. All Persons engaged in administering the Funds to make Returns to the Board of Trade, § 58.
60. General Return to be made, and laid before Parliament, § 59.
61. Orders, &c. published in Gazette to be Evidence, § 60.
62. Procedure to be same as under Mercantile Marine Act, § 61.

Metropolitan Interments.

1. To make better Provision for the Interment of the Dead in and near the Metropolis, 13 & 14 *Vict. c.* 52.

2. *London, Westminster, Southwark*, and the Places named in Schedule (A.), to form "The Metropolitan Burial District," § 1.
3. General Board of Health to execute this Act. Her Majesty may appoint an additional Member. Board incorporated, § 2.
4. Power to Board to appoint and remove Assistant Secretary, Treasurer, &c., § 3.
5. Appointments limited to Duration of Appointments under Public Health Act. Board to provide Offices, § 4.
6. Power to Board to provide Burial Grounds, and enlarge them if necessary, § 5.
7. Power to purchase Lands for Burial Grounds, § 6.
8. Power to Board to purchase Cemeteries, § 7.
9. Before Purchase of Land for Burial Grounds the Board to give Six Weeks Notice by Advertisement for Tenders, § 8.
10. Board to enclose and lay out Burial Grounds, erect Buildings, and build Chapels, § 9.
11. Power to Board to appoint Chaplains, who shall be licensed by and subject to the Jurisdiction of the Bishop, § 10.
12. A Portion of each Burial Ground not to be consecrated, § 11.
13. Notice to be given in the *London Gazette* when a Burial Ground is provided under this Act, § 12.
14. Queen in Council may, upon Report of Board, order Discontinuance of Interment in Churchyards, &c., § 13.
15. Inhabitants of Parishes comprised in the District, or within any Part of the District, in which Interment is ordered to be discontinued to have Right of Sepulture in Burial Grounds provided under this Act, § 14.
16. As to Interments in unconsecrated Portions of Burial Grounds, § 15.
17. After Publication of Order for discontinuing Interment, no Burial to take place contrary thereto, § 16.
18. Saving of certain Rights to bury in Vaults, &c., § 17.
19. Saving as to *St. Paul's Cathedral* and *Westminster Abbey*, § 18.
20. Order to be suspended till Compensation Money is paid, § 19.
21. Power to remove Bodies to Burial Grounds provided under this Act, § 20.
22. Fees to be paid upon Interments, § 21.
23. Management of Burial Grounds to be vested in the Board, § 22.
24. Board may make Regulations as to Burial Grounds and Interments therein, § 23.
25. Board not to permit Burials within 200 Yards of any Dwelling, or under or close to Chapels, § 24.
26. Register of Burials to be kept, and to be Evidence, and subject to the Regulations of 6 & 7 *W.* 4. *c.* 86. as to Searches, § 25.
27. Certificate of Registry of Death, or Coroner's Certificate, to be delivered to Officer appointed to keep Burial Registers, § 26.
28. Board may provide Houses for Reception and Care of Bodies previously to Interment, § 27.
29. Board may make Provision for Funerals being conducted at fixed Charges, § 28.
30. Board of Health may enter into Contracts with Railway Companies for carrying out Bodies, together with Mourners, &c., § 29.
31. Board may provide for Removal, on Request of Relatives, of Bodies to Houses of Reception, § 30.
32. Additional Member and Officers of Board to be paid such Salaries as Treasury may appoint, § 31.

33. Compensation to Incumbents, § 32.
34. Compensation to Clerks and Sextons, § 33.
35. Compensation to be made for Fees payable for Parochial Purposes, § 34.
36. Debts incurred by Parishes for Purchase of Burial Grounds to be discharged by Board where the Parishes are not entitled to be compensated by Annuity, § 35.
37. Compensation in respect of non-parochial Burial Grounds, § 36.
38. Power to compensate individual Rights in closed Burial Places by the Grant of equivalent Rights in the new Grounds, § 37.
39. Fee may, at the Request of Relatives, be paid to Minister performing Service on Interments in unconsecrated Ground, § 38.
40. Money received by Officers to be paid into the Bank, § 39.
41. Treasurer and others intrusted with Money to give Security for duly accounting for the same, § 40.
42. As to Payments out of the Bank, § 41.
43. Expenses under this Act to be defrayed out of Monies received thereunder, § 42.
44. Salary of additional Member of Board of Health, § 43.
45. Fees, Payments, and Rates may be mortgaged. No Priority amongst Mortgagees, § 44.
46. Commissioners of Public Works acting under 5 & 6 *Vict.* c. 9. may make Advances to the Board, § 45.
47. Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate, § 46.
48. Power to borrow Money to pay off former Mortgages, § 47.
49. Form of Mortgage. Register of Mortgages, § 48.
50. Repayment of Money borrowed at a Time agreed upon, § 49.
51. Interest on Mortgages to be paid half-yearly. Repayment of Money borrowed when no Time or Place has been agreed upon. Interest to cease on Expiration of Notice to pay off a Mortgage Debt, § 50.
52. Account Books to be open to Mortgagees, § 51.
53. Transfer of Mortgages. Register of Transfers, § 52.
54. Board may form a Sinking Fund for Discharge of Mortgages, § 53.
55. After Discontinuance of Interment, in case of Deficiency of other Payments, Board may order Overseers to levy a Rate. Not to exceed 1*d.* in the Pound in any One Year, according to the Valuation for County Rate, § 54.
56. Who to be deemed Overseers within this Act, § 55.
57. Overseers shall collect the Burial Rate in the same Manner as the Poor Rate. Receipt of the Treasurer shall be a sufficient Discharge, § 56.
58. Overseers, on Non-payment of the Rate, shall be distrained upon; and in default of sufficient Distress, the Arrears may be re-levied on the Parish, § 57.
59. Power to Board, &c. to inspect County Rates, &c., § 58.
60. Provision for assessing and levying Rate in those Places within the District where there is no Poor Rate. Mode of making the Assessment. Allowance to Assessors, § 59.
61. When Assessment is made, Notice thereof shall be given, and all Persons included in the Assessment shall have Liberty to inspect it, &c. Penalty for refusing such Inspection, § 60.
62. Collection of the Rate charged in such Assessment, § 61.
63. Appeal against Assessment. The Assessment may be altered to relieve the Appellant, without altering any other Part of it, § 62.
64. Accounts to be kept. Books may be inspected. Penalty for refusing Inspection. Balancing Accounts. Annual Statement. Public Notice of Statement. Statement, &c. to remain at the Office for Inspection, § 63.
65. Certain Clauses of 10 & 11 *Vict.* c. 65. incorporated with this Act, § 64.
66. Board to be assessed to Rates in respect to Burial Grounds provided under this Act, § 65.
67. Audit of Accounts by Auditors of public Accounts, § 66.
68. Board may contract, § 67.
69. Purchases and Works not to be made or done without previous Sanction of the Treasury, § 68.
70. Certain Provisions of 8 & 9 *Vict.* c. 18., as to Cemeteries and Compensation, incorporated with this Act, § 69.
71. Certain Provisions of same Act as to Lands taken by Agreement only incorporated with this Act, § 70.
72. Receipt of Company to be an effectual Discharge, § 71.
73. Power to dispose of Lands not wanted, § 72.
74. Annual Reports and Abstract of Accounts to be made, and laid before Parliament, § 73.
75. Power to convey Chapels in outlying Parochial Burial Grounds to Trustees for the Parishes in which they are situate, § 74.
76. Provision for dissolving Cemetery Companies, § 75.
77. Interpretation of Terms, § 76.
78. Short Title, § 77.

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79. To amend the Metropolitan Interment Act, 1850, and to authorize the Advance of Public Money to a limited Amount for the Purposes of the said Act, 14 & 15 *Vict.* c. 89.
80. Treasury may advance not exceeding 137,000*l.* out of the Consolidated Fund, for the Purposes of the Metropolitan Interments Act, § 1.
81. The General Board of Health to give a Mortgage for the Sums advanced, § 2.
82. Bodies of Persons dying where Interment is discontinued not to be buried within the District, except as herein mentioned, § 3.

Metropolitan Sewers.

1. To amend and continue the Metropolitan Sewers Act, 14 & 15 *Vict.* c. 75.
2. Appointment of a Chairman and Deputy Chairman of Commissioners of Sewers, § 1.
3. Salary of Chairman, § 2.
4. The Chairman or Deputy Chairman to preside at Courts of Sewers, § 3.
5. Two Commissioners (One being the Chairman or Deputy Chairman) to be a Quorum (except as after mentioned), § 4.
6. Rates to be made and Mortgages authorized by no less than Six Commissioners, (the Chairman being One), § 5.
7. Metropolitan Sewers Acts (11 & 12 *Vict.* c. 112., 12 & 13 *Vict.* c. 93.) to continue in force for One Year, § 6.

Militia.

1. To suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom; 13 & 14 *Vict.* c. 46. and 14 & 15 *Vict.* c. 39.
2. To defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters,

termasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers, 13 & 14 *Vict. c.* 49. and 14 & 15 *Vict. c.* 58.

Mortgagees, See Trustees and Mortgagees.

Museums, See Libraries and Museums.

Mutiny, See Soldiers, Marines.

N.

Navy Pay.

1. To alter and extend an Act passed in the Eleventh Year of King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy, 13 & 14 *Vict. c.* 62.
2. Naval Pay and Wages may be computed by the Day or any other Period of Time, § 1.
3. Clerks who have passed Examination, &c. may draw Bills for personal Pay at Times to be appointed, notwithstanding anything in recited Act, § 2.

Naval Prize Balance.

1. To regulate the Disposition of the Naval Prize Balance, 13 & 14 *Vict. c.* 40.
2. So much of 10 *G.* 4. *c.* 26. as relates to Payments and Deductions, and as provides for Investment of Surplus, &c. repealed, § 1.
3. Naval Prize Cash Balance may be carried to Consolidated Fund, § 2.
4. Deficiency of the Naval Prize Cash Balance to be made good out of the Consolidated Fund, § 3.

New Forest.

1. To extinguish the Right of the Crown to Deer in the *New Forest*, and to give Compensation in lieu thereof; and for other Purposes relating to the said Forest, 14 & 15 *Vict. c.* 76.
2. Deer to be removed within Two Years, § 1.
3. The Right to keep Deer in the said Forest to cease, § 2.
4. In lieu of such Right, Her Majesty empowered to inclose not exceeding 10,000 Acres, in addition to the 6,000 Acres already inclosed, § 3.
5. Such Inclosures to remain in Severalty in the Possession of the Crown, freed from all Rights of Common and other Rights, § 4.
6. When Trees within the Inclosures are past Danger of browsing of Cattle or other Prejudice, such Inclosures to be thrown open, and new Inclosures made in lieu thereof, § 5.
7. Expense of Inclosures to be defrayed by Sale of decayed or other Trees (not being Ship Timber), § 6.
8. Saving Her Majesty's Rights, except as regards the keeping of Deer, § 7.
9. Power to Commissioners of Woods, &c., to lease Parts of the *New Forest*, § 8.
10. Her Majesty may grant Licences to sport over the *New Forest*, § 9.
11. Commissioners of Woods and Forests to give Notice in *London Gazette* requiring all Persons claiming Rights to deliver in their Claims to the Verderers, § 10.
12. Verderers to hold a Meeting to receive Claims, § 11.
13. At such Meeting Persons claiming Rights to deliver in their Claims in Writing to the Verderers, § 12.
14. Claims to be entered in a Book, § 13.
15. Two Copies of the Book containing Claims to be made and deposited, § 14.
16. Claims not preferred to be absolutely barred, § 15.
17. In Cases of Infancy or Lunacy, &c. Guardians or Trustees may act, § 16.
18. Abstracts of Claims to be published in *London Gazette*, § 17.
19. Claims, when preferred, may be objected to, § 18.
20. Verderers to hold a Meeting to receive Objections to Claims, § 19.
21. No Objection to be received after the Meeting held for that Purpose, § 20.
22. Objections to be delivered in Writing, § 21.
23. Objections to be signed by the Party making them, § 22.
24. Objections to be entered in a Book, § 23.
25. Duplicates of Objections to be deposited the same as Duplicates of Claims, § 24.
26. Registers of Claims and Objections to be completed within Two Years, § 25.
27. Claim not objected to to be allowed by the Verderers, § 26.
28. In Cases of Claim not objected to the Verderers to enter Memorandum on the Register of Claims, § 27.
29. Commissioners of Woods, &c. to prefer any Claim in respect of any ancient inclosed Lands, &c., § 28.
30. Clerk of Verderers to deliver all Claims objected to and all Objections to Claims to Clerk of County Court, § 29.
31. Judge of County Court to hold Courts in the Vicinity of the Forest, § 30.
32. List to be prepared of Claims to be heard by Judge, § 31.
33. Judges, &c. of County Court to have same Powers and Jurisdiction to decide Claims as they have in respect of other Actions, § 32.
34. Parties claiming and defending to be deemed Plaintiffs and Defendants, § 33.
35. Decision of Judge to be final, § 34.
36. Judge to transmit Claims and his Decision thereupon to the Verderers, § 35.
37. Register of Claims or a Copy thereof to be Evidence, § 36.
38. Providing Fund for defraying Expenses, § 37.
39. Judges and Officers of County Court to receive Remuneration out of Funds provided to defray Expenses, § 38.
40. Certified Copies of Register to be provided when required, § 39.
41. Inspection of Registers, § 40.
42. Penalty for forging Register or Certificates, § 41.
43. Clerk to the Verderers, § 42.
44. Extent of Inclosure on Behalf of Her Majesty, § 43.
45. Delay and Expense attending Proceedings by Information of Intrusion to suppress Encroachments. Encroachments may be dealt with and adjudicated upon by the County Court, § 44.
46. No Action to be brought in County Court until Certificate first obtained that the Encroachment does not exceed the Value of 100*l.*, § 45.
47. Saving Rights of Her Majesty, § 46.

New Zealand Settlements.

1. To regulate the Affairs of certain Settlements established by the *New Zealand* Company in *New Zealand*, 14 & 15 *Vict. c.* 86.

2. Notice

2. Notice by the *New Zealand* Company. Power to Her Majesty to make Regulations for the Management of the Affairs of the Settlements of *Wellington*, *New Plymouth*, and *Nelson*, in *New Zealand*, § 1.
3. Fund held on behalf of the *New Zealand* Company for the public Purposes of the Settlement of *Nelson* to be vested in the Commissioners of the Treasury, § 2.
4. Board of Trustees at *Nelson* appointed to administer the said Fund, § 3.
5. Powers of the Trustees to dispose of the Funds for public Purposes, § 4.
6. Mode of conducting Business by the said Trustees, § 5.
7. Names of the First Trustees, § 6.
8. Duration of their Office, § 7.
9. Provisions for filling up Vacancies, establishing an Audit, and continuing the Trust, § 8.
10. Authority to Legislature of the Province in which *Nelson* is situated to exercise any of the Powers hereby granted to it, § 9.
11. As to Cases falling within Section 53. of 9 & 10 *Vict. c.* ccclxxxii. Grants of the Crown to be of the like Force as Conveyances by the *New Zealand* Company, § 10.
12. Saving of the Rights of the *New Zealand* Company under 10 & 11 *Vict. c.* 112.—§ 11.
13. Interpretation of Terms, § 12.

O.

Offences.

1. For the better Prevention of Offences, 14 & 15 *Vict. c.* 19.
2. Any Person found by Night armed, &c. with Intent to break into any House and commit Felony, or having Housebreaking Implements, or being disguised, &c., guilty of Misdemeanor, § 1.
3. Any Person convicted of such Misdemeanor after a previous Conviction of Felony or such Misdemeanor, guilty of Misdemeanor, &c. Form of Indictment. Certificate of previous Conviction, § 2.
4. Persons using Chloroform, &c. in order to commit a Felony guilty of Felony, § 3.
5. Persons inflicting grievous bodily Harm guilty of a Misdemeanor. Not to repeal sect. 29. of 10 *G.* 4. *c.* 34.—§ 4.
6. On the Trial of any Indictment for feloniously cutting, &c. the Jury may acquit of the Felony, and convict of unlawful cutting, &c., § 5.
7. Persons wilfully placing Wood, &c., turning Machinery, or showing Signals, &c., with Intent to commit Injuries to Railway or endanger the Safety of Persons, guilty of Felony, § 6.
8. Persons casting Wood, &c. on Railway Carriage with Intent to endanger the Safety of any one therein, guilty of Felony, &c., § 7.
9. Any Person wilfully setting Fire to any Railway Station, &c. guilty of Felony, § 8.
10. On Trial of Persons for subsequent Offences under 12 & 13 *Vict. c.* 11. and this Act the previous Conviction not to be stated to the Jury or given in Evidence until after a Verdict of Guilty of the subsequent Offence, unless Defendant gives Evidence of good Character, § 9.
11. Any one may apprehend Persons offending against this Act, and convey them before a Justice, § 10.
12. Also Persons committing indictable Offences in the Night, § 11.
13. Persons assaulting others entitled to apprehend them guilty of a Misdemeanor, § 12.
14. What shall be considered Night, § 13.
15. Costs of Prosecutions, § 14.
16. Nothing in this Act to repeal 5 *G.* 4. *c.* 83.—§ 15.
17. Not to extend to *Scotland*, § 16.

Offices and Employments.

To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively, 13 & 14 *Vict. c.* 12. and 14 & 15 *Vict. c.* 10.

P.

Parish Constables.

1. To amend an Act of the Fifth and Sixth Years of Her present Majesty, for the Appointment and Payment of Parish Constables, 13 & 14 *Vict. c.* 20.
2. Provisions in case of Discharge of Parish Constables, § 1.
3. Fees and Allowances, § 2.
4. Justices to fill up Vacancies, in the Case of Death, Resignation, &c. of paid Constables, § 3.
5. Notices for holding Special Sessions for Appointment of Constables to be given by Clerks, § 4.
6. All Persons employed by Post Office exempt from serving as Constables, § 5.
7. 5 & 6 *Vict. c.* 101. *s.* 23., as to Appointment of Constable to take charge of Lock-up Houses, repealed. Superintendents of Constables to be appointed. When Lock-up Houses are provided Justices to appoint Constables to take charge of the same. Notice for the Appointment, &c. of Constables to be given by the Clerk, § 6.
8. Act not to apply to the City of *London*, the Metropolitan Police District, or any Borough or Place within the Provisions of 5 & 6 *W.* 4. *c.* 76. and 3 & 4 *W.* 4. *c.* 90.—§ 7.
9. Exempting Metropolitan Police District from Payments under this or the recited Act, § 8.

Passengers.

1. To amend the Passengers Act, 1849, 14 & 15 *Vict. c.* 1.
2. Commissioners may fix different Lengths of Voyage for Steam and Sailing Vessels, § 1.
3. Power to substitute different Dietary extended, § 2.
4. Notices may be amended or revoked, § 3.
5. Passenger Ships putting into Port damaged not to proceed without a Certificate of Fitness, § 4.
6. Powers of Governors of Colonies and Governor General of *India* in Council, as to Length of Voyage and Dietary, extended, § 5.
7. Bond to be given by Masters of *British* and Foreign Passage Ships, § 6.
8. Counterpart of Bond to be certified, and sent to the Colony to which Ship bound, and to be received in Evidence without further Proof of Execution, § 7.
9. Recited Act and this Act to be construed as One Act, § 8.

Piratical Vessels.

1. To repeal an Act of the Sixth Year of King *George* the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels; and to make other Provisions in lieu thereof, 13 & 14 *Vict. c.* 26.
2. 6 *G.* 4. *c.* 49. repealed, § 1.
3. Jurisdiction given to the High Court of Admiralty and all Vice-Admiralty Courts, § 2.

4. List or Return of all Cases to be sent to the Lords Commissioners of the Admiralty, § 3.
5. Rewards for Services against Pirates by Vessels in the *East India* Company's Service, § 4.
6. Property of Her Majesty's Subjects found in possession of Pirates to be restored on Payment of One Eighth of Value, § 5.
7. Persons giving false Evidence deemed guilty of Perjury, § 6.

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8. To provide for the Commencement of an Act of the present Session, intituled *An Act to repeal an Act of the Sixth Year of King* George *the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels, and to make other Provisions in lieu thereof*, 13 & 14 *Vict. c.* 27.
9. 13 & 14 *Vict. c.* 26. recited. 1st *June* 1850 to be substituted in recited Act for 1st *June* next after the passing of such Act, § 1.

Pleadings in Courts of Law.

1. To enable the Judges of the Courts of Common Law at *Westminster* to alter the Forms of Pleading, 13 & 14 *Vict. c.* 16.
2. Judges of the Superior Courts may make Rules or Orders for altering the Mode of pleading, &c. in Actions at Law. Such Rules or Orders not to be valid until Three Months after being laid before Parliament; and may previously be declared suspended by Proclamation or Resolution, § 1.

Pluralities.

1. To amend the Law relating to the holding of Benefices in Plurality, 13 & 14 *Vict. c.* 98.
2. Spiritual Persons not to hold Benefices in Plurality, except under certain Circumstances, § 1.
3. Spiritual Persons may hold Two Benefices, subject to Provisions of this Act, § 2.
4. Explanation of Term "Benefice," § 3.
5. To estimate Value of Benefice, § 4.
6. Deans of Cathedrals not to hold Office of Heads of Colleges or Halls in the Universities, § 5.
7. Heads of Colleges in the Universities not to hold Cathedral Preferments, except in certain Cases, § 6.
8. Presentation of the same Person to Two Benefices to be void, § 7.
9. Her Majesty in Council may authorize Union of Benefices in certain Cases, § 8.
10. Not to affect Preferments or Benefices to which Persons have been admitted before the passing of this Act, § 9.
11. Persons already holding One Benefice may hold One other Benefice, if nominated or appointed for next Presentation previously to 23d *December* 1837, § 10.
12. Extending Provisions of Act 4 & 5 *Vict. c.* 39. as to holding Benefices with Honorary Canonries, &c., § 11.
13. Previous Provisions not to extend to *Ireland*, § 12.
14. Faculties for the same Person to hold Two Livings in *Ireland* not to be granted, § 13.

Police Superannuation.

1. For Payment of a Moiety of certain Penalties towards Police Superannuation Funds, 13 & 14 *Vict.* c. 87.
2. Justices may direct Portions of Penalties under 11 & 12 *Vict. c.* 49. to be paid to Superannuation Fund, § 1.

Poor.

1. To make better Provision for the Contributions of Unions and Parishes in School Districts to the Common Funds of the respective Districts, 13 & 14 *Vict. c.* 11.
2. Repeal of 7 & 8 *Vict. c.* 101. *s.* 47. in part, § 1.
3. The Mode in which the Averages of Unions and Parishes combined in School Districts shall be ascertained and declared, § 2.
4. Provision for the Declaration of fresh Averages, § 3.
5. Provision for the Case of the Addition of a Parish or Union to an existing District, § 4.
6. Accounts in any such District not closed and audited to be settled according to Provisions of this Act, § 5.
7. Interpretation of Terms, § 6.

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8. To continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor, 13 & 14 *Vict. c.* 101.
9. Certain Provisions of 11 & 12 *Vict. c.* 110. and 12 & 13 *Vict. c.* 103. continued for a limited Time, § 1.
10. Burials of poor Persons dying in Workhouses. Contribution to enlarge or obtain Burial Grounds, § 2.
11. Purchase of Site for District Schools, § 3.
12. Emigration of Orphans and deserted Children, § 4.
13. An Order for paying the whole or Part of the Cost of Maintenance of a lunatic married Woman maintained in any Lunatic Asylum, licensed House, or registered Hospital, and chargeable to any Union or Parish, may be made upon her Husband, § 5.
14. Master of a Workhouse and Relieving Officer not to be appointed to any Parochial Office, § 6.
15. The Fee for giving Notices of Special Sessions under the Act 6 & 7 *W.* 4. *c.* 96. *s.* 6. to be paid by the Overseers out of the Poor Rates, § 7.
16. Persons committed to Prison for Offences against 55 *G.* 3. *c.* 137. *s.* 2. and 7 & 8 *Vict. c.* 101. *ss.* 57, 58. may be kept to Hard Labour, § 8.
17. Assaults upon Workhouse Officers or Relieving Officers in the Discharge of their Duty, § 9.
18. Providing for Expense of collecting Rates, § 10.
19. Construction of Act, § 11.
20. Act to extend only to *England* and *Wales*, § 12.

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21. To continue an Act of the Fourteenth Year of Her Majesty for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor, 14 & 15 *Vict. c.* 105.
22. Certain Provisions of 13 & 14 *Vict. c.* 101. continued for a limited Time, § 1.
23. The new Board of Guardians to be constituted from and after the 15th *April* in each Year, § 2.
24. Penalties for Malpractices at the Election of Guardians, § 3.
25. Guardians empowered to subscribe to Hospital or Infirmary, with Consent of the Poor Law Board, § 4.
26. Power to Guardians to reimburse for Damage to the Property of their Officers in certain Cases, § 5.
27. Certain poor Children of a Union or Parish may, with Consent of Poor Law Board, be sent to a Workhouse, &c. belonging to another Union or Parish (within Twenty

Miles) where there is adequate Accommodation. Proviso, § 6.
28. Form of Security, § 7.
29. Payments under suspended Orders of Removal, § 8.
30. What Justices shall have Jurisdiction to hear and determine Complaints as to Nonpayment of Money to the Treasurer of the Union, § 9.
31. Notice of Appeal, &c. may be sent by Post, § 10.
32. Explanation of the Terms "Officer" and "Justices" in 9 & 10 *Vict. c.* 66. *s.* 6., and Provision for the Application of the Penalty, § 11.
33. Power to refer, by mutual Consent, Questions of Settlement, Removal, or Chargeability to Poor Law Board, § 12.
34. As to Delivery of Statement of Charges for Maintenance of Paupers, § 13.
35. Poor Law Board empowered to dissolve any Asylum District. Provision for its Property, § 14.
36. How Conveyance may be executed, § 15.
37. The Limit of the Expense to be incurred in School Districts within the Metropolitan Police District extended from One Fifth to One Third, § 16.
38. Provision for Disposal of School District Property, § 17.
39. Assaults upon Poor Law Officers in the Execution of their Duty, § 18.
40. Construction of Terms, § 19.
41. Extent of the Act, § 20.

See *Public Works and Fisheries.*

Population.

1. For taking Account of the Population of *Great Britain*, 13 & 14 *Vict. c.* 53.
2. Account of the Population to be taken, § 1.
3. Secretary of State to superintend the taking an Account of the Population, § 2.
4. Registrars Districts in *England* to be formed into Enumeration Districts, § 3.
5. Enumerators to be appointed, § 4.
6. Enumerators to take the Account in *England* on 31st *March* 1851, § 5.
7. Registrars to verify the Accounts, § 6.
8. Superintendent Registrars to collect Accounts, and return them to Secretary of State, § 7.
9. Abstracts of Returns to be printed, and laid before Parliament, § 8.
10. Copies of this Act, &c. to be sent to the Sheriffs, Provosts, &c. in *Scotland*, § 9.
11. Sheriffs, &c. in *Scotland* to appoint Schoolmasters or other Persons to take the Account required in *Scotland*, § 10.
12. Returns to be made to the Sheriffs, &c. in *Scotland*, § 11.
13. Original Accounts taken by Schoolmasters in *Scotland* to be transmitted to Secretary of State, § 12.
14. Householders Schedules to be left at Dwelling Houses. Occupiers to fill up the Schedules, and sign and deliver them to the Enumerator. Penalty for Neglect, § 13.
15. Schedules to be collected from House to House, and corrected if found to be erroneous, § 14.
16. Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof, § 15.
17. Overseers, Relieving Officers, and Peace Officers bound to act as Enumerators, § 16.
18. Returns of houseless Poor, and of Persons travelling or on Shipboard, § 17.
19. Table of Allowances to Enumerators in *England*, § 18.
20. Manner in which the Payments shall be made to Persons employed in execution of this Act in *England*. Apportionment of Payments where more than One Parish in a District. As to extra-parochial Places, § 19.
21. Payments to be certified to the Registrar General, § 20.
22. Parishes, &c. to be reimbursed out of Monies to be provided by Parliament, § 21.
23. Payments to be made to Persons in *Scotland*, § 22.
24. Penalty for wilful Default, § 23.
25. Penalty for refusing Information or giving false Answers, § 24.
26. Recovery and Application of Penalties, § 25.
27. Explanation Clause, § 26.

Portland Harbour.

1. To amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater in the *Isle of Portland;* and to make further Provisions for the Division and Application of the Purchase Money, 13 & 14 *Vict. c.* 116.
2. Acts and Payments done and made under Award confirmed, § 1.
3. Application of the 20,000*l.* and Interest, § 2.
4. Mode of applying ultimate Residue of the 20,000*l.*, § 3.
5. Constitution of the Bridge Committee, and Application of Monies paid to them, § 4.
6. Mode of Election of the Inhabitants who are to be Members of the Bridge Committee, § 5.
7. Regulating Proceeding of Bridge Committee, § 6.
8. Accounts to be kept by Bridge Committee, § 7.
9. Receipts of Bridge Committee to be sufficient Discharges, § 8.
10. Indemnity for Commissioners, § 9.
11. Indemnity to Persons acting under this Act, § 10.
12. For Purposes of this Act Commissioners of Woods, &c. to be a Body Corporate, § 11.
13. Provision in recited Act as to any Estate or Interest in common to extend to this Act, § 12.
14. As to Sums payable in respect of Lands not exceeding 20*l.*, § 13.
15. Public Act, § 14.

Private Acts.

1. Freemen of *Nottingham.* — Managing Allotments to, 13 & 14 *Vict. c.* 1.
2. *Elizabeth Lydia Brigstocke.*—Leasing her settled Estates, 13 & 14 *Vict. c.* 2.
3. *Russian* Legation.—Purchase of Residence for, 13 & 14 *Vict. c.* 3.
4. *Renè Brand* deceased. — Selling Estates of, 13 & 14 *Vict. c.* 4.
5. Duchy of *Lancaster* and Sir *P. H. Hesketh.*—Agreement between, 13 & 14 *Vict. c.* 5.
6. Earl of *Shrewsbury* and *John Grace.*—Exchange between, 13 & 14 *Vict. c.* 6.
7. Corporation of *London.* — Leases of *Christ's Hospital* Estates, 13 & 14 *Vict. c.* 7.
8. *Jane Mills* deceased. — Sale of Lands in *Barford*, 13 & 14 *Vict. c.* 9.
9. *William Bernard Harcourt* deceased.—Powers of Sale of his settled Estates, 13 & 14 *Vict. c.* 8.
10. Freemen of *London.*—Establishing an Orphan School, 13 & 14 *Vict. c.* 10.

11. *Chandos* Estates.—Money produced by Sale of, 13 & 14 *Vict.* c. 11.
12. Sir *John Lowther Johnstone* Bart., deceased.—Enabling his Trustees to grant Building Leases, 13 & 14 *Vict.* c. 12.
13. Lord *Middleton*'s Estates.—Compromise as to, 13 & 14 *Vict.* c. 13.
14. Earl of *Thanet* deceased.—Enabling his Trustees to raise Money, 13 & 14 *Vict.* c. 14.
15. Earl of *Effingham.*—Enabling him to grant Building and other Leases, 13 & 14 *Vict.* c. 15.
16. Sir *H. M. M. Vavasour* deceased.—Authorizing Sale of his *Yorkshire* Estates, 13 & 14 *Vict.* c. 16.
17. *William Mellish*, Esq., deceased.—Investment of Part of Funds, subject to the Trusts of his Will, 13 & 14 *Vict.* c. 17.
18. Earl of *Strathmore* deceased.—Enlarging and consolidating Two Acts relating to his Estates, 13 & 14 *Vict.* c. 18.
19. *Richard Cavendish.*—Authorizing Sale of Lands to, 14 & 15 *Vict.* c. 1.
20. Corporation of *London.*—Confirming Leases of Lands belonging to *Christ's* and *St. Bartholomew's* Hospitals, 14 & 15 *Vict.* cc. 2, 3.
21. *Saint George's Hanover Square.*—Authorizing new Leases of an Estate in, 14 & 15 *Vict.* c. 4.
22. Sir *T. Lethbridge*'s Estates.—Enabling his Trustees to grant Leases, 14 & 15 *Vict.* c. 5.
23. *Thomas Jackson.*—Enabling his Trustees to sell Lands in *Bucks*, 14 & 15 *Vict.* c. 6.
24. *Fulk Greville Howard.*—Confirming a Contract for Leases of his Lands in *Kilburn*, 14 & 15 *Vict.* c. 7.
25. *Glasgow* Provident Bank.—Unclaimed Funds and Property of, 14 & 15 *Vict.* c. 8.
26. *Musselburgh.*—Securing a Debt due by the Burgh, 14 & 15 *Vict.* c. 9.
27. *William Moore*'s Estates in *Fulham.*—For granting Building Leases of, 14 & 15 *Vict.* c. 10.
28. Sir *Timothy Shelley*'s Trust Funds.—Authorizing Application of, 14 & 15 *Vict.* c. 11.
29. *Francis* late Duke of *Bridgewater.*—Enabling his Trustees to make Conveyances and long Leases, 14 & 15 *Vict.* c. 12.
30. *John Watson Barton*'s Will.—Extending Powers of, 14 & 15 *Vict.* c. 13.
31. Dean and Chapter of *Westminster.*—Enabling to build near the Abbey, 14 & 15 *Vict.* c. 14.
32. Duke of *Bedford.*—Church, &c. proposed to be erected on his *Middlesex* Estates, 14 & 15 *Vict.* c. 15.
33. *John Brown.*—Sale of his Entailed Estates, 14 & 15 *Vict.* c. 16.
34. *Dorward*'s House of Refuge.—Modifying Deed of Constitution, 14 & 15 *Vict.* c. 17.
35. Dean and Chapter of *Christ's Church, Oxford.*—Enabling to grant Building Leases of their Lands in *Kentish Town*, 14 & 15 *Vict.* c. 18.
36. *Stapylton Stapylton.*—Enabling his Committees to grant Mining and other Leases of his Entailed Estates, 14 & 15 *Vict.* c. 19.
37. Lord *Riche*'s Charities.—Regulating, 14 & 15 *Vict.* c. 20.
38. *William* Lord *Bateman* deceased.—Authorizing Sale of his *Kelmarsh* Estate, 14 & 15 *Vict.* c. 21.
39. *Anthony Browne*'s Grammar School.—Regulating, 14 & 15 *Vict.* c. 22.
40. *Ripley* School Estate.—Authorizing Sale or Exchange of Part, 14 & 15 *Vict.* c. 23.

Property and Income Tax.

1. To continue the Duties on Profits arising from Property, Professions, Trades, and Offices, and to amend the Act imposing the same, 14 & 15 *Vict.* c. 12.
2. 5 & 6 *Vict.* c. 35., 8 & 9 *Vict.* c. 4., 11 & 12 *Vict.* c. 8., recited. Rates and Duties granted by first-recited Act further continued for One Year, § 1.
3. First-recited Act and the several other Acts continued in force, § 2.
4. Abatement to be made from Assessments on Tenant Farmers where Profits fall short of such Assessments, § 3.

Prosecutions, See Expenses of Prosecutions.

Public Works and Buildings, See Woods, Forests, &c.

Public Works and Fisheries.

1. To authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, 14 & 15 *Vict.* c. 23.
2. £360,000 *per Annum* to be charged upon Consolidated Fund by Issues not exceeding 90,000*l.* *per* Quarter, § 1.
3. Commissioners for Reduction of National Debt to be Trustees of public Works Loan Fund, and to cause a separate Account to be continued at the Bank of *England* for the Purpose, § 2.
4. Bank to continue the Account already opened with the Commissioners for executing this Act, § 3.
5. Money paid into the Bank to the Account of Commissioners for executing this Act to make Part of the Consolidated Fund, § 4.
6. Commissioners for executing recited Acts to be Commissioners, together with others, for executing this Act, § 5.
7. Commissioners to sign a certain Declaration, § 6.
8. Amount of Monies to be advanced under this Act to be certified to the Commissioners for the Reduction of the National Debt, § 7.
9. Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit, § 8.
10. Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act, § 9.

Q.

Queen's Counsel.

1. To enable Queen's Counsel and others, not being of the the Degree of the Coif, to act as Judges of Assize, 13 & 14 *Vict.* c. 25.
2. Queen's Counsel, and Barristers having Patents of Precedence, although not of the Degree of the Coif, may act as Judges of Assize, § 1.

R.

Railways and Railway Companies.

1. To facilitate the Abandonment of Railways, and the Dissolution of Railway Companies, in certain Cases, 13 & 14 *Vict.* c. 83.
2. Railway Company may make Application to Commissioners of Railways to be allowed to abandon their Undertaking, § 1.
3. Directors may call Meeting to consider such Application, § 2.

4. Shareholders may require Directors to call Meeting, § 3.
5. After Receipt of Requisition, Directors not to make any Payments, except under existing Liabilities, nor to enter into new Contracts, nor to make new Calls, § 4.
6. Mode of calling Meeting, and signifying the Consent of the Shareholders to the Application, § 5.
7. The Number of the Shareholders assenting or dissenting to be ascertained by Scrutineers, and reported to the Chairman, § 6.
8. Chairman of the Meeting, § 7.
9. Meeting to elect Scrutineers, § 8.
10. Adjournment of Meeting on Application of Scrutineers, § 9.
11. Certificate of the Chairman to be Evidence, § 10.
12. Shareholders desiring Abandonment, and complaining that the Sense of the Company has not been fairly ascertained, may apply to the Commissioners, § 11.
13. If Meeting determine that Application shall be made, Directors not to proceed meanwhile, § 12.
14. Commissioners of Railways to direct Advertisements of Application, § 13.
15. Commissioners to have Power to inspect the Company's Books and other Documents, and to send an Officer for local Inspection, § 14.
16. Commissioners of Railways may by Warrant authorize the Abandonment of the Railway or Part of Railway described in the Warrant, § 15.
17. In considering Objections of Shareholders to partial Abandonment, Commissioners to have regard to local Circumstances. Power to reduce or cancel the Shares of the Objectors in certain Cases, § 16.
18. Abandonment of Railway to be advertised, and Demands on the Company for Compensation to be sent in, § 17.
19. Commissioners of Railways to certify the due Publication of the Notice of the Warrant, § 18.
20. After the granting of Warrant the Company to be released from Liability to make the Railway, § 19.
21. Compensation to be made where Contracts have been entered into or Notice given, § 20.
22. Compensation to adjoining Landowners in lieu of Accommodation Works, § 21.
23. Where Roads have been carried across abandoned Line of Railway by means of a Bridge or Tunnel, Company to make Compensation in lieu of keeping Bridges, &c. in repair, except where the Road is restored to its former State, § 22.
24. Compensation to Trustees and Overseers of public Roads, how to be applied, § 23.
25. Application of Monies paid, § 24.
26. Amount of Compensation to be settled by Arbitration, pursuant to 8 & 9 *Vict. c.* 20. and 8 & 9 *Vict. c.* 33. Claims for Compensation to be made within Six Months after Publication of Warrant for Abandonment, § 25.
27. Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c. pursuant to 8 & 9 *Vict. c.* 18. or 8 & 9 *Vict. c.* 19.—§ 26.
28. Lands purchased by the Railway Company to be sold within a limited Time, § 27.
29. Where Part of a Railway is authorized to be abandoned, the Commissioners may require the Capital to be reduced, § 28.
30. After Warrant for Abandonment of the whole Railway the Powers of the Company are to cease, except for winding-up, § 29.
31. Provisions of 11 & 12 *Vict. c.* 45. and 12 & 13 *Vict. c.* 108. to apply to Cases where Order of winding-up was made prior to passing of said Acts, § 30.
32. When Warrant has been granted for abandoning the whole Railway, Shareholders may petition for winding-up, under the 11 & 12 *Vict. c.* 45., notwithstanding anything in 12 & 13 *Vict. c.* 108.—§ 31.
33. Court of Session, upon Petition, may sequestrate any Railway Company for the Abandonment of which a Warrant has been granted, § 32.
34. Court of Session to establish Rules for Adjustment of Claims, 2 & 3 *Vict. c.* 41.—§ 33.
35. In case of Petition for winding-up, Landowners are to be deemed Creditors in respect of the Compensation given by this Act, § 34.
36. Act not to affect Actions or Suits commenced before 11th *February* 1850, § 35.
37. Nothing herein to authorize Abandonment of any Railway agreed to be constructed without Consent, § 36.
38. Commissioners to report to Parliament where Abandonment authorized by them, § 37.
39. Interpretation of Terms, § 38.
40. Short Title, § 39.
41. For regulating legal Proceedings by or against the Committee of Railway Companies associated under the Railway Clearing System, and for other Purposes, 13 & 14 *Vict. c.* xxxiii. (Local.)

See *Local Acts.*

Railway Commissioners.

1. To repeal the Act for constituting Commissioners of Railways, 14 & 15 *Vict. c.* 64.
2. 9 & 10 *Vict. c.* 105. repealed, and Powers, &c. of Commissioners of Railways under subsequent Acts transferred to Board of Trade, § 1.
3. Power to continue Officers appointed by Commissioners of Railways, § 2.
4. Appointments, Orders, &c. of the Board of Trade, how to be signified, § 3.

Registrar of Metropolitan Public Carriages.

1. For consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of Commissioners of Police of the Metropolis, and making other Provisions in regard to the consolidated Offices, 13 & 14 *Vict. c.* 7.
2. Office of Registrar of Metropolitan Public Carriages abolished, § 1.
3. Duties of abolished Office transferred to Commissioners of Police, § 2.
4. Retiring Allowances may be granted to Officers whose Office abolished, § 3.
5. Standings for Hackney Carriages to be appointed, § 4.
6. Repeal of Local Act 6 & 7 *Vict. c.* 86.—§ 5.
7. Saving of *Bloomsbury Square* Act, 46 *G.* 3. *c.* 134.—§ 6.
8. One Police Commissioner may act, § 7.
9. This Act to be construed with 6 & 7 *Vict. c.* 86.—§ 8.
10. Commencement of this Act, § 9.

Religious Congregations.

1. To render more simple and effectual the Titles by which Congregations or Societies for Purposes of Religious Worship or Education in *England* and *Ireland* hold Property for such Purposes, 13 & 14 *Vict. c.* 28.
2. Property conveyed for Religious or Educational Purposes to vest in Successors without Conveyance, § 1.
3. Providing for Payment in lieu of Fines on Death or Alienation of Property of Copyhold or Customary Tenure, § 2.

4. Appointment of new Trustees to be made appear by Deed, § 3.
5. Act extended to *Ireland*, § 4.

Revenue.

1. To apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty, 13 & 14 *Vict. c.* 3.

2. For raising the Sum of Nine millions two hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty, 13 & 14 *Vict. c.* 10.

3. For raising the Sum of Eight millions five hundred and fifty-eight thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty, 13 & 14 *Vict. c.* 22.

4. To apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty; and to appropriate the Supplies granted in this Session of Parliament, 13 & 14 *Vict. c.* 107.

5. To apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-one, 14 & 15 *Vict. c.* 3.

6. For raising the Sum of Seventeen millions seven hundred and fifty-six thousand six hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-one, 14 & 15 *Vict. c.* 9.

7. To apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-one; and to appropriate the Supplies granted in this Session of Parliament, 14 & 15 *Vict. c.* 101.

S.

Saint Alban (Borough of).

1. For appointing Commissioners to inquire into the Existence of Bribery in the Borough of *St. Alban*, 14 & 15 *Vict. c.* 106.
2. Commissioners appointed, § 1.
3. Commissioners to be sworn, § 2.
4. Secretary and Clerks to be appointed, § 3.
5. Place of Meeting, § 4.
6. Inquiry by the Commissioners, § 5.
7. Reports to be laid before Parliament, § 6.
8. Power to send for Persons and Papers, § 7.
9. Persons implicated in Bribery, who may be examined, and shall make a faithful Discovery, indemnified, § 8.
10. Witnesses examined not to be indemnified unless they shall have a Certificate from the Commissioners, § 9.
11. Commissioners to examine on Oath, § 10.
12. Penalty for Nonattendance or refusing to give Evidence, § 11.
13. Penalty for false swearing, § 12.
14. Expenses of the Inquiry, § 13.
15. Limitation of Actions, § 14.

Saint Burian, Deanery of.

1. To provide for the Division of the Deanery of *Saint Burian* into Three Rectories, and for abolishing the Royal Peculiar of *Saint Burian*, 13 & 14 *Vict. c.* 76.
2. The Deanery to be extinguished on Avoidance, and Three Rectories created. Endowment of each Rectory, § 1.
3. Appointment of Churchwardens and Parish Clerk, § 2.
4. All Statutes for the Acquisition of Glebes and Parsonages to apply to the new Rectories, § 3.
5. Power to acquire Sites and Parsonages before the Dissolution of the Deanery, § 4.
6. Peculiar of *Saint Burian* to be wholly abolished, § 5.
7. Wills, &c. to be transferred to the Registry of the Archdeacon of *Cornwall*, § 6.
8. Payment of Tenths to Queen *Anne*'s Bounty to be apportioned, § 7.

Schools (Sites for).

1. To amend the Acts for the granting of Sites for Schools, 14 & 15 *Vict. c.* 24.
2. The Word "Parish" in the 4 & 5 *Vict. c.* 38. *s.* 9. and 12 & 13 *Vict. c.* 49. *s.* 3. to signify an Ecclesiastical District in any divided Parish, § 1.
3. Incorporation of this Act with recited Acts, § 2.

SCOTLAND.

Court of Session.

1. To facilitate Procedure in the Court of Session in *Scotland*, 13 & 14 *Vict. c.* 36.
2. New Form of Summons and Defences, § 1.
3. Record, how to be made up, § 2.
4. Where Pursuer willing, Record may be closed on Summons and Defences, § 3.
5. Prorogations, how to be granted, § 4.
6. Record to be closed by Interlocutor, and no Authentication by Counsel to be necessary, § 5.
7. Lord Ordinary may appoint closed Record to be printed, § 6.
8. Dilatory Defences in Reductions, how to be disposed of, § 7.
9. Production may be satisfied on Box Day, § 8.
10. Record to be made up in Advocations and Suspensions, after Answers are lodged, similarly to other Actions, § 9.
11. And in Processes of Competition, &c. as may be fixed by the Court of Session by Act of Sederunt, § 10.
12. Reclaiming Days limited to Ten, except for Judgments on the Merits, and Decrees in Absence, § 11.
13. Reclaiming Notes during the making up of the Record prohibited, except with Leave of the Lord Ordinary, § 12.
14. Process may proceed, notwithstanding Reclaiming Note or Appeal, § 13.
15. Lords Ordinary not to order written Argument, § 14.
16. Summonses now signed by Clerk of the Court of Session may be signed by a Writer to the Signet, § 15.
17. Actions of Adherence, &c. to be instituted in the Court of Session, § 16.
18. Members of College of Justice not to institute Actions not otherwise competent, § 17.
19. Summonses not to proceed on Bills, or to bear Dates except the Dates of signeting, § 18.
20. Regulations as to Multiplepoindings, § 19.
21. Short Forms of Execution provided, § 20.
22. Induciæ of Summonses and other Writs passing the Signet shortened, § 21.

23. Edictal Citations regulated, § 22.
24. Protestations for not calling and enrolling regulated, § 23.
25. Granting Judicial Bonds in Maritime Causes abolished, § 24.
26. Copy of an Interlocutor granting Commission or Diligence to be equivalent to a formal Extract, § 25.
27. Witnesses abroad may be examined in Consistorial Causes by Commission, § 26.
28. Diligences may be reported on Box Days, § 27.
29. Interim Decrees to be extractible without Special Allowance, § 28.
30. Decree for Expenses to include Expense of Extract, § 29.
31. Actions may be wakened without a Summons, § 30.
32. Transference of Action to include a Wakening, § 31.
33. In Advocations and Suspensions, if Record closed and Proof concluded in Inferior Court, Case may be taken at once to the Inner House without a Judgment of the Lord Ordinary, § 32.
34. Who to fix Lord Ordinary and Division in Advocations and Suspensions, § 33.
35. Advocations on Juratory Caution not to be proceeded with where there is no *probabilis Causa*, § 34.
36. Provision as to one Division of the Court consulting the other, § 35.
37. Procedure in Jury Causes to be the same, so far as is applicable, as in other Court of Session Causes, § 36.
38. Offices of Issue Clerk and Jury Clerk abolished, § 37.
39. Procedure for the Adjustment of Issues, § 38.
40. Engrossment of Issues abolished, § 39.
41. On Issues being approved of, Time and Place of Trial to be fixed, § 40.
42. Lord Ordinary in the Cause to preside at Trial during Session, § 41.
43. Lord Ordinary, &c. to have Power to summon Jury, and to appoint Cause to be tried by a Special Jury, § 42.
44. Certified Copy of the Interlocutor fixing the Trial to be the Warrant for citing Witnesses, § 43.
45. Counsel for each Party to be heard after Evidence closed, § 44.
46. Restriction of Bills of Exceptions, § 45.
47. Lord Ordinary may try Issues of Consent without a Jury, § 46.
48. Lord Ordinary's Findings in Fact shall be final unless reclaimed against. Proviso as to Appeals on Questions of Law, § 47.
49. Lord Ordinary may try special Facts without a Jury, § 48.
50. Lord Ordinary may take the Evidence by Commission, except in the enumerated Causes, § 49.
51. Parties may choose their own Jury, § 50.
52. Reports by Lords Ordinary to be verbal, § 51.
53. Compensation, § 52.
54. Interpretation of Terms, § 53.
55. Court of Session may make Regulations by Acts of Sederunt, § 54.
56. Commencement of Act, § 55.
57. Recited Acts, &c. repealed in so far as at variance with this Act, § 56.

Cruelty to Animals.

1. For the more effectual Prevention of Cruelty to Animals in *Scotland*, 13 & 14 *Vict. c.* 92.
2. Penalty for ill-treating, over-driving, &c. Animals, § 1.
3. Penalty on Persons keeping Places for Bull-baiting, Dog-fighting, &c., § 2.
4. Keepers of Slaughter-houses for killing Horses to be licensed. Persons licensed to affix over Door, &c. a Board with the Words "Licensed for slaughtering Horses," § 3.
5. Description of Cattle received for slaughtering to be entered in a Book. Penalty for Neglect, § 4.
6. Persons licensed to slaughter Horses not to be licensed as Horse Dealers at same Time, § 5.
7. Apprehension of Offender, § 6
8. Time of preferring Complaint, and before whom and how to be disposed of, § 7.
9. Magistrate empowered to adjudge Offender to be imprisoned or fined, § 8.
10. Vehicles may be detained, § 9.
11. As to Actions, § 10.
12. Construction of Terms, § 11.
13. Nothing in this Enactment to interfere with Prosecutions at Common Law, § 12.

Edinburgh, See National Gallery.

Emigration.

1. To authorize the Application of Advances (out of Money now authorized to be advanced for the Improvement of Landed Property) to facilitate Emigration from certain distressed Districts of *Scotland*, 14 & 15 *Vict. c.* 91.
2. Landowners in the Highlands or Islands of *Scotland* may make Application for Loans for defraying Expenses of Emigration of the Poor, § 1.
3. After Inquiries by Inclosure Commissioners and Colonial Land and Emigration Commissioners, Treasury may direct the Issue of a Provisional Certificate, § 2.
4. Restrictions on Amount of Loans not to be applicable to Loans under this Act, § 3.
5. Emigration Commissioners may circulate Notices of Particulars, § 4.
6. Provisions of recited Acts to extend to Applications and Advances under this Act, § 5.

Equivalent Company.

1. To provide for the Redemption of an Annuity of Ten thousand Pounds payable to the "Equivalent Company," 13 & 14 *Vict. c.* 63.
2. Redemption Money to be paid into the Bank of *England*, § 1.
3. Equivalent Company to continue a Corporation for the Purpose of Distribution of Redemp tio Money, § 2.

Inverness Bridge.

1. For rebuilding the Bridge over the River *Ness* at the Town of *Inverness*, and improving the Approaches thereto; and for amending the Acts relating to Highland Roads and Bridges, 14 & 15 *Vict. c.* 66.
2. 43 *G.* 3. *c.* 80., 59 *G.* 3. *c.* 135., 4 *G.* 4. *c.* 56., 5 *G.* 4. *c.* 38., 3 & 4 *W.* 4. *c.* 33., and 11 & 12 *Vict. c.* 40., to continue in force, except as hereby altered, § 1.
3. Sum of 7,700*l.* to be applied towards the Expense of the new Bridge, § 2.
4. Treasury authorized to advance 10,700*l.* by way of Loan, § 3.
5. Commissioners of Highland Roads and Bridges to deduct or repay certain Proportions from County Allotments, to be applied in Payment of Interest and Repayment of Capital of the Sum advanced in Loan, § 4.
6. Sums deducted to be deemed Monies expended on Highland Roads and Bridges under the recited Acts, § 5.
7. Commissioners of Supply authorized to levy increased Assessment under the recited Acts to supply Deficiencies, § 6.
8. Deposited Plan, Sections, and Book of Reference to be open for Inspection, § 7.

9. Errors and Omissions may be corrected by Sheriff of *Inverness*, who shall certify the same. Certificate to be deposited, § 8.
10. Copies of Plan, &c. to be Evidence, § 9.
11. Provisions of 8 & 9 *Vict. c.* 19. incorporated with this Act, § 10.
12. As to Construction of new Bridge, Approaches, and other Works, § 11.
13. Power to deviate in Construction of Works, § 12.
14. Plans and Working Drawings to be deposited at the Admiralty Office for Approval, § 13.
15. Works and Materials vested in Commissioners of Highland Roads and Bridges, § 14.
16. Period for compulsory Purchase of Lands limited, § 15.
17. Power to acquire Spaces for storing Materials. § 16.
18. Tolls to be leviable on Stage Coaches, &c. on every Time of passing or repassing, § 17.
19. Tolls not to be levied on the Bridge or Approaches, § 18.
20. Saving Rights of the Crown, § 19.

National Gallery, Edinburgh.

1. For the Erection on the Earthen Mound in the City of *Edinburgh* of Buildings for a National Gallery, and other Purposes connected therewith and with the Promotion of the Fine Arts in *Scotland*, 13 & 14 *Vict. c.* 86.
2. 56 *G.* 3. *c.* 41., 7 & 8 *G.* 4. *c.* 76., 1 & 2 *W.c.* 45. recited. Repeal of Provisions as to the Erection of Buildings on the Earthen Mound, § 1.
3. Power to erect Buildings on Ground acquired by the Commissioners and Trustees for Manufactures. Plans to be previously approved of by the Treasury, § 2.
4. Power to divert Roads on the Mound, and to substitute other Roads, § 3.
5. Property and Buildings, &c. vested in the Commissioners and Trustees, § 4.
6. Appropriation of Buildings, &c. when completed, § 5.
7. As to the Tunnel on the *Edinburgh and Glasgow* Railway through the Mound, § 6.
8. Saving Rights of the *Edinburgh and Glasgow* Railway Company, § 7.

Police and Improvement of Towns.

1. To make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for paving, draining, cleansing, lighting, and improving the same, 13 & 14 *Vict. c.* 33.
2. 3 & 4 *W.* 4. *c.* 46., 3 & 4 *W.* 4. *c.* 77., 10 & 11 *Vict. c.* 39. recited. First and last recited Acts repealed, except where already adopted, § 1.
3. Interpretation of Terms, § 2.
4. The Boundaries of Parliamentary Burghs to be those fixed by 2 & 3 *W.* 4. *c.* 65.—§ 3.
5. Boundaries of all other Royal Burghs, and Burghs of Regality and Barony, how to be fixed, § 4.
6. Boundaries of populous Places, how to be fixed, § 5.
7. If not adopted within a Year Boundaries to be held to be unascertained, § 6.
8. Power for Chief Magistrate, &c. of Burghs to convene a Meeting of Householders to consider of the Adoption of this Act. Boundaries of Burgh to be ascertained previously, § 7.
9. Return of the Population and Lists of Householders to be made out, § 8.
10. Expenses attending the calling First Meeting, &c., how to be borne, § 9.
11. Mode of calling First Meeting, § 10.
12. Meetings to be intimated by posting Handbills, &c., § 11.
13. Qualification of Voters, § 12.
14. Power of Meeting to adopt this Act, or to decline to adopt it, § 13.
15. Preses to declare the Determination of the Meeting, § 14.
16. Preses to direct a Poll, when demanded, § 15.
17. Poll not to be open more than One Day, but may close earlier, § 16.
18. Poll Books to be provided, § 17.
19. State of Poll to be ascertained and declared, § 18.
20. Majority necessary to adopt this Act in whole or in part, § 19.
21. How Minutes of Meeting to be worded if Act adopted in part only, § 20.
22. If Act not adopted, Proposal may be reconsidered after Two Years, § 21.
23. Where Parliamentary Boundaries include Royal Burgh, Householders may resolve it shall be held as a populous Place, § 22.
24. Where Parliamentary Boundaries include Royal Burgh, Act may be adopted in Royal Burgh separately if not adopted within whole Boundaries, § 23.
25. When Parliamentary Boundaries include Places which might otherwise have separately adopted Act, Provision for their still doing so in certain Circumstances, § 24.
26. Further Proceedings on Act being adopted, § 25.
27. Proceedings to be reported to the Sheriff, § 26.
28. Number of Commissioners, § 27.
29. If Burgh divided into Wards, § 28.
30. Meeting for Election of Commissioners to be convened, § 29.
31. Election of Commissioners, § 30.
32. First Meeting of Commissioners, § 31.
33. Commissioners to choose a Senior and Two Junior Magistrates of Police, § 32.
34. Commissioners to be elected annually, § 33.
35. Out-going Commissioners may be re-elected, § 34.
36. Vacancies in the Magistrates of Police, how to be supplied, § 35.
37. Interim Vacancies, how to be supplied, § 36.
38. If Electors refuse, &c. to elect, Commissioners previously in Office may, § 37.
39. In Royal and Parliamentary Burghs having Magistrates and Councils, such Magistrates and Councils shall be Commissioners for executing this Act, § 38.
40. In Burghs of Regality or Barony having Magistrates and Councils the Householders may vest such Magistrates and Councils with the Office of Commissioners, § 39.
41. Commissioners not to hold Places of Profit under this Act, § 40.
42. Commissioners to be summoned to attend Meetings. Quorum, § 41.
43. Statutory Meetings of Commissioners, § 42.
44. Special Meetings may be called on Requisition, § 43.
45. Special Meetings not to annul Rules made at Statutory Meetings, § 44.
46. Meetings may be adjourned, § 45.
47. Commissioners to defray their own Expenses, § 46.
48. Power to appoint Committees, § 47.
49. Powers and Duties of Commissioners, § 48.
50. Commissioners may contract for Execution of Works, § 49.
51. Property vested in Commissioners, § 50.
52. Clerk to be appointed, § 51.

53. Clerk not to be concerned as Agent, &c. in any Prosecution under this Act, § 52.
54. Treasurer and Collector to be appointed, § 53.
55. Allowance to Clerk, Treasurer, and Collector, § 54.
56. Collector to lodge all Monies received by him in Bank, § 55.
57. On Insolvency of Treasurers or Collectors, Deficiency may be assessed, § 56.
58. Treasurer and Collector may be same Person; but Clerk and Treasurer not to be same Person, § 57.
59. Actions by or against Commissioners, how to be brought, and not to abate, § 58.
60. Books of Accounts and Proceedings to be kept by Commissioners, § 59.
61. Account of Receipt and Application of Monies to be made out by Commissioners, and printed and published, § 60.
62. Auditors to be appointed, § 61.
63. Auditors to inspect Accounts, and may appeal against Part of the same if they think fit, § 62.
64. Commissioners to make Assessment for the Purposes of this Act, § 63.
65. Exceptions from Assessments, § 64.
66. Common Good to contribute towards the Purposes of this Act, § 65.
67. Contribution how to be recovered, § 66.
68. Occupiers to pay Assessments, § 67.
69. Names of Occupiers to be furnished by Collectors of Poor Assessments, &c., § 68.
70. Assessment Roll to be made up; and Appeals how to be entered and disposed of, § 69.
71. Commissioners may grant Relief from Assessment in case of Poverty, § 70.
72. Assessment Roll to be delivered to the Collector, § 71.
73. Recovery of Rates. General Assessments. Private and District Assessments, § 72.
74. Commissioners may assess for Private Improvement Expenses, § 73.
75. Where new Sewers are made, Commissioners, may make Special Sewer Rates, § 74.
76. Commissioners may make a General Sewer Rate distinct from other Rates, § 75.
77. Sewer Rate to be of such Amount as to pay off Monies borrowed thereon in Thirty Years, § 76.
78. Cases where Rates may be charged upon separate and distinct Districts, § 77.
79. Rates to be levied on separate and distinct Districts, § 78.
80. Drainage Rates, § 79.
81. Occupiers may deduct a Proportion of Drainage Rate from their Rent, § 80.
82. Limitation of Expenditure for House Drains, &c., § 81.
83. Assessment how to be imposed, and how Appeals to be entered and disposed of, § 82.
84. Recovery of Private and District Assessments, § 83.
85. Application of surplus Assessments, § 84.
86. Appointment of Superintendent of Police and of Constables, § 85.
87. Duties of Superintendent of Police and Constables, § 86.
88. Powers and Privileges of Superintendent of Police and Constables, § 87.
89. Constables not to resign without Leave or Notice, § 88.
90. Constables dismissed to deliver up Accoutrements, § 89.
91. Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables, § 90.
92. Penalty for Neglect of Duty, § 91.
93. Power to provide Offices, Watch-houses, &c., § 92.
94. Power to prevent Obstructions in the Streets during public Processions, &c., § 93.
95. Power to impound strayed Cattle, § 94.
96. Power to sell stray Cattle for Penalty and Expenses, § 95.
97. Penalty on Persons committing any of the Offences herein named, § 96.
98. Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour, § 97.
99. Penalty for wilfully setting Chimneys on Fire, § 98.
100. Penalty for accidentally allowing Chimneys to catch fire, § 99.
101. Fire Engines may be provided and Firemen employed by the Commissioners, § 100.
102. Fire Police permitted to go beyond the Limits of the Burgh in certain Cases, § 101.
103. Penalty on Victuallers entertaining Constables while on Duty, § 102.
104. Penalty for harbouring disorderly Persons, § 103.
105. Penalty on Persons keeping Places for baiting Animals, and on Persons found therein, § 104.
106. Hackney Carriages to be licensed, § 105.
107. What to be Hackney Carriages, § 106.
108. Fee to be paid for Licences, § 107.
109. Persons applying for Licence to sign a Requisition for same, § 108.
110. What shall be specified in the Licence, § 109.
111. Licences to be registered, § 110.
112. Licence to be in force for One Year only, § 111.
113. Notice to be given by Proprietors of Hackney Carriages of any Change of Abode, § 112.
114. Penalty for plying for Hire without a Licence, § 113.
115. Drivers not to act without first obtaining a Licence, § 114.
116. Penalty on Drivers acting without Licence, § 115.
117. Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned. Magistrates may endorse Convictions upon Licence. Penalty on Proprietors for Neglect, § 116.
118. Proprietor to return Licence to Drivers when quitting his Service if they behave well; if otherwise, Proprietor to summon them. Compensation in case of Licence being improperly withheld, § 117.
119. Licences to be suspended or revoked for Misconduct, § 118.
120. Number of Persons to be carried in a Hackney Coach to be painted thereon, § 119.
121. Penalty for Neglect or for Refusal to carry the prescribed Number, § 120.
122. Penalty on Driver for refusing to drive, § 121.
123. Penalty for demanding more than the Sum agreed for, though less than the legal Fare, § 122.
124. Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back, § 123.
125. Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare, § 124.
126. Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party, § 125.
127. Penalty for permitting Persons to ride without Consent of the Hirer, § 126.
128. No Person to act as Driver of any Carriage without the Consent of the Proprietor, § 127.
129. Penalty on Drivers misbehaving, § 128.
130. Penalty for leaving Carriages unattended at Places of public Resort, § 129.

131. Damage

131. Damage done by Driver may be recovered from the Proprietor, § 130.
132. Improperly standing with Carriage, refusing to give way to, or obstructing any other Driver, or depriving him of his Fare, § 131.
133. Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated, § 132.
134. Penalty for refusing to pay the Fare, § 133.
135. Penalty for damaging Carriage, § 134.
136. Commissioners may make Byelaws for regulating Hackney Carriages, § 135.
137. Bathing Machines and Bathing, § 136.
138. Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night, § 137.
139. Hoards to be set up during Repairs, § 138.
140. Penalty for not lighting Deposits of Building Materials or Excavations, § 139.
141. Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time, § 140.
142. Dangerous Places to be repaired or enclosed, § 141.
143. Commissioners to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses, § 142.
144. Occupiers to cause Footways to be swept. Penalty for Neglect, § 143.
145. Commissioners may compound for sweeping Footways, § 144.
146. Dust, &c. collected to be vested in the Commissioners, § 145.
147. Commissioners may provide Lands, &c. for Deposit of Soil and Materials, § 146.
148. Dust Boxes to be erected by Commissioners, § 147.
149. Commissioners may cause public Conveniences to be erected, § 148.
150. Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided, § 149.
151. Commissioners to appoint Scavengers, § 150.
152. Penalty for obstructing Scavengers, § 151.
153. Penalty on Persons other than Scavengers removing Dirt, § 152.
154. Penalty for conveying offensive Matter at improper Times, 153.
155. Stagnant Pools of Water and other Annoyances to be removed, § 154.
156. Beds of running Water to be kept clear, § 155.
157. Regulations to prevent Accumulation of Dung, &c., § 156.
158. Regulations against Cowhouses injurious to the Health of the Neighbourhood, § 157.
159. On Certificate of the Officer of Health, Filth to be removed, § 158.
160. Houses to be whitewashed and purified, on Certificate of Officer of Health, &c., § 159.
161. No Interment in any Grave without leaving Thirty-six Inches clear of Soil above the Coffin, § 160.
162. Commissioners to order Costs of Prosecutions to be paid out of the Rates, § 161.
163. Act not to affect present Law as to Nuisances, § 162.
164. Power to provide Premises for the Reception of the Dead previously to Interment, § 163.
165. Burial Grounds, &c. dangerous to Health may be prohibited, § 164.
166. As to Interments within Churches or Burial Grounds newly erected or formed, § 165.
167. Grounds for Burials may be purchased in place of those closed, § 166.
168. For the Regulation and Inspection of Lodging Houses, § 167.
169. Commissioners to keep a Register of Lodging House Keepers, and make Rules for promoting Cleanliness and Ventilation, § 168.
170. Penalty on Lodging House Keepers not complying with the Provisions of the Act, § 169.
171. Keepers of Lodging Houses to report Cases of Fever, § 170.
172. Commissioners may make Orders in Cases of infectious Disease in Lodging Houses, § 171.
173. Commissioners may license Slaughter-houses, § 172.
174. No new Slaughter-houses in future to be erected without a Licence, § 173.
175. Existing Slaughter-houses to be registered, § 174.
176. Commissioners may put down Slaughter-houses, on making Compensation to Owners, § 175.
177. Commissioners may make Byelaws for Regulation of Slaughter-houses, &c., § 176.
178. Licence of Slaughter-houses may be suspended, in addition to Penalty imposed, § 177.
179. Penalty for slaughtering Cattle during Suspension of Licence, &c., § 178.
180. Saving Rights of Persons incorporated by Act of Parliament for maintaining Slaughter-houses, § 179.
181. Offensive Trades newly established to be subject to Regulation of Commissioners, § 180.
182. Provision against Sale of unwholesome Meat, § 181.
183. And against Sale of adulterated Food, § 182.
184. Regulations as to Gunpowder, § 183.
185. Weighing Machines to be erected, § 184.
186. Power to Purchaser of Coals to require them to be weighed, § 185.
187. Power to provide portable Machines for weighing Coals, § 186.
188. Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery, § 187.
189. Penalty on Driver refusing to weigh, § 188.
190. Penalty on fraudulent weighing, § 189.
191. Regulations may be made for preventing Fraud in the weighing of Hay, Straw, &c. Brokers and Pawnbrokers, § 190.
192. Brokers to be licensed, § 191.
193. Brokers to furnish a Description of their Premises, and keep Books. Penalty on failing to make proper Entries, § 192.
194. Brokers to retain Articles for Seven Days after having received them. Penalty for Neglect, § 193.
195. Brokers to produce Articles, on Demand, § 194.
196. Pawnbroker to produce his Books, on Demand, § 195.
197. Brokers, &c. to report Stolen Goods, under a Penalty for Neglect, § 196.
198. If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods, § 197.
199. Brokers not to carry on Business of Publicans, nor to purchase Tickets of Pawnbrokers, § 198.
200. Brokers not to take Articles in Pledge, § 199.
201. Pawnbroker and Broker not to carry on Business in the same Premises, § 200.
202. Penalty on Brokers transacting Business with Persons under Fourteen Years of Age, § 201.
203. Penalty on Brokers transacting Business between certain Hours, § 202.
204. Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions, § 203.
205. Brokers to have their Names painted over Shop Doors, § 204.

206. Vagrants and Beggars to be apprehended, and, upon Conviction, imprisoned, § 205.
207. Procedure as to Persons sending out Children to beg, § 206.
208. Beggars and Vagrants to be handed over to the Parochial Authorities, § 207.
209. Keepers of Lodging Houses for Mendicants to report Persons resorting thereto, § 208.
210. Penalty against Chain-droppers, Swindlers, &c., § 209.
211. Power to the Commissioners to improve and form public Streets, § 210.
212. Commissioners may place Fences to Footways, § 211.
213. Foot Pavements, § 212.
214. Where public Streets have not heretofore been paved, Commissioners may cause them to be paved at the Expense of the Occupiers of adjoining Lands, § 213.
215. Penalty on Persons altering Pavements without the Consent of the Commissioners, § 214.
216. Commissioners may contract for lighting Streets, § 215.
217. Price to be paid for Gas to be ascertained in case of Dispute, § 216.
218. Commissioners may appoint a Surveyor, § 217.
219. Commissioners may appoint a Surveyor of Nuisances, § 218.
220. Same Person may be Surveyor and Inspector, § 219.
221. Commissioners to provide Offices for Surveyor and Inspector, § 220.
222. Commissioners may appoint, subject to Approval of Secretary of State, an Officer of Health, § 221.
223. Commissioners to cause a Map of the Burgh to be made, and to be open to Inspection, § 222.
224. Officers of Ordnance may furnish Commissioners with Maps, or cause Surveys to be made, § 223.
225. Level Lines to be marked on Map, and Bench Marks to be made for denoting the same, § 224.
226. Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments, § 225.
227. Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works, § 226.
228. Before giving Notice of Construction of Works, Plans to be prepared, and deposited in the Office of the Commissioners, and to be open to Inspection, § 227.
229. Sewers, &c. vested in Commissioners, § 228.
230. Power to purchase, &c. certain Sewers, § 229.
231. Private Sewers or Watercourses, &c. not to be used without Consent, § 230.
232. Drainage Districts to be formed, subject to the Approval of the Sheriff, § 231.
233. Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property, § 232.
234. Commissioners may alter Sewers from Time to Time, § 233.
235. Commissioners not to destroy existing Sewers, &c. without providing others. Penalty for Neglect, § 234.
236. Commissioners to cause Estimates to be prepared before Execution of Works, § 235.
237. As to the Expense of making new Sewers. Where Premises were sufficiently drained before making new Sewer, Occupier to have a Reduction made in his Rates, § 236.
228. As to the Expense of maintaining Sewers, &c., § 237.
239. Penalty for making unauthorized Drains, § 238.
240. Vaults and Cellars under Streets not to be made without the Consent of the Commissioners, § 239.
241. Streets may be stopped up during Repairs, § 240.
242. All Sewers, &c. to be covered with Traps, § 241.
243. Sewers may be used by Owners and Occupiers of Land beyond Limits of Burgh, § 242.
244. Persons aggrieved by making, &c. Sewers may appeal to the Sheriff, § 243.
245. Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense, § 244.
246. No House to be hereafter built without Drains being constructed, § 245.
247. Where Houses are rebuilt, the Level shall be sufficient to allow a Drain to be constructed, § 246.
248. Notice of Buildings and Rebuildings to be given to the Commissioners, § 247.
249. Commissioners may signify Disapproval within Fourteen Days, § 248.
250. Commissioners may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered, § 249.
251. If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without, § 250.
252. Power to Commissioners to require Owners of Houses to provide Privies for the same, § 251.
253. Penalty for neglecting to provide Privies, &c., § 252.
254. Commissioners to provide for Removal of Ashes, § 253.
255. Certain Water-closets to be constructed in Factories, &c., § 254.
256. Drains, Privies, and Cesspools to be kept in good Order by Owners. If Owners neglect, Commissioners may cause the same to be done, and charge the Owners with the Expense, § 255.
257. As to the Inspection of Drains, Privies, and Cesspools, § 256.
258. Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners, § 257.
259. Parties aggrieved may appeal to the Sheriff, § 258.
260. Notice of Intention to lay out new Streets to be given to Commissioners, § 259.
261. Levels to be fixed by the Commissioners, § 260.
262. If the Commissioners fail to fix the Level, the Party may proceed without, § 261.
263. Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels, § 262.
264. Situation of Gas and Water Pipes to be altered at the Expense of the Commissioners, § 263.
265. If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done, § 264.
266. As to the Width of new Streets, § 265.
267. Parties aggrieved may appeal to the Sheriff, § 266.
268. Houses to be numbered and Streets named, § 267.
269. Numbers of Houses to be renewed by Owner, § 268.
270. Houses may be set forward for improving Line of Street, § 269.
271. Power to purchase Houses, &c. for additional Improvements, § 270.
272. Houses projecting beyond Line of Street, when taken down, to be set back, § 271.
273. Future Projections of Houses, &c. to be removed, on Notice, § 272.
274. Commissioners may cause existing Projections to be removed, and Compensation to be made, § 273.
275. Doors in future to be made to open inwards, § 274.
276. Doors opening outwards may be altered, § 275.
277. Coverings for Cellar Doors to be made by Occupier. Penalty for Neglect, § 276.
278. Waterspouts to be affixed to Houses or Buildings, § 277.
279. Parties aggrieved may appeal to the Sheriff, § 278.
280. Ruinous or dangerous Buildings to be taken down or secured by Owners, &c. If Owner, &c. neglect to repair,

Commissioners may cause the same to be done, charging Owner, &c. with the Expenses, § 279.
281. The Expenses to be levied on the Owner, § 280.
282. If Owner cannot be found, Commissioners may take the House or Ground, making Compensation, § 281.
283. Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale, § 282.
284. Commissioners to give Notice of new Levels or Sewers, § 283.
285. Meeting of Commissioners to hear Objections, § 284.
286. Persons aggrieved by Orders of Commissioners may appeal to the Sheriff, § 285.
287. Notice to be given by Commissioners, and Appeal to the Sheriff. Decision of the Sheriff to be final, § 286.
288. Party Walls to be carried up through the Roof. Walls of Buildings and Coverings of Roofs to be made of incombustible Materials, § 287.
289. Regulating Construction of Buildings intended as Places for Public Meetings. No Person to begin to build until Plan has been approved by Commissioners, § 288.
290. If Commissioners fail to signify their Approval of Plan within Seven Days, Party may proceed to build, § 289.
291. Persons may appeal against Determination of Commissioners, § 290.
292. Cellars in Courts not to be occupied as Dwellings after letting prohibited, § 291.
293. No Cellars under the Height of Seven Feet from the Floor to the Ceiling to be let as Dwellings, § 292.
294. Penalty on letting such Cellars as Dwelling Places, § 293.
295. Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Washhouses, § 294.
296. Commissioners may contract for Supply of Water, § 295.
297. For ascertaining Price to be paid for Water in case of Dispute, § 296.
298. Commissioners to cause Fireplugs, &c. to be provided and maintained, 297.
299. Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c. In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure. Commissioners not to construct Waterworks, &c. if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms, § 298.
300. Service Pipes to be laid by Owners, § 299.
301. Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners, § 300.
302. Penalty for injuring Waterworks, diverting Streams, or wasting Water, § 301.
303. Penalties on Persons for causing Water in Reservoirs to be fouled; and on Proprietors of Gasworks, &c., § 302.
304. Commissioners may make Byelaws in reference to Water, § 303.
305. Power to Commissioners to provide public Clocks, § 304.
306. Commissioners empowered to enter upon Premises for the Purposes of this Act, § 305.
307. Penalty on Persons obstructing Commissioners in their Duty, § 306.
308. As to Service of Notice on Owners and Occupiers, § 307.
309. Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses, § 308.
310. Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent, § 309.
311. How Expenses are to be recovered from Owner, § 310.
312. Power to levy Charges on Occupier, who may deduct the same from his Rent, § 311.
313. Occupier not to be liable for more than the Amount of Rent due, § 312.
314. Commissioners may allow Time for Repayment by Owners of Improvement Expenses, § 313.
315. Proceedings in case of Tenants opposing the Execution of this Act, § 314.
316. Respecting existing Contracts for Building, § 315.
317. Respecting Contracts for Leases, § 316.
318. As to certain Matters authorized to be done by the Commissioners by Special Order only, § 317.
319. Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Ratepayers remonstrate against the same, § 318.
320. Commissioners may provide Slaughter-houses, § 319.
321. Places for public Recreation, § 320.
322. And Public Bathing Places and Drying Grounds, § 321.
323. Proportion of Baths for the Working Classes, § 322.
324. Charges for the Use of Baths, § 323.
325. Recovery of Charges for the Use of Baths, &c., § 324.
326. Publication of Byelaws in regard to Baths, &c., § 325.
327. Sale of Baths, &c. on discontinuing them, § 326.
328. Application may be made to Parliament if additional Powers necessary, § 327.
329. Byelaws, § 328.
330. Byelaws may be enforced by Imposition of Penalties, § 329.
331. Byelaws to be confirmed, § 330.
332. Notice of Confirmation to be given, § 331.
333. A Copy of proposed Byelaws to be open to Inspection, § 332.
334. Publication of Byelaws, § 333.
335. Byelaws to be binding on all Parties, § 334.
336. Evidence of Byelaws, § 335.
337. Penalty on pulling down Boards, § 336.
338. Recovery of Damages and Penalties, § 337.
339. Limitation of summary Prosecutions, § 338.
340. Penalty on Persons giving false Evidence, § 339.
341. Power to Commissioners to borrow Money for the Purposes of this Act, § 340.
342. Commissioners not to be personally liable, § 341.
343. As to Bonds to be granted, § 342.
344. Bonds may be transferred by Indorsement, § 343.
345. Bonds to be recorded, and Assignations to be registered, § 344.
346. Jurisdiction of Magistrates of Police under this Act, § 345.
347. Magistrates of Police may appoint Procurator Fiscal, § 346.
348. Interim Fiscal, § 347.
349. Forms of Procedure in Police Court, § 348.
350. Forms of Procedure to be framed, § 349.
351. Certain Crimes not competent to be taken cognizance of in the Police Court, § 350.
352. Limitation of Police Prosecutions, § 351.
353. Superintendent in certain Cases may accept of Bail or Deposit, § 352.
354. Persons in Custody to be taken before the Magistrate, § 353.
355. Authority to Officers to cite Parties and Witnesses, § 354.
356. Offenders removing from the Bounds of Police, how to be proceeded against, § 355.
357. In certain Cases Offenders may appear by Agent or other Party, § 356.

358. Examination of Witnesses, § 357.
359. Penalty in case of Witnesses failing to appear, § 358.
360. Penalty in case of Witnesses refusing to give Evidence, § 359.
361. Witnesses prevaricating may be punished summarily, § 360.
362. In default of paying Fines, Parties to be imprisoned, § 361.
363. Power to order Offenders to find Caution, in lieu of Imprisonment or Fine, § 362.
364. Or to find Caution in addition to Imprisonment or Fine, § 363.
365. Warrant of Commitment, § 364.
366. Juvenile Male Offenders may be chastised by whipping, § 365.
367. Articles stolen, &c. may be restored, § 366.
368. Offenders may be punished summarily for Contempt of Court, § 367.
369. Police Officers may be dismissed by the Magistrate, § 368.
370. Proceedings not to be void for Want of Form, and Judgments to be final, § 369.
371. No Stay of Execution to prevent Payment of Penalties, § 370.
372. Fines to be paid to the Clerk, § 371.
373. Application of Penalties, § 372.
374. For Recovery of forfeited Bail Bonds and Bonds of Caution, § 373.
375. Cautioners in Bonds, § 374.
376. Assessments in Burghs having no Revenues, § 375.
377. Burghs maintaining Police to be exempted from County Assessment, § 376.
378. Incapacitated Persons authorized to sell, § 377.
379. Application of Compensation Money amounting to 200*l.*, § 378.
380. Application when less than 200*l.* and not less than 20*l.*, 379.
381. Application where less than 20*l.*, § 380.
382. In case of not making out Titles, the Court may order Payments and Expenses, § 381.
383. Where Questions arise touching the Title to any Money, § 382.
384. Court may order Payment of Expenses in certain Cases, § 383.
385. Rights of Heritable Property, how to be taken. Form of Conveyance, § 384.
386. Where any Act or Decision, &c. declared final, the same shall not be reviewable, § 385.
387. Burghs which have adopted the Act 3 & 4 *W.* 4. *c.* 46. may adopt this Act, and thereafter the said Act shall cease to apply, § 386.
388. Burghs having Local Acts may adopt this Act, and thereupon Local Acts to be repealed, § 387.
389. Contracts under former Act to be saved, § 388.
390. Jurisdiction of Courts of Guild to be preserved, § 389.
391. Act may be incorporated, either in whole or in part, with any future Act, § 390.

Prisons and Prison Discipline.

1. To amend certain Acts for the Improvement of Prisons and Prison Discipline in *Scotland*, 14 & 15 *Vict. c.* 27.
2. 2 & 3 *Vict. c.* 42., 7 & 8 *Vict. c.* 34. as amended, and this Act, to be held as One Act, § 1.
3. Repeal of Appointment of Lord Justice General and Lord Justice Clerk to be Members of General Board, § 2.
4. Lands contiguous to Prisons may be acquired, and Act 8 & 9 *Vict. c.* 19. incorporated, § 3.
5. Accounts to be published, § 4.
6. Magistrates of certain Burghs or Places may commit Prisoners to any Gaol within the County, § 5.
7. Juvenile Male Offenders may be punished by private whipping, § 6.
8. Sentence of Imprisonment may be accompanied with Hard Labour, and Rules in respect thereof to be made, and to be approved of by One of Her Majesty's Principal Secretaries of State, § 7.
9. County Prison Boards may cause Sentences of Imprisonment (subject to Rules of General Board, &c.) to be accompanied with Hard Labour, § 8.

Religious Congregations.

1. To render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education in *Scotland* hold Real Property required for such Purposes, 13 & 14 *Vict. c.* 13.
2. Heritable Property conveyed for religious or educational Purposes to vest in Disponees or their Successors, § 1.
3. Providing for Payment in lieu of Casualties of Superiority, § 2.
4. Sums invested on Heritable Security for religious, educational, or charitable Purposes to vest in Disponees and their Successors, § 3.

Representative Peers, Election of.

1. To regulate certain Proceedings in relation to the Elections of Representative Peers for *Scotland*, 14 & 15 *Vict. c.* 87.
2. Certificate from Two Peers of *Scotland* held to be formal Notice of the Death of any Representative Peer, § 1.
3. Time of Publication of Proclamation for Election altered from 25 Days to 10 Days, § 2.
4. Peers of *Scotland* may take the Oaths, &c. in Courts of *Ireland*, and before other Officers, § 3.
5. Titles of Peerages in right of which no Vote has been given for Fifty Years not to be called at Elections, if the House of Lords shall so direct, § 4.

Towns, See Police and Improvement of Towns.

Servants, See Apprentices and Servants.

Sewers, See Metropolitan Sewers.

Sheep and Cattle, Diseases of.

1. To continue an Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to prevent, until the First Day of* September *One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals*, 13 & 14 *Vict. c.* 71. and 14 & 15 *Vict. c.* 69.

Sheriff of Westmoreland.

1. To provide for the Appointment of Sheriff of the County of *Westmoreland*, 13 & 14 *Vict. c.* 30.
2. After the First Appointment by Her Majesty of Sheriff of *Westmoreland*, all other Rights to make such Appointment to cease, § 1.
3. After passing of Act, Her Majesty to appoint to Office of Sheriff, § 2.
4. *G. E. Wilson* Esq. to continue Sheriff of *Westmoreland* until another appointed, § 3.

Sites for Schools, See Schools.

Small Tenements Rating.

1. For the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements, 13 & 14 *Vict. c.* 99.
2. Vestries to determine whether 6*l.* Tenements shall be rated to the Owners instead of Occupiers, § 1.
3. Order may be rescinded by a Majority of Two Thirds of Persons present at Vestry, § 2.
4. Whilst Order in force, the Poor Rates and Highway Rates to be rated to Owners, § 3.
5. Owner to be rated on a reduced Scale, § 4.
6. Remedies for recovering of Rates, § 5.
7. Owners possessed to have the Privileges of Occupiers, § 6.
8. When Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 *W.* 4. *c.* 76. as if he was rated instead of the Owner, § 7.
9. Owners of Tenements held for longer Periods than from Year to Year entitled to add to Rent the Amount paid for Rates, § 8.
10. Interpretation of Terms, § 9.
11. Extension of Act, § 10.

Smithfield Market Removal.

1. For providing a Metropolitan Market and Conveniences connected therewith in lieu of the Cattle Market at *Smithfield*, 14 & 15 *Vict. c.* 61.
2. Appointment of Commissioners, § 1.
3. Commissioners incorporated, § 2.
4. Commissioners may set out a Cattle and Meat Market, Slaughter-houses, and Lairs for Cattle, § 3.
5. Commissioners to provide for the Supply of Water and Drainage, § 4.
6. Power to appoint Officers, § 5.
7. Commissioners may make Byelaws, § 6.
8. Power to let Slaughter-houses and the Stalls and Conveniences in the Market, § 7.
9. Table of Tolls and Payments to be fixed, § 8.
10. Byelaws and Table of Tolls and Payments to be set up in the Markets, § 9.
11. Commissioners to report to Secretary of State when Markets provided, who is to publish Notice thereof, and of closing of *Smithfield*, in *London Gazette*, § 10.
12. Markets, and Care and Management of the Market Places, and other Matters, vested in the Commissioners, &c., § 11.
13. Cattle or Meat unfit for Food may be seized and destroyed. Penalty, § 12.
14. Commissioners of Markets may regulate Route and Times for driving of Cattle to and from Markets, § 13.
15. Tolls and Payments, when and to whom to be paid, § 14.
16. Expenses under this Act to be defrayed out of Monies received thereunder, § 15.
17. Money received by Officers to be paid into the Bank, § 16.
18. Treasurer, &c. intrusted with Money to give Security for duly accounting for he same, § 17.
19. Payments out of the Bank, § 18.
20. Power to raise Money by Mortgage, § 19.
21. Commissioners of Public Works acting under 5 & 6 *Vict. c.* 9. may make Advances to the Board, § 20.
22. So much of 10 & 11 *Vict. c.* 16. as relates to Mortgages incorporated with this Act, § 21.
23. Accounts to be kept, and to be balanced. An annual Statement to be prepared, and Notice to be given when ready for auditing. Statement, &c. to remain at the Office for Inspection, § 22.
24. Audit of Accounts by Auditors of Public Accounts, § 23.
25. Commissioners may contract, § 24.
26. No Purchase or Contract exceeding 1,000*l.* to be made without Approbation of Treasury, § 25.
27. Certain Provisions of 8 & 9 *Vict. c.* 18. incorporated with this Act, § 26.
28. Power to dispose of Lands not wanted, § 27.
29. Annual Reports and Abstract of Accounts to be made, and sent to Secretary of State, § 28.
30. Reports to be laid before Parliament, § 29.
31. Slaughter-houses to be licensed, § 30.
32. Penalty for obstructing Officers in Execution of this Act, § 31.
33. Penalty for defacing Boards, § 32.
34. Penalty on Officers, &c. being interested in Contracts or exacting Fees, § 33.
35. Recovery of Tolls and Payments, § 34.
36. Recovery of Penalties, § 35.
37. Proof of Publication of Byelaws, and Table of Tolls and Payments, § 36.
38. Power for Corporation of *London* to execute the Act, § 37.
39. In that Case the Corporation to be subject to the same Control and Liabilities as the Commissioners. The Corporation of *London* may declare their Intention to defray the Expenses of carrying this Act into execution out of their own Funds, and in such Case the Tolls, &c. to belong to them, and certain Provisions not to be applicable, § 38.
40. If Corporation make default, Commissioners to execute the Act, § 39.
41. If Mayor, &c. do not within Six Months undertake Execution of Act, then, unless Market authorized be opened within a certain Time, Act to be void, &c., § 40.
42. Saving Rights of the City of *London*, § 41.
43. Saving Rights of Her Majesty, § 42.
44. Short Title of the Act, § 43.
45. Interpretation of Terms, § 44.

Soap.

1. To continue certain of the Allowances of the Duty of Excise on Soap used in Manufactures, 14 & 15 *Vict. c.* 59.
2. Certain Allowances of the Duty on Soap continued, § 1.

Soldiers.

1. For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, 13 & 14 *Vict. c.* 5. and 14 & 15 *Vict. c.* 6.

Solicitors. See *Attorneys and Solicitors.*

Spitalfields and Shoreditch New Street.

1. To enlarge and extend the Powers of an Act of the Ninth and Tenth Years of Her present Majesty, intituled *An Act to enable the Commissioners of Her Majesty's Woods to construct a new Street from* Spitalfields *to* Shoreditch, 13 & 14 *Vict. c.* 109.
2. Commissioners of Woods, &c. empowered to raise further Sums of Money by Sale of or Charge upon the Metropolis Improvement Fund, § 1.
3. Fund to be applied in satisfaction of Charges, subject to prior Charges, § 2.

4. Commissioners of Woods, &c. may borrow Monies on the Credit of the Fund authorized to be charged, § 3.
5. Application of Monies raised, § 4.
6. Provisions with respect to Monies raised under recited Act extended to this Act, § 5.
7. Removing Doubts as to Time for Purchases, § 6.
8. Surplus Monies to be invested in augmentation of the Metropolis Improvement Fund, § 7.
9. Public Act, § 8.

Stamp Duties.

1. To repeal certain Stamp Duties, and to grant others in lieu thereof; and to amend the Laws relating to the Stamp Duties, 13 & 14 *Vict. c.* 97.
2. Stamp Duties on Instruments specified in the annexed Schedule repealed, and other Duties granted in lieu thereof, § 1.
3. Duties granted to be denominated Stamp Duties, and to be under the Care of the Commissioners of Inland Revenue. Powers and Provisions of former Acts to be in force and be put in execution with regard to the Duties hereby granted, § 2.
4. Duties not to be charged on Deeds or Instruments expressly exempted from Stamp Duty by existing Acts, § 3.
5. Duties imposed by 5 & 6 *Vict. c.* 82. and 9 & 10 *Vict. c.* 112. on certain Leases in *Ireland* repealed, § 4.
6. For removing Doubts as to the Stamp Duties on certain Agreements for setting or demising Lands in *Ireland*, § 5.
7. 4 & 5 *Vict. c.* 21. and 8 & 9 *Vict. c.* 106. recited. Stamp Duties on a Bargain and Sale, and so much of said Two Acts as is recited, repealed, § 6.
8. Additional Duty on a Conveyance by Feoffment or Bargain and Sale enrolled, repealed, § 7.
9. All Persons receiving Monies for Stamp Duties, and misappropriating the same, to be liable for the Amount, and the Court of Exchequer to enforce Payment thereof, § 8.
10. For removing Doubts as to the Duties upon Transfers of Mortgages, § 9.
11. For affording Relief in certain Cases of Leases, § 10.
12. For removing Doubts regarding Progressive Duties. Progressive Duties not to be charged on Deeds or Instruments in respect of other Deeds or Instruments duly stamped and referred to therein, § 11.
13. Terms and Conditions on which Deeds, &c. may be stamped after the signing thereof. Commissioners of Inland Revenue authorized to remit the Penalty on stamping Deeds, &c. within Twelve Months after the signing thereof. Not to extend to Instruments for the stamping of which after the signing thereof special Provision is made, or to Cases where the stamping is by Law prohibited, § 12.
14. Commissioners may stamp Instruments executed abroad, without any Penalty, on their being brought for that Purpose within Two Months after their Arrival in the United Kingdom, § 13.
15. For removing Doubts as to the Sufficiency of Stamp Duty paid on Deeds, § 14.
16. Party dissatisfied with the Determination of the Commissioners as to the Stamp Duty chargeable may appeal to the Court of Exchequer, and the Duty shall be paid according to the Decision of the Court, § 15.
17. Conveyances, Mortgages, and Settlements of Property under Contract or Obligation before 20th *March* 1850 exempted from any increased *ad valorem* Duty, § 16.
18. Deeds, &c. may be stamped either in *London* or *Dublin*, § 17.
19. The Allowance on Receipt Stamps granted by 12 & 13 *Vict. c.* 80. repealed. Allowance of 7*l.* 10*s.* *per Cent.* granted, § 18.
20. Reciting 55 *G.* 3. *c.* 101. as to Fire Insurances in *Ireland*. 6 & 7 *W.* 4. *c.* 28. and 1 & 2 *Vict. c.* 61. as to Deposit of Stock. Fire Insurance Licences in *Ireland* to be permanent. Security to be given for Payment of Duties. The Security to continue in force so long as the Person to whom the Licence is granted or the Company shall continue to insure. The Security to be renewed, § 19.
21. Construction of certain Terms used in Stamp Acts, § 20.

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22. To continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, 14 & 15 *Vict. c.* 18.
23. 5 & 6 *Vict. c.* 82., 8 & 9 *Vict. c.* 2., and 11 & 12 *Vict. c.* 9. recited. Duties continued for One Year, § 1.
24. Recited Acts and other Acts continued in force, § 2.

Statutes repealed.

I. *Statutes relating to the* Church of ENGLAND and IRELAND (*Irish* Branch), *repealed by* 14 & 15 Vict. c. 71.

GEORGE III.
43 G. 3. c. 108.
51 G. 3. c. 115.
54 G. 3. c. 117.
55 G. 3. c. 147.

GEORGE IV.
6 G. 4. c. 8.
7 G. 4. c. 66.
7 & 8 G. 4. c. 43.

WILLIAM IV.
6 & 7 W. 4. c. 31.

VICTORIA.
8 & 9 Vict. c. 54.
11 & 12 Vict. c. 41.

II. *Statutes relating to the* Customs, *repealed by* 13 & 14 Vict. c. 95.

WILLIAM IV.
3 & 4 W. 4. c. 101. (in part)

VICTORIA.
8 & 9 Vict. c. 86. (in part)
8 & 9 Vict. c. 91. (in part)
9 & 10 Vict. c. 102. (in part)

III. *Statutes relating to* Friendly Societies, *repealed by* 13 & 14 Vict. c. 115.

GEORGE IV.
10 G. 4. c. 56.

WILLIAM IV.
2 & 3 W. 4. c. 37.
5 & 6 W. 4. c. 46.

VICTORIA.
3 & 4 Vict. c. 73.
9 & 10 Vict. c. 27.

IV. *Statutes relating to the* Merchant Seamen's Fund, *repealed by* 14 & 15 Vict. c. 102.

GEORGE II.
2 G. 2. c. 38. (in part)

WILLIAM IV.
4 & 5 W. 4. c. 52. (in part)
6 W. 4. c. 15.

VICTORIA.
7 & 8 Vict. c. 112. (in part)

V. *Statutes relating to* Petty Sessions in IRELAND, *repealed by* 14 & 15 Vict. c. 93.

GEORGE IV.
7 & 8 G. 4. c. 67.

WILLIAM IV.
6 & 7 W. 4. c. 34.

VICTORIA.
12 & 13 Vict. c. 69 & 70.

VI. *Statutes relating to the* Summary Jurisdiction of Justices of the Peace in IRELAND, *repealed by* 13 & 14 Vict. c. 102.

GEORGE II.	GEORGE IV.
5 G. 2. c. 12.	4 G. 4. c. 34.
	9 G. 4. c. 55 & 56.
GEORGE III.	10 G. 4. c. 34.
11 G. 3. c. 7. (in part)	WILLIAM IV.
27 G. 3. c. 53.	4 & 5 W. 4. c. 50.
49 G. 3. c. 84. (in part)	6 & 7 W. 4. c. 116.
50 G. 3. c. 32.	VICTORIA.
54 G. 3. c. 116.	7 & 8 Vict. c. 8 & 106.
58 G. 3. c. 82.	11 & 12 Vict. c. 28 & 59.
	12 & 13 Vict. c. 15 & 30.

VII. *Statutes relating to the same Subject, repealed by* 14 & 15 Vict. c. 92.

CHARLES I.	GEORGE IV.
10 C. 1. c. 25.	5 G. 4. c. 43.
	7 G. 4. c. 42.
GEORGE II.	4 G. 4. c. 34.
5 G. 2. c. 12.	9 G. 4. c. 55 & 56.
GEORGE III.	10 G. 4. c. 34.
37 G. 3. c. 27.	WILLIAM IV.
40 G. 3. c. 71.	4 & 5 W. 4. c. 50.
11 G. 3. c. 7. (in part)	6 & 7 W. 4. c. 116.
27 G. 3. c. 53.	VICTORIA.
49 G. 3. c. 84. (in part)	13 & 14 Vict. c. 102.
50 G. 3. c. 32.	7 & 8 Vict. c. 8 & 106.
54 G. 3. c. 116.	11 & 12 Vict. c. 28 & 59.
58 G. 3. c. 82.	12 & 13 Vict. c. 15 & 30.

VIII. *Statutes relating to* Miscellaneous Subjects, *repealed either wholly or partly by Acts of* 13 & 14 Vict.

Acts repealed.	Relating to	Repealed by
2 & 3 Vict. c. 24.	Brick Duties.	c. 9.
12 & 13 Vict. c. 26. (in part)	Leases under Powers.	c. 17.
5 & 6 Vict. c. 109. (in part)	Constables.	c. 20.
3 & 4 W. 4. c. 4. and 10 & 11 Vict. c. 39.	Police, and Improvement of Towns in *Scotland*.	c. 33.
53 G. 3. c. 24. and 5 & 6 Vict. c. 5. (both in part)	The Administration of Justice.	c. 35.
8 & 9 Vict. c. 43.	Libraries and Museums.	c. 65.
3 & 4 Vict. c. 108. (in part)	Proceedings in Borough and other Courts of Record in *Ireland*.	c. 73.
15 G. 3. c. 31. (in part)	Fisheries.	c. 80.
8 & 9 Vict. c. 7. (in part)	Seamen.	c. 93.
6 & 7 W. 4. c. 77. and 5 & 6 Vict. c. 26. (both in part)	Ecclesiastical Commissioners.	c. 94.

IX. *Statutes relating to* Miscellaneous Subjects, *repealed wholly or partly by Acts of* 14 & 15 Vict.

Acts repealed.	Relating to	Repealed by
11 & 12 Vict. c. 129.	Local Acts.	c. 49.
9 & 10 Vict. c. 105.	Railway Commissioners.	c. 64.
12 G. 3. c. 61.	Gunpowder Magazines.	c. 67.
9 & 10 Vict. c. 100. 11 & 12 Vict. c. 81.	Steam Navigation.	c. 79.
7 Hen. 8. c. 11.	Grants under the Great Seal.	c. 82.

Steam Navigation.

1. To consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels, 14 & 15 *Vict. c.* 79.
2. 9 & 10 *Vict. c.* 100. and 11 & 12 *Vict. c.* 81. repealed from the Time this Act comes into operation, except, &c. Existing Certificates to continue in force, § 1.
3. The Naval Department of the Board of Trade to assist in the Execution of this Act, § 2.
4. Steam Vessels to be surveyed, and Owners to transmit Declarations to Board of Trade twice a Year, § 3.
5. Times appointed for the Surveys, § 4.
6. Board of Trade to grant Certificates, and transmit Lists, to be put up at Custom Houses, § 5.
7. Board of Trade may cancel Certificates, and require fresh Declarations, § 6.
8. How long Certificates to continue in force. Proviso, § 7.
9. Fees to be paid for Certificates. Application of Fees and Forfeitures, § 8.
10. Forgery of Declaration or Certificate to be a Misdemeanor, or subject Person summarily convicted to Fine or Imprisonment, § 9.
11. Copy of Certificate to be placed in conspicuous Part of Vessel, § 10.
12. Vessel not to proceed on her Voyage without Certificate. No Officer of the Customs to clear out, &c. any Steam Vessels, but upon Production of Certificate. Penalty on Owners and Masters of Vessels proceeding without Certicate, § 11.
13. Penalty on Owner, &c. for carrying more Passengers than specified in Certificate, § 12.
14. Penalty on Persons forcing their Way on board when Vessels are full, § 13.
15. Penalty on Persons refusing to pay their Fares, or to quit the Vessel, § 14.
16. Penalty on Offenders refusing to give their Name and Address, § 15.
17. Power for Board of Trade to appoint and remove Shipwright Surveyors, &c., and fix Rates for Remuneration, § 16.
18. Surveyors to make Returns of the Build, &c. of Vessels, and Owners, &c. to give Information for that Purpose, § 17.
19. Surveyors to act under Direction of the Board of Trade: To be allowed to go on board Steam Vessels to inspect, &c., § 18.
20. Iron Steamers to be divided by Water-tight Partitions. Penalty on Surveyors demanding or receiving Fees unlawfully, § 19.
21. Officers of Customs not to grant Certificates, except so divided. Penalty on Owner for Neglect, § 20.
22. Steam Vessels to carry Safety Valves out of Control of Engineer, and to be deemed a necessary Part of Machinery, § 21.
23. Sea-going Vessels to be provided with the Number of Boats and of the Dimensions herein mentioned. Enactments with respect to Boats and Life Buoys in Section 9 of 12 & 13 *Vict. c.* 33. not to be affected, § 22.
24. No Steamer to proceed to Sea without being provided with a Hose and Signals, § 23.
25. Penalties on Masters, &c. neglecting to provide Boats, Equipments, &c., § 24.
26. Officers of Customs not to clear out Vessels not complying with the above Provisions, § 25.
27. Admiralty to make Regulations as to Lights. Penalty on Owners and Masters failing to obey them. Existing Regulations to continue in force till revoked, § 26.
28. Rules

28. Rules to be observed by Vessels passing each other, § 27.
29. Owners not entitled to Compensation in certain Cases of Collision, but Master to be liable to Penalty, § 28.
30. Accidents to be reported to Board of Trade, § 29.
31. Notice to be given of apprehended Loss of Steam Vessels, § 30.
32. Board of Trade may send Inspectors on board Vessels whenever necessary, § 31.
33. Powers of Inspectors. Proviso for Expenses of Witnesses, § 32.
34. Penalty for obstructing Inspectors, § 33.
35. Misdemeanors or Offences to be prosecuted by Information or Indictment, 11 & 12 *Vict. c.* 43.—§ 34.
36. Sheriffs in *Scotland* authorized to exercise Jurisdiction under 11 *G.* 4. & 1 *W.* 4. *c.* 69. to have same Powers, &c. as Justices exercise under this Act, § 35.
37. Jurisdiction to be where the Offence is committed and wherever Offender is, § 36.
38. Service to be good if made personally, or at Abode, or on board Ship, &c., § 37.
39. Proof of Issue and Transmission of Certificates, § 38.
40. Burden of Proof that a Ship is exempted, § 39.
41. Application of Penalties, § 40.
42. Indictments to be preferred by Direction of the Board of Trade or of Commissioners of Customs, § 41.
43. Penalties to be sued for within Six Months, § 42.
44. No proceeding to be void for Informality or removed by Certiorari, § 43.
45. Distress not to be unlawful for Want of Form, § 44.
46. Parties aggrieved may appeal to Quarter Sessions, on giving Security, § 45.
47. Court to make such Order as they think reasonable, § 46.
48. Not to affect 12 & 13 *Vict. c.* 33.—§ 47.
49. Not to extend to Ships of War or Foreign Vessels, § 48.
50. Nothing to affect Privileges of Corporation of *London*, § 49.
51. Copy of this Act, &c. to be kept on board. Penalty for Neglect, § 50.
52. Commencement of Act. Short Title, § 51.

Stock in Trade (Rating of).

1. To continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor, 13 & 14 *Vict. c.* 50. and 14 & 15 *Vict. c.* 47.

Sugar.

1. To reduce the Duty of Excise on Sugar manufactured in the United Kingdom, and to impose a countervailing Duty on Sugar used in the brewing of Beer for Sale; and also to amend the Laws relating to the Licences granted to Brewers and Distillers, 13 & 14 *Vict. c.* 67.
2. Excise Duty on Sugar manufactured in the United Kingdom reduced, § 1.
3. Reduced Duties on Sugar to be charged, &c. in like Manner as the former Duty, § 2.
4. Grant of a Duty on Sugar used in the brewing of Beer, § 3.
5. Duty granted to be deemed an Excise Duty, and to be under the Management of the Commissioners of Inland Revenue, and to be levied under the general Excise Laws, § 4.
6. Brewers to make true Entries of the Quantity of Sugar used in brewing. Penalty for omitting to make such Entries, or for making any false Entry, § 5.
7. Brewers not to retail or sell Beer at any other Place than their licensed Brewing Premises, or on Premises licensed for the express Purpose, § 6.
8. Brewers may take out Licence for the Sale of Beer at any other Place as well as on their licensed Brewing Premises. Taking Orders for the Sale of Beer not to be deemed selling Beer at any other than licensed Premises, § 7.
9. Provisions of 4 *G.* 4. *c.* 94. and 6 *G.* 4. *c.* 80. to be deemed to apply to Distillers licensed under 6 *G.* 4. *c.* 81.—§ 8.

Survey of Great Britain, &c.

1. To continue the Survey of *Great Britain*, *Berwick-upon-Tweed*, and the *Isle of Man*, 14 & 15 *Vict. c.* 22.
2. 4 & 5 *Vict. c.* 30. continued until 31st *December* 1856, § 1.

T.

The Duke and Princess Mary of Cambridge.

1. To enable Her Majesty to make a suitable Provision for His Royal Highness the Duke of *Cambridge*, and also for Her Royal Highness the Princess *Mary* of *Cambridge*, 13 & 14 *Vict. c.* 77.

Tithe Commutation, See Copyhold and Inclosure Commissions.

Tithe Rentcharge Assessment.

1. To amend the Public Health Act, and an Act of the Third and Fourth Years of *William* the Fourth, in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates, 14 & 15 *Vict. c.* 50.
2. Tithes and Tithe Rentcharges, &c. to be assessed as Land, § 1.

Trustees and Mortgagees (Conveyances by).

1. To consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees, 13 & 14 *Vict. c.* 60.
2. 11 *G.* 4. & 1 *W.* 4. *c.* 60., 4 & 5 *W.* 4. *c.* 23., 1 & 2 *Vict. c.* 69. recited, § 1.
3. Interpretation of Terms, § 2.
4. Lord Chancellor may convey Estates of Lunatic Trustees and Mortgagees, § 3.
5. May convey contingent Rights, § 4.
6. Lord Chancellor may transfer Stock of Lunatic Trustees and Mortgagees, § 5.
7. Power to transfer Stock of deceased Persons, § 6.
8. Court of Chancery may convey Estates of infant Trustees and Mortgagees, § 7.
9. Contingent Rights of infant Trustees and Mortgagees, § 8.
10. Court of Chancery may convey the Estate of a Trustee out of the Jurisdiction of the Court, § 9.
11. Court may make Order in Cases where Persons are seised of Lands jointly with Parties out of Jurisdiction of Court, &c., § 10.
12. Contingent Rights of Trustees, § 11.
13. Court may make Order in Cases where Persons are jointly entitled with others out of the Jurisdiction of the Court to a contingent Right in Lands, § 12.
14. When it is uncertain which of several Trustees was the Survivor, 13.

15. When

15. When is it uncertain whether the last Trustee be living or dead, § 14.
16. When Trustee dies without an Heir, § 15.
17. Contingent Rights of unborn Trustee, § 16.
18. Power to convey in place of a refusing Trustee, § 17.
19. Power to convey in place of Person entitled to contingent Right, § 18.
20. Power to convey in place of Mortgagee, § 19.
21. Power to appoint a Person to convey in certain Cases, § 20.
22. As to Lands in *Lancaster* and *Durham*, § 21.
23. When Trustees of Stock out of the Jurisdiction, § 22.
24. When Trustee of Stock refuses to transfer, § 23.
25. When One of several Trustees of Stock refuses to transfer or receive and pay over Dividends, § 24.
26. When Stock is standing in the Name of a deceased Person, § 25.
27. Effect of an Order vesting the legal Right to transfer Stock, § 26.
28. Effect of an Order vesting legal Right in a Chose in Action, § 27.
29. Effect of an Order vesting Copyhold Lands, or appointing any Person to convey Copyhold Lands, § 28.
30. When a Decree is made for Sale of Real Estate for Payment of Debt, § 29.
31. Court to declare what Parties are Trustees of Lands comprised in any Suit, and as to the Interests of Persons unborn, § 30.
32. Power to make Directions how the Right to transfer Stock to be exercised, § 31.
33. Power to Court to make Order appointing new Trustees, § 32.
34. The new Trustees to have the Powers of Trustees appointed by Decree in Suit, § 33.
35. Power to Court to vest Lands in new Trustees, § 34.
36. Power to Court to vest Right to sue at Law in new Trustees, § 35.
37. Old Trustees not to be discharged from Liability, § 36.
38. Who may apply, § 37.
39. Power to go before the Master in the first instance, § 38.
40. Power to petition the Court or the Lord Chancellor, § 39.
41. Power to present Petition in the first instance, § 40.
42. What may be done upon Petition, § 41.
43. Court may dismiss Petition, with or without Costs, § 42.
44. Power to make an Order in a Cause, § 43.
45. Orders made by the Court of Chancery, founded on certain Allegations, to be conclusive Evidence of the Matter contained in such Allegations, § 44.
46. Trustees of Charities, § 45.
47. No Escheat of Property held upon Trust or Mortgage, § 46.
48. Act not to prevent Escheat or Forfeiture of beneficial Interest, § 47.
49. Money of Infants and Persons of unsound Mind to be paid into Court, § 48.
50. Court may make a Decree in the Absence of a Trustee, § 49.
51. Powers of the Master, § 50.
52. Costs may be paid out of the Estate § 51.
53. Commission concerning Person of unsound Mind, § 52.
54. Suit may be directed, § 53.
55. Powers of Court of Chancery to extend to Property in the Colonies, § 54.
56. Powers given to Court of Chancery may be exercised by that Court in *Ireland*, § 55.
57. Powers of Lord Chancellor in Lunacy to extend to Property in the Colonies, § 56.
58. Powers of Lord Chancellor in Lunacy may be exercised by Lord Chancellor of *Ireland*, § 57.
59. Short Title, § 58.
60. Commencement of Act, § 59.

Turnpike Acts.

1. To continue certain Turnpike Acts in *Great Britain* and to make further Provisions respecting Turnpike Roads in *England*, 13 & 14 *Vict. c.* 79.
2. All Turnpike Acts which will expire before End of next Session continued to 1st *October* 1851, &c., with certain Exceptions: § 1.
3. Acts in Schedule to this Act continued till 1st *November* 1851, § 2.
4. Power to Trustees to reduce or take off Tolls on Lime used in Agriculture, § 3.
5. Provision in 12 & 13 *Vict. c.* 87. for forming a Sinking Fund extended to Debts contracted before the passing of said Act. Secretary of State may authorize Trustees not to set apart a Sinking Fund. Enactment not to interfere with Sinking Funds under Local Acts, § 4.
6. Mortgagee under Acts of the present and future Session not to enter such Possession while Interest is punctually paid, § 5.
7. Limitation of Three Years before Union of united Trusts, repealed, § 6.
8. For facilitating the Union of Divisions or Districts into One Trust, § 7.
9. Short Title, § 8.
10. As to Extension of Act,—§ 9.

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11. To continue certain Turnpike Acts in *Great Britain*, 14 & 15 *Vict. c.* 37.
12. All Turnpike Acts which will expire before the End of next Session continued to 1st *October* 1852, &c., with the following Exceptions: 53 *G.* 3. *c.* xliv., 6 *G.* 4. *c.* ciii.—§ 1.
13. Acts in Schedule to this Act continued till 1st *November* 1852, § 2.
14. Short Title, § 3.
15. Extent of Act, § 4.

Turnpike Roads, See Highway Rates, and Local Acts.

Turnpike Trusts.

1. To facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls, 14 & 15 *Vict. c.* 38.
2. Trustees of Insolvent Turnpike Trusts, with Consent of Two Thirds in Value of the Creditors, may apply for a Provisional Order for Reduction of Rate of Interest, or Extinguishment of Arrears, § 1.
3. Power to Executors, &c. to consent, § 2.
4. Secretary of State may make a Provisional Order in pursuance of the Application; which Order to be binding if confirmed by Parliament, § 3.
5. Construction of Terms, § 4.

U.

Usury, See Bills of Exchange, &c.

V.

Vestries and Vestry Clerks.

1. To prevent the holding of Vestry or other Meetings in Churches, and for regulating the Appointment of Vestry Clerks, 13 & 14 *Vict. c.* 57.
2. Poor Law Commissioners, upon Application of Churchwardens, &c. of any Parish where Population exceeds 2,000, may make an Order to put this Act in force, § 1.
3. On Expiration of 12 Months from the publishing of any such Order certain Meetings prohibited from being held in Churches and Chapels, § 2.
4. Power to provide other Places of Meeting, § 3.
5. Power to purchase Lands, &c. under 8 & 9 *Vict. c.* 18.—§ 4.
6. Poor Law Commissioners, on Receipt of a Resolution of the Vestry, authorized to require Money to be borrowed for the Purposes of the Act, § 5.
7. Churchwardens, &c. within One Month after Publication of Order to convene a Meeting for electing a Vestry Clerk. Vestry Clerk elected at such Meeting not to be removable except by Resolution of Vestry and Consent of Poor Law Board, &c., § 6.
8. Duties of Vestry Clerk, § 7.
9. Salary of Vestry Clerk to be fixed by Poor Law Commissioners, § 8.
10. Churchwardens and Overseers not to be discharged from Performance of Duty, § 9.
11. Interpretation of Terms, 59 *G.* 3. *c.* 12., 1 & 2 *W.* 4. *c.* 60. —§ 10.

Vice Chancellor.

1. To enable Her Majesty to appoint a Vice Chancellor in the Room of Sir *James Wigram*, resigned, 14 & 15 *Vict. c.* 4.
2. Appointment of additional Vice Chancellor, § 1.
3. Rank, &c. of additional Vice Chancellor, § 2.
4. To have a Secretary, Usher, and Trainbearer, § 3.
5. Salaries, § 4.
6. Retiring Pension, § 5.
7. Lord Chancellor may appoint Persons to keep Order in Court, § 6.
8. Nothing to authorize the Appointment of a Successor, § 7.

Victoria Park.

1. To amend Two several Acts of Her Majesty's Reign enabling the Commissioners of Her Majesty's Woods to purchase Lands for and to form *Victoria Park*; and to indemnify the Trustees of Copyhold Lands held in trust for Her Majesty, 14 & 15 *Vict. c.* 46.
2. Maps or Plans when authenticated to be deposited, and to be open to Inspection, § 1.
3. Defining Portions of the Park to be leased, and extending thereto Powers of Sale and Exchange, § 2.
4. Trustees of Copyholds in trust for Her Majesty to be indemnified, § 3.

W.

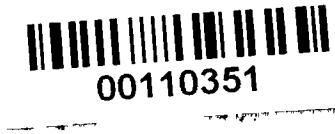
West India Appeals.

1. To authorize the Establishment of Courts of Appeal for certain of Her Majesty's *West India* Colonies, 13 & 14 *Vict. c.* 15.
2. Her Majesty may establish a Court of Appeal for any of the Islands comprised in the Commission of the Governor of *Antigua*, on due Provision being made for the Establishment and Maintenance of such Courts, § 1.
3. Her Majesty may establish a Court of Appeal for all or any of the Islands comprised in the Commission of the Governor of *Barbadoes*, § 2.
4. Jurisdiction of Court may be extended over the Islands not originally subject to it, § 3.
5. Jurisdiction may be exercised under Acts of Colonial Legislature by the Courts when sitting beyond the Limits of a Colony, § 4.
6. Jurisdiction may be varied by Acts of Colonial Legislature, § 5.
7. Appeal to Her Majesty in Council, § 6.
8. 6 & 7 *W.* 4. *c.* 17. not to be affected, § 7.

Woods, Forests, &c.

1. To make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings, 14 & 15 *Vict. c.* 42.
2. Style of First Commissioner of Works, &c., and Commissioners of Woods, Forests, and Land Revenues, § 1.
3. Commissioners of Woods, &c. under this Act to perform the Duties of the present Commissioners of Woods, &c., except as otherwise provided by this Act, § 2.
4. Powers of borrowing on Mortgage under 4 & 5 *Vict. c.* 40. and 7 & 8 *Vict. c.* 1. to be vested in Commissioners under this Act, and to be exercised only for discharging existing Charges, § 3.
5. Salaries of Commissioners of Woods, &c., § 4.
6. Treasury may assign separate Duties to each Commissioner, § 5.
7. Deeds to be enrolled, § 6.
8. Officers in Office of Woods, &c. to continue. As to Appointment and Removal of Officers in future, § 7.
9. Treasury may abolish any Offices in the Department of Woods, &c., § 8.
10. Monies in Banks, and Stock, to be transferred to new Commissioners of Woods, &c., § 9.
11. Commissioners of Woods, &c. not to sit in the House of Commons, § 10.
12. Power to place Woods, &c. under the Management of a Surveyor General, § 11.
13. Power to appoint Surveyor General, § 12.
14. Surveyor General to have all the Duties and Powers of the Commissioners of Woods, &c., § 13.
15. A professional Land Surveyor may be appointed as an itinerant Surveyor, § 14.
16. Appointment of *ex-officio* Commissioners of Works and Public Buildings, § 15.
17. Appointment of Architects, Surveyors, &c., § 16.
18. Salaries, § 17.
19. Treasury may transfer the Officers from the Office of Woods, &c. to the Office of the Commissioners of Woods, &c., § 18.
20. Salaries of Officers transferred, § 19.
21. First Commissioner of Works may sit in the House of Commons, § 20.
22. Commissioners of Works, &c. to perform the Duties formerly performed by Surveyor General, § 21.
23. Duties of Commissioners of Woods, &c. in relation to Royal Parks, &c., and under the Acts in Schedule, vested in Commissioners of Works, § 22.
24. Powers as to Parts of the Parks preserved to Commissioners of Woods, &c. under this Act, § 23.
25. Certain *ex-officio* Commissionerships vested in First Commissioner of Works, § 24.
26. Salaries

26. Salaries and Expenses of the Department of Works, &c. to be provided for by Parliament, § 25.
27. Two Commissioners or First Commissioner of Works may act, § 26.
28. Property vested in Commissioners of Woods under Acts in Schedule to vest in Commissioners of Works, &c., § 27.
29. Monies in Banks, and Stock, to be transferred to Commissioners of Works, &c., § 28.
30. Matters done or commenced by former Commissioners not to be prejudiced. Suits pending to be carried on in the Name of the new Commissioners of Woods, § 29.
31. Expenses incurred by new Commissioners of Woods in completing Proceedings relating to Duties of Commissioners of Works to be Expenses of such last-mentioned Commissioners, § 30.
32. Transfer of Contracts in respect of Works, § 31.
33. Commissioners of Works and Commissioners of Woods, &c. to observe the Directions of the Treasury, § 32.
34. Regulations at present applicable to Commissioners of Woods, &c. to be observed by the Commissioners of Works, &c. and the Commissioners of Woods, &c., § 33.
35. Power to the Treasury to transfer Duties vested in Commissioners of Woods, &c. under Local or Personal Acts to Commissioners of Works, &c. Proviso, § 34.
36. Powers of the Treasury under 11 & 12 *Vict. c.* 102. to regulate the Accounts of the present Commissioners of Woods, &c. to be applied to the Accounts of the Commissioners under this Act, § 35.
37. Treasury to make Rules for Collection and Receipt of Land Revenues, § 36.
38. Abstract Accounts of Receipt and Expenditure of Capital and Income of Land Revenues to be transmitted to Commissioners for auditing Public Accounts, 9 & 10 *Vict. c.* 92., 7 & 8 *Vict. c.* 89.—§ 37.
39. Abstract Accounts of Receipt and Expenditure of Monies granted or acquired to be transmitted to Commissioners for auditing Public Accounts, § 38.
40. Commissioners for auditing Public Accounts to transmit Copies of the Abstract Accounts relating to Land Revenues to the Treasury, § 39.
41. Saving of Rights, § 40.
42. Commencement of Act, § 41.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